

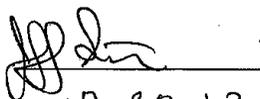
REQUEST FOR CLARIFICATION/INTERPRETATION

TO:	Name and Title: Jannis conselyea	FROM:	Name and Title: Randy Kenyon, ORI Case Management Director
	Organizational Unit:		Organizational Unit:
	Address:		Address: 945 4 th Avenue East Kalispell

1. TYPE OF REQUEST: Follow-up to Verbal Request Written Request

2. STATEMENT OF QUESTION OR ISSUE: A consumer is receiving limited CS Supported Living services (medical appointments and related transportation) and has a legal history of misdemeanor offenses and RSOs related to members of the opposite sex, including a pending court case. Can a provider be held legally liable for this individual's actions in the community if they are aware of behaviors that could potentially put others at risk?

3. ANSWER: Montana code 52 – 3 - 811 requires that professionals and others providing services to the elderly or the Developmentally Disabled who may have been subjected to incidents of abuse, sexual abuse neglect and exploitation, who are aware of said incidents report those incidents to Adult Protective Services. The code does not address the issue of an individual with Developmental Disabilities as the alleged perpetrator. The state can not address the issue of liability for the provider in this situation they must seek their own legal counsel.

Approved and Issued by: 

(Program Director) _____

Date: 7-20-12

STATE USE ONLY	4: DISTRIBUTION:	5: FOLLOW-UP:
	One Copy: Requestor One Copy: Manual Coordinator One Copy: Division Files Additional Copies: 9	9 To be issued as Bulletin to: _____ (Division Administrator) Manual. Expected Date of Issuance: 9 A.R.M. Change 9 State Plan Change