SAMPLE POLICY

Sample policy from the CareRulebook Oregon manual. Fictional agency. Rule-verified on October 8, 2026.

This is Policy 1.4 of the 29 in the manual, exactly as it prints in a buyer's copy, but filled in with example answers for a fictional agency, Sample Home Care, LLC. Rule-verified means each quote under Rule basis was checked word for word against the official text we saved on that date. It is not legal advice.

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POLICY 1.4

# Abuse and neglect: recognizing, reporting and cooperating with investigations

OAR 333-536-0005(1) · OAR 333-536-0042(4) · OAR 333-536-0043(4) · OAR 333-536-0052(6)(h)-(i) · OAR 333-536-0060(1)(b), (d)-(g) · OAR 333-536-0110(6) · ORS 124.050(1), (2), (7), (9)(b) · ORS 124.060(1) · ORS 124.065(1) · ORS 124.075 · ORS 124.990 · ORS 419B.005 · ORS 419B.010(1) · ORS 419B.015(1)(a) · ORS 430.735(1)-(2), (11)(b) · ORS 430.743(1) · ORS 430.755 · ORS 430.765(1) · OAR 411-033-0020(5)(b) (ODHS rule) · OHA In-Home Care Mandatory Abuse Reporting Guidelines (October 2023) · ODHS How to Report Abuse or Neglect page

Approved by the administrator, effective November 1, 2026

## Purpose

To protect Sample Home Care, LLC's clients from abuse and neglect by making sure that everyone who works for the agency knows what abuse and neglect are, reports any suspicion at once to the Oregon Department of Human Services (ODHS) or law enforcement, tells the agency, and cooperates with every investigation.

This policy answers three items on OHA's IHC Initial Checklist: the Abuse Policy, the Abuse Procedure, and the Abuse Reporting Form/Documentation (the abuse and neglect report record at the end of this policy).

## Scope

This policy applies to everyone who works for Sample Home Care, LLC: the owners, the administrator, any designee or delegate the administrator appoints, caregivers, office staff, and anyone working under a contract or as a volunteer. It covers every client, whatever their age, and any abuse or neglect a worker sees or suspects, whoever the suspected abuser is: a family member, a visitor, another provider, or someone who works for Sample Home Care, LLC.

## Policy

### What abuse means (OAR 333-536-0005(1))

1. In OHA's rules, "abuse" means abuse as Oregon's three abuse reporting laws define it:
    1. for an **adult with a mental illness or developmental disability** who receives services as ORS 430.735 describes, abuse as defined in ORS 430.735;
    2. for a **child** (generally, an unmarried person under 18), abuse as defined in ORS 419B.005; and
    3. for an **elderly person** (65 or older) or a **person with a disability**, abuse as defined in ORS 124.005.
2. **What it looks like.** For an elderly person, ORS 124.050 lists, among other things: physical injury caused by other than accidental means; neglect, which is failure to provide basic care or services necessary to maintain the person's health or safety; abandonment; willful infliction of physical pain or injury; verbal abuse; financial exploitation; sexual abuse; involuntary seclusion for the convenience of a caregiver or to discipline the person; and wrongful use of a physical or chemical restraint. The other two laws use similar lists. Caregivers do not need to decide which law applies or whether something is legally abuse: if they suspect it, they report it.
3. **Clients' rights.** Every client has the right to be free from theft, damage or misuse of their personal property; from neglect of care and from verbal, mental, emotional, physical or sexual abuse; from financial exploitation; and from physical and chemical restraints (OAR 333-536-0060(1)(b), (d)-(f); Policy 5.2). Sample Home Care, LLC never uses a physical or chemical restraint on a client.

### Who must report

4. **Mandatory reporters.** Each of the three reporting laws lists "employee of an in-home health service" among the public or private officials who must report (ORS 124.050(9)(b), 419B.005 and 430.735(11)(b)). ODHS's own rule says that all employees of an in-home health service, which includes in-home care agencies, are required by statute to report suspected abuse or neglect (OAR 411-033-0020(5)(b)). By Sample Home Care, LLC's reading, every employee of Sample Home Care, LLC is therefore a mandatory reporter.
5. **Sample Home Care, LLC's policy is wider.** Whatever the statutes cover, Sample Home Care, LLC requires everyone in the Scope of this policy, including contract staff and volunteers, to report suspected abuse or neglect of any client, of any age, as this policy sets out. That includes adults aged 18 to 64 with a physical disability, whom OHA's abuse reporting guidelines include with elderly persons.

### When and how to report (ORS 124.060, 124.065; 419B.010, 419B.015; 430.743, 430.765)

6. **Reasonable cause is enough.** A worker who has reasonable cause to believe that a client has suffered abuse or neglect, or that anyone they come in contact with has abused a client, reports it. The worker does not need proof, does not investigate first, and does not ask permission.

7. **Immediately, by phone, to ODHS or law enforcement.** The report is an oral report, made immediately, by telephone or in person:
    1. to the ODHS abuse reporting hotline, **855-503-SAFE (7233)**, which ODHS says is open 24 hours a day, 365 days a year and takes reports about children and adults; or
    2. to a law enforcement agency in the county where the worker is at the time: a city police department, the county sheriff, or the Oregon State Police.

    If anyone is being hurt or is in danger right now, the worker calls **911** first, then makes the report (Policy 3.5).
8. **What to say.** If known, the report includes the names and addresses of the client and of anyone responsible for the client's care, the nature and extent of the abuse (including any evidence of earlier abuse), any explanation given for it, and anything else that might help establish the cause and who did it (ORS 124.065(1)). The worker gives what they know and says what they do not know.
9. **The worker reports personally.** The duty to report is the worker's own. Telling a supervisor does not replace the report to ODHS or law enforcement. A worker who is unsure whether to report, reports. A worker who cannot reach the hotline calls law enforcement.
10. **Then tell the agency.** As soon as the report is made, and in any case before the end of their shift, the worker tells the administrator or designee what they saw, what they reported, to whom, when, and any report or reference number they were given. The worker does not discuss the report with the suspected abuser, the client's family or other clients.
11. **Nobody stops a report.** No one at Sample Home Care, LLC may stop, delay, discourage or punish a report, or ask a worker to go through the agency first. OHA's rules ask employees to use the agency's reporting procedures before notifying OHA of a violation of law or rules (OAR 333-536-0042(4)). By Sample Home Care, LLC's reading, that rule does not delay the statutory duty to report abuse or neglect immediately (ORS 124.065, 419B.010 and 430.743), so those reports go straight to ODHS or law enforcement; and the rule itself does not apply when a worker believes a client's health or safety is in immediate jeopardy.

**The agency's own duties (OAR 333-536-0052(6)(h)-(i))**

12. **Making sure every allegation is reported.** The administrator or designee is responsible for the timely reporting of any allegation of abuse or neglect to the appropriate authority, such as ODHS, OHA or local law enforcement. When the administrator or designee learns of an allegation from anyone, including a client, a family member or a caregiver who has not yet reported it, they confirm that a report has been made to ODHS or law enforcement and, if it has not, make it themselves immediately. They record the report on the abuse and neglect report record below.

L3. **Telling OHA.** The rules include OHA among the appropriate authorities but set no deadline for telling OHA about an abuse report. Sample Home Care, LLC records every allegation and report so that it can give OHA the list of complaints, including allegations of abuse or neglect, that OHA asks for before a survey (Policy 1.2), and shares any report with OHA when OHA asks.

L4. **Protecting the client.** While a report is looked into, the administrator or designee takes the steps needed to keep the client safe, for example by assigning a different caregiver or making sure the suspected worker has no contact with the client. A worker suspected of abuse or neglect is not assigned to that client, or to other clients where the administrator or designee judges it necessary, until the administrator or designee decides it is safe.

L5. **The internal investigation.** Sample Home Care, LLC also investigates the allegation itself, without delaying or interfering with any investigation by ODHS, OHA or law enforcement, and keeps the documentation in a file separate from the client and caregiver records, as Policy 3.3 sets out.

L6. **Cooperating with investigations (OAR 333-536-0043(4)).** Sample Home Care, LLC cooperates with investigations of allegations of client abuse and neglect by ODHS Adult Protective Services, ODHS Child Protective Services, OHA, and other agencies such as law enforcement. The administrator or designee gives investigators access to the agency, the records they ask for and the staff they want to interview, and every worker answers their questions honestly. Refusing to cooperate with an investigation is a violation of OHA's rules (Policy 1.2).

### Protection for reporters, and the consequences of not reporting

L7. **Good faith reports are protected.** A person who reports in good faith with reasonable grounds is immune from civil and criminal liability for the report (ORS 124.075(1)), and the reporter's identity is kept confidential, with exceptions set by law (ORS 124.075(2)). For adults with a mental illness or developmental disability, the law prohibits retaliation against anyone who reports in good faith (ORS 430.755). Sample Home Care, LLC does not retaliate against any worker, client or family member for making or helping with a report, whichever law applies.

L8. **Not reporting.** Failing to report suspected abuse of an elderly person is a violation of OHA's rules (OAR 333-536-0110(6)), and a person who violates the reporting duty in ORS 124.060 commits a Class A violation (ORS 124.990). A worker who fails to report as this policy requires is subject to discipline up to and including dismissal.

### Training

L9. Each worker learns this policy before working with clients: it is covered in orientation, with clients' rights and ethics (Policy 6.2), and the worker signs the mandatory reporting acknowledgement below. It is reviewed in caregivers' annual education (Policy 6.5).

## Procedure

**When a worker suspects abuse or neglect**

1. **The worker:** if anyone is in danger, calls 911 first.
2. **The worker:** immediately calls the ODHS hotline at 855-503-SAFE (7233), or a law enforcement agency in the county where they are, and gives the information in Policy item 8. The worker writes down the time of the call, the name of the person they spoke to, and any reference number.
3. **The worker:** tells the administrator or designee as soon as the report is made, and before the end of the shift (Policy item 10).
4. **The worker:** writes or dictates what they saw and heard, in their own words, for the abuse and neglect report record, the same day.

**When the agency learns of an allegation**

5. **The administrator or designee:** confirms that an oral report has been made to ODHS or law enforcement. If not, makes it immediately and records the time, the person spoken to and any reference number.
6. **The administrator or designee:** takes the steps in Policy item 14 to protect the client, and, if the suspected abuser works for Sample Home Care, LLC, removes them from contact with the client at once.
7. **The administrator or designee:** completes the abuse and neglect report record below the same day, and opens an internal investigation under Policy 3.3, recording it on the complaint and incident log.
8. **The administrator or designee:** where it is safe to do so, tells the client, or the client's representative where the representative is not the suspected abuser, that a report has been made, without saying who made it (the reporter's identity is confidential: ORS 124.075(2)), unless ODHS or law enforcement asks the agency not to.
9. **The administrator or designee:** cooperates with every investigator (Policy item 16), and records each contact from ODHS, OHA or law enforcement on the report record.
10. **The administrator:** when the investigations are finished, records the outcome and the actions taken, including any personnel action and any change to the client's service plan (Policy 5.3), and reviews the event at the next quality meeting (Policy 7.3).

**On hire and each year**

11. **The administrator or designee** who conducts orientation: covers this policy with each new worker and has the worker sign the mandatory reporting acknowledgement, which is filed in the personnel file.
12. **The administrator or designee:** makes sure this policy is covered again in each caregiver's annual education (Policy item 19; Policy 6.5).

### Sample Home Care, LLC: Abuse and neglect report record

This record is kept in the investigations file, separate from client and caregiver records (Policy 3.3). It is confidential.

| Item | Details |
|---|---|
| Client (name or client number) | |
| Client's age group: child under 18 / adult 18 to 64 / adult 65 or older | |
| Worker who suspected abuse or neglect (name and job title) | |
| Date and time the concern arose, and where | |
| What was seen or heard (worker's own words; attach a written statement if longer) | |
| Type of concern: physical / neglect / abandonment / verbal or emotional / sexual / financial exploitation / restraint or seclusion / other | |
| Suspected abuser, if known, and relationship to the client (family, visitor, another provider, Sample Home Care, LLC worker) | |
| Was anyone in immediate danger? 911 called? (time) | |
| Oral report made to: ODHS hotline 855-503-SAFE (7233) / law enforcement (name the agency) | |
| Date and time of the report, made by (name), person spoken to, reference number | |
| The administrator or designee told: name, date and time | |
| Steps taken to protect the client, and date | |
| Client or representative told (date, by whom), or why not (not safe, or the investigator asked the agency not to tell) | |
| Internal investigation opened under Policy 3.3 (date) | |
| Contacts from ODHS, OHA or law enforcement (dates, names, what was asked and given) | |
| Outcome of the investigations and actions taken, including personnel action and service plan changes | |
| Reviewed at the quality meeting (date) | |

Completed by (name and job title): _____ Signature: _____ Date: _____

### Sample Home Care, LLC: Mandatory reporting acknowledgement

I understand that:

- as an employee of an in-home care agency, I am a mandatory reporter of abuse and neglect under Oregon law, and Sample Home Care, LLC requires me to report suspected

abuse or neglect of any client of any age;

- if I have reasonable cause to believe a client has been abused or neglected, or that someone has abused a client, I must report it immediately by phone to the ODHS hotline at 855-503-SAFE (7233) or to a local law enforcement agency, and call 911 first if anyone is in danger;
- telling my supervisor does not replace my report, and no one at Sample Home Care, LLC may stop or delay it;
- I must also tell the administrator or designee as soon as I have made the report;
- a report made in good faith is protected by law, and Sample Home Care, LLC will not retaliate against me for making one; and
- failing to report can be a violation of Oregon law and of OHA's rules, and is a reason for discipline at Sample Home Care, LLC.

I have read Policy 1.4 and had the chance to ask questions.

Name: _____ Job title: _____ Signature: _____ Date: _____

Orientation given by (name and job title): _____

## Responsibilities

- **Every worker:** reports suspected abuse or neglect immediately to ODHS or law enforcement, then tells the administrator or designee; cooperates with investigations.
- **The administrator or designee:** makes sure every allegation is reported to ODHS or law enforcement; protects the client; keeps the abuse and neglect report record; opens the internal investigation; gives investigators access to the agency, records and staff.
- **Administrator:** makes sure every worker is trained and has signed the acknowledgement; reviews each event through the quality program; takes any personnel action.
- **Owners:** make sure no one is prevented from reporting or punished for a good faith report.

## Records

- Abuse and neglect report records, with workers' statements and investigators' contacts, kept in the investigations file separate from client and caregiver records (Policy 3.3).
- The complaint and incident log, which includes every allegation of abuse or neglect (Policy 3.3).
- Signed mandatory reporting acknowledgements, in each personnel file (Policy 4.3).
- Orientation and annual education records showing this policy was covered (Policies 6.2 and 6.5).

## Recommended practice

These are Sample Home Care, LLC's own practices. The rules do not require them. Once adopted, OHA can expect Sample Home Care, LLC to follow them.

- When an allegation involves someone who works for Sample Home Care, LLC, the administrator also emails OHA's In-Home Care program at mailbox.inhomecare@odhsoha.oregon.gov within one business day, saying that a report was made to ODHS or law enforcement and what the agency has done to protect the client. The rules set no deadline for this; one business day is Sample Home Care, LLC's own choice.
- Give each caregiver a wallet card or phone contact with the hotline number, 855-503-SAFE (7233).
- Review the abuse and neglect report records at each quarterly quality meeting for patterns, such as repeated concerns about one client or one worker (Policy 7.3).

## Rule basis

> (1) "Abuse" means: (a) "Abuse" as it applies to an "adult" as those terms are defined in ORS 430.735; (b) "Abuse" as it applies to a "child" as those terms are defined in ORS 419B.005; or (c) "Abuse" as it applies to an "elderly person" or a "person with a disability" as those terms are defined in ORS 124.005.
>
> `OAR 333-536-0005(1)`

> (i) Ensuring the timely reporting of any allegation of abuse or neglect to the appropriate authority that includes but is not limited to the ODHS, Authority, or local law enforcement agency; and
>
> `OAR 333-536-0052(6)(i)`

> (4) An agency shall cooperate with investigations of allegations of client abuse and neglect conducted by the ODHS-Adult Protective Services, ODHS-Child Protective Services, Authority, or other agencies such as law enforcement.
>
> `OAR 333-536-0043(4)`

> (d) The right to be free from neglect of care, verbal, mental, emotional, physical, or sexual abuse; (e) The right to be free from financial exploitation; (f) The right to be free from physical and chemical restraints;
>
> `OAR 333-536-0060(1)(d)-(f)`

> (6) Fail to report suspected abuse of elderly persons as defined in ORS 124.050;
>
> `OAR 333-536-0110(6)`

> (4) An employee with knowledge of a violation of law or rules of the Authority shall use the reporting procedures established by an agency before notifying the Authority or other state agency of the inappropriate care or violation, unless the employee: (a) Believes a client's health or safety is in immediate jeopardy; or
>
> `OAR 333-536-0042(4)`

> (b) Licensed practical nurse, registered nurse, nurse practitioner, nurse's aide, home health aide or employee of an in-home health service.
>
> `ORS 124.050(9)(b) (the same words appear in ORS 419B.005)`

> (1) Any public or private official having reasonable cause to believe that any person 65 years of age or older with whom the official comes in contact has suffered abuse, or that any person with whom the official comes in contact has abused a person 65 years of age or older, shall report or cause a report to be made in the manner required in ORS 124.065.
>
> `ORS 124.060(1)`

> (1) When a report is required under ORS 124.060, an oral report shall be made immediately by telephone or otherwise to the local office of the Department of Human Services or to a law enforcement agency within the county where the person making the report is at the time of contact.
>
> `ORS 124.065(1)`

> If known, such reports shall contain the names and addresses of the elderly person and any persons responsible for the care of the elderly person, the nature and the extent of the abuse (including any evidence of previous abuse), the explanation given for the abuse and any other information which the person making the report believes might be helpful in establishing the cause of the abuse and the identity of the perpetrator.
>
> `ORS 124.065(1)`

> (7) "Neglect" means failure to provide basic care or services that are necessary to maintain the health or safety of an elderly person.
>
> `ORS 124.050(7)`

> (1) Anyone participating in good faith in the making of a report of elder abuse and who has reasonable grounds for making the report shall have immunity from any criminal or civil liability that might otherwise be incurred or imposed with respect to the making or content of such report.
>
> `ORS 124.075(1)`

> A person who violates ORS 124.060 commits a Class A violation.
> ORS 124.990

> (1) Any public or private official having reasonable cause to believe that any child with whom the official comes in contact has suffered abuse or that any person with whom the official comes in contact has abused a child shall immediately report or cause a report to be made in the manner required in ORS 419B.015.
> ORS 419B.010(1)

> A person making a report of child abuse that is required by ORS 419B.010 shall make the report to the department through the centralized child abuse reporting system described in ORS 418.190 or to a law enforcement agency within the county where the person making the report is located at the time of the contact.
> ORS 419B.015(1)(a)

> (b) Licensed practical nurse, registered nurse, nurse's aide, home health aide or employee of an in-home health service;
> ORS 430.735(11)(b)

> (1) Any public or private official who has reasonable cause to believe that any adult with whom the official comes in contact has suffered abuse, or that any person with whom the official comes in contact has abused an adult, shall report or cause a report to be made in the manner required in ORS 430.743.
> ORS 430.765(1)

> (1) When a report is required under ORS 430.765, an oral report shall be made immediately by telephone or otherwise to the Department of Human Services, the designee of the department or a law enforcement agency within the county where the person making the report is at the time of contact.
> ORS 430.743(1)

> (1) A facility, community program or person shall not retaliate against any person who reports in good faith suspected abuse or against the allegedly abused adult with respect to any report.
> ORS 430.755(1)

> Mandatory reporting. All employees of an in-home health service, which does include IHCA are required by statute (ORS 124.050-124.095) to report suspected abuse or neglect of a child, an older adult, a person with a physical disability or the resident of a licensed care facility, to the Department or to a law enforcement agency as required by OAR 411-020-0020.
>
> `OAR 411-033-0020(5)(b) (ODHS's rule for Medicaid in-home services, quoted for its reading of the reporting statutes)`

> You must immediately make an oral report, to your county DHS office of Aging and Peoples with Physical Disabilities (APD), local law enforcement agency or call 1855-503-SAFE (7233).
>
> `OHA, In-Home Care Mandatory Abuse Reporting Guidelines (last updated October 2023), Elder or Peoples with Physical Disabilities Abuse Reporting (guidance)`

> Mandatory reporters who suspect abuse or neglect should call 855-503-SAFE (7233) to report this to ODHS. The hotline is open 24 hours a day, 365 days a year.
>
> `ODHS, How to Report Abuse or Neglect (web page, saved October 8, 2026)`

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