



OKLAHOMA DEPARTMENT OF HUMAN SERVICES

Office of Client Advocacy
Investigations of Client Maltreatment

**Rights and Responsibilities
of Accused Caretakers**



I. Rights. During an Office of Client Advocacy (OCA) investigation or a facility caretaker conduct review (CCR) of alleged client maltreatment, defined as abuse, neglect, exploitation, verbal abuse, or caretaker misconduct, a caretaker alleged to have engaged in client maltreatment is entitled to:

- A. be advised by the facility administrator or designee of the nature of the allegation(s) made against the caretaker;
- B. be advised by OCA of the investigative or the review process, whichever is applicable; see the reverse side of this form;
- C. be interviewed by the OCA investigator or the facility reviewer, whichever is applicable, and be allowed to give his or her position in relation to the allegation(s);
- D. be advised of the substance of the evidence against the caretaker; note the identity of a person reporting alleged client maltreatment is confidential under Oklahoma law and cannot be released;
- E. submit or supplement a written statement relating to the allegation(s);
- F. seek and receive advice from other parties concerning an accused caretaker's rights and responsibilities;
- G. decline to answer any question when he or she reasonably believes the answer to the question may incriminate him or her in a criminal prosecution; and
- H. be notified in writing by the facility administrator or applicable division director of the outcome of the investigation.

II. Responsibilities. During an OCA investigation or a facility CCR, an accused caretaker has the responsibilities to:

- A. prepare a written incident report concerning any situation reportable as client maltreatment under Oklahoma Department of Human Services (OKDHS) rules, OAC 340:2-3-33, if the caretaker was present when the alleged mistreatment occurred or has knowledge of information relevant to the allegation;
- B. prepare written statements and reports relevant to the investigation upon request;
- C. be available for interviews and accommodate requests to schedule interviews;
- D. respond fully and truthfully to questions relating to alleged maltreatment except those questions described in section I(G) above; and
- E. refrain from any action which may interfere with the investigation/review, including any action which may intimidate, threaten, or harass any person who has or may provide information relating to the alleged maltreatment.

III. Allegation: _____

I acknowledge receipt of this statement of rights and responsibilities and state that I have read the same, that I have been advised of the allegation(s) against me, and that I understand my rights and responsibilities as set out in this statement.

Caretaker signature	Date
Witness signature and title	Date

Office of Client Advocacy (OCA) investigation processes

Pursuant to OAC 340:2-3-35, upon receipt of an allegation of client maltreatment (defined as abuse, verbal abuse, neglect, exploitation or caretaker misconduct) by a caretaker employed by a facility, OCA determines whether to open an investigation or to refer it to the facility that employed the caretaker for a caretaker conduct review (CCR). OCA investigations and facility CCRs include the following.

OCA investigations

- OCA client maltreatment investigations are conducted pursuant to OAC 340:2-3-36.
- OCA assigns the case to an investigator. The investigator interviews alleged victim(s), persons with knowledge of the incident and the caretaker(s) alleged to have engaged in client maltreatment. Relevant documents, including photos and medical records, are reviewed.
- OCA investigator conducts an exit conference with the facility administrator to inform the administrator of the preliminary finding and areas of concern identified during the investigation.
- OCA investigator prepares a written report. The approved written report contains the final finding. OCA sends a copy of the investigation report to the applicable district attorney and facility administrator. The facility administrator or designee informs each accused caretaker in writing of the OCA finding that pertains to him or her.
- The facility administrator determines what, if any, personnel or corrective action to take. OCA has no involvement in those decisions.
- All parties receiving copies of OCA investigative reports are bound by the confidentiality provisions of Sections 7005-1.2 and 7107 of Title 10 of the Oklahoma Statutes, and other applicable federal and state laws and regulations.

Caretaker conduct reviews

- Facilities conduct CCRs pursuant to OAC 340:2-3-37.
- The facility administrator designates staff to review the allegation(s) in the CCR. The reviewer interviews the alleged victim(s), persons with knowledge of the incident, and the caretaker(s) alleged to have engaged in client maltreatment. Relevant documents, including photos and medical records, are reviewed.
- If, during the CCR, information is learned that gives cause to believe that the maltreated involved rises to the level of abuse or neglect, the facility immediately discontinues the review and returns the matter to OCA for an OCA investigation.
- At the conclusion of the CCR, the reviewer prepares a written report with a finding confirming or not confirming caretaker misconduct, and submits the report to the facility administrator for review and approval.
- The facility administrator sends a copy of the approved written report to the OCA advocate general for OCA review. The facility administrator or designee informs each accused caretaker in writing of the CCR finding as it pertains to him or her.