	Title: Mandatory Reporting for Child, Elder and Disabled Abuse	Version: 3
	Owner: Melissa Mitchell (Director of Production)	Approved: 03/22/2018

Purpose: To establish guidelines on when a provider must report child, elder and disabled Abuse.

Responsibility: Quality Improvement (QI)/Utilization Review (UR) Committee

Scope: Advantage Dental Services, LLC (Advantage)

Definitions:

Abuse - means one or more of the following:

- A. Any assault and any physical injury caused by other than accidental means, or that appears to be at variance with the explanation given of the injury.
- B. Any mental injury to a child, which shall include only observable and substantial impairment of the child's mental or psychological ability to function caused by cruelty to the child, with due regard to the culture of the child.
- C. Rape of a child, which includes but is not limited to rape, sodomy, unlawful sexual penetration and incest, as those acts are described in ORS chapter 163.
- D. Sexual abuse, as described in ORS chapter 163.
- E. Sexual exploitation, including but not limited to:
 - a. Contributing to the sexual delinquency of a minor, as defined in ORS chapter 163, and any other conduct which allows, employs, authorizes, permits, induces or encourages a child to engage in the performing for people to observe or the photographing, filming, tape recording or other exhibition which, in whole or in part, depicts sexual conduct or contact, as defined in ORS [167.002 \(Definitions for ORS 167.002 to 167.027\)](#) or described in ORS [163.665 \(Definitions\)](#) and [163.670 \(Using child in display of sexually explicit conduct\)](#), sexual abuse involving a child or rape of a child, but not including any conduct which is part of any investigation conducted pursuant to ORS [419B.020 \(Duty of department or law enforcement agency receiving report\)](#) or which is designed to serve educational or other legitimate purposes; and
 - b. Allowing, permitting, encouraging or hiring a child to engage in prostitution as described in ORS [167.007 \(Prostitution\)](#) or a commercial sex act as defined in ORS [163.266 \(Trafficking in persons\)](#), to purchase sex with a minor as described in ORS [163.413 \(Purchasing sex with a minor\)](#) or to engage in commercial sexual solicitation as described in ORS [167.008 \(Commercial sexual solicitation\)](#).
- F. Negligent treatment or maltreatment of a child, including but not limited to the failure to provide adequate food, clothing, shelter or medical care that is likely to endanger the health or welfare of the child.
- G. Neglect that leads to physical harm through withholding of services necessary to maintain health and well-being.
- H. Threatened harm to a child, which means subjecting a child to a substantial risk of harm to the child's health or welfare.




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- I. Buying or selling a person under 18 years of age as described in ORS [163.537 \(Buying or selling a person under 18 years of age\)](#).
- J. Permitting a person under 18 years of age to enter or remain in or upon premises where methamphetamines are being manufactured.
- K. Unlawful exposure to a controlled substance, as defined in ORS [475.005 \(Definitions for ORS 475.005 to 475.285 and 475.752 to 475.980\)](#), that subjects a child to a substantial risk of harm to the child's health or safety
- L. Abandonment, including desertion or willful forsaking of an elderly person or a person with a disability or the withdrawal or neglect of duties and obligations owed an elderly person or a person with a disability by a caregiver or other person.
- M. Willful infliction of physical pain or injury.
- N. Use of derogatory or inappropriate names, phrases or profanity, ridicule, harassment, coercion, threats, cursing, intimidation or inappropriate sexual comments or conduct of such a nature as to threaten significant physical or emotional harm to the elderly person or person with a disability.
- O. Causing any sweepstakes promotion to be mailed to an elderly person or a person with a disability who had received sweepstakes promotional material in the United States mail, spent more than \$500 in the preceding year on any sweepstakes promotions, or any combination of sweepstakes promotions from the same service, regardless of the identities of the originators of the sweepstakes promotion and who represented to the court that the person felt the need for the court's assistance to prevent the person from incurring further expense.
- P. Wrongfully taking or appropriating money or property, or knowingly subjecting an elderly person or person with a disability to alarm by conveying a threat to wrongfully take or appropriate money or property, which threat reasonably would be expected to cause the elderly person or person with a disability to believe that the threat will be carried out.
- Q. Sexual contact with a nonconsenting elderly person or person with a disability or with an elderly person or person with a disability considered incapable of consenting to a sexual act as described in ORS [163.315 \(Incapacity to consent\)](#). As used in this paragraph, "sexual contact" has the meaning given that term in ORS [163.305 \(Definitions\)](#).

Public or Private Official – includes the following individuals:

- A. Physician or physician assistant licensed under ORS chapter 677, including any intern or resident;
- B. Dentist;
- C. Licensed practical nurse, registered nurse, nurse practitioner, nurse's aide, home health aide;
- D. Attorney;
- E. Employee of a public or private organization providing child-related services or activities; and
- F. Others as listed in ORS 419B.005 and ORS 124.005.

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Forms: n/a

References: ORS 419B.005; ORS 124.050-124.095; ORS 430.735; ORS 441.630-441.680

Policy:

The mandatory child abuse reporting law in Oregon is: "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..." Oregon law defines physical abuse as an injury to a child that is not accidental. ORS 419B.005-010

The mandatory elder and disabled abuse law is: 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 \(Method of reporting\)](#). ORS 124.005-060.


Reports of Abuse may be received from enrollees or providers in writing, verbal or entered/reported through Customer Service and/or Case Management via Web Site or Customer Service phone line. The report shall include individual's age, the type and extent of the Abuse, as well as any evidence of Abuse, the explanation given for the Abuse and any other information that will help establish the cause of Abuse or identify the abuser.

Providers and other mandatory reporters must report suspected child, elder or disabled Abuse to Dental Care Organization (DCO) and to Department of Human Services (DHS) or a local law enforcement office as described in this policy. Reporting only to DCO does not satisfy the Mandatory Reporting law.

DCO shall promptly refer suspected cases of Abuse including Abuse by its employees, providers, and subcontractors, to the DHS. In determining whether to make referrals, DCO shall consider the following:

- A. Any provider who hits, slaps, kicks, or otherwise physically abuses any enrollee.
- B. Any provider who sexually abuses any enrollee.
- C. Any provider who intentionally fails to render dentally appropriate care, as defined by the Dental Care Organization Contract between DCO and Medical Assistance Program (MAP) ("DCO Contract"), by the Oregon Administrative Rules, and by the standard of care within the community in which the provider practices. If the provider fails to render dentally appropriate care in compliance with the MAP enrollee's decision to exercise his or her right to refuse dentally appropriate care, or because the MAP enrollee exercises his rights under Oregon's Death with Dignity Act, or pursuant to advance directives, such failure to treat the enrollee shall not be considered enrollee Abuse or neglect.
- D. Providers who deliberately neglect their obligation to provide care or supervision of vulnerable persons who are OHP enrollees (children, the elderly or developmentally disabled individuals).

The Case Management Department will gather the information and send it to the Vice President of Dental Services or their designee(s), who are licensed dentists for review.

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- **Report child, elder or disabled Abuse** to the Department of Human Services (DHS) or a local police department, county sheriff, county juvenile department, or Oregon State Police.
 - [DHS Child Abuse and Neglect Reporting Numbers](#)

The reporter's identity will remain confidential to the full extent allowable by law. If court action is initiated, the reporting person may be called as a witness or the court may order that the reporter's name be disclosed. Only people with firsthand knowledge of the child's situation can provide testimony proving that Abuse has occurred.

Approvals:

Date: 03/22/2018

Approved by:

Lorena Reinhart (Executive Assistant), Executive Assistant, Operations

Reviewed and Revised

06/14/2012				
06/06/2014	Jeanne Dysert	Tamara Kessler	Missy Mitchell	Laura Donadio
02/23/2015	Jeanne Dysert	Tamara Kessler	Missy Mitchell	Laura Donadio
02/23/2016	Jeanne Dysert	Tamara Kessler	Missy Mitchell	Jeff Dover
02/14/2017	Jeanne Dysert	Tamara Kessler	Missy Mitchell	
07/12/2017	Jeanne Dysert	Tamara Kessler	Missy Mitchell	
07/27/2017	QI/UR Committee			
03/12/2018	Jeanne Dysert	Tamara Kessler	Missy Mitchell	Rose Novak