



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
N95-2 * PO Box 24847 * Seattle WA 98124-0847

Certified and Regular Mail

September 13, 2018

Jayakrishan Nair
8646 230th Way NE
Redmond, WA 98053

Dear Jayakrishnan Nair:

The Department of Social and Health Services' (DSHS) Adult Protective Services (APS) program recently investigated a report that you may have mistreated a vulnerable adult (Investigation ID#326419). Based on this investigation, APS determined that you neglected a vulnerable adult. As specified in RCW 74.34.095 and RCW 74.34.068, neither the name of the victim nor the reporter may be disclosed to you in this notification letter.

Because this APS decision will limit where you can work or volunteer for the rest of your life if not appealed, you should read this letter carefully [RCW 74.39A.056(2)].

Based on the evidence, APS finds that it is more likely than not that the following events happened:

From approximately 2016 to August 2018, while serving as a caregiver to a vulnerable adult, you hired unlicensed caregivers off of "Craig's List" and told them that they were being hired as housekeepers or property managers rather than caring for a vulnerable adult. These employees were not qualified to provide the level of care that the vulnerable adult needed. This led to incidents in which the vulnerable adult was put in clear and present danger and/or harmed, including but not limited to: the vulnerable adult not receiving medication for an entire day, altered mental status, fever, and sepsis leading to hospitalization(s).

APS decided that these actions meet the definition of neglect in RCW 74.34.020:

(15) "Neglect" means (a) a pattern of conduct or inaction by a person or entity with a duty of care that fails to provide the goods and services that maintain physical or mental health of a vulnerable adult, or that fails to avoid or prevent physical or mental harm or pain to a vulnerable adult; or (b) an act or omission by a person or entity with a duty of care that demonstrates a serious disregard of consequences of such a magnitude as to

constitute a clear and present danger to the vulnerable adult's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100.

You can request an administrative hearing to challenge APS' initial finding. Your hearing rights are described in RCW 34.05, WAC 388-02, and WAC 388-71.

To request an administrative hearing you must send, deliver or fax a written request to the Office of Administrative Hearings (OAH).

To be timely, **OAH must receive your written request no later than 5:00 p.m. on the 30th calendar day from the mailing date of this letter**, or no later than 5:00 p.m. on the 30th day from the date this letter was personally served upon you, whichever occurs first according to WAC 388-71-01240. If you request a hearing by fax, you must also mail a copy of the request to OAH on the same day. OAH must receive your fax no later than 5:00 p.m. by the 30th calendar day as required by WAC 388-02-0035(2).

To request an administrative hearing you may complete the enclosed form and mail it to:

Office of Administrative Hearings
One Union Square
600 University St., Suite 1500
Seattle, WA 98101
Telephone: (206) 389 – 3400
Toll Free: 1-800-845-8830
Fax: (206) 587 – 5135

If you choose not to use our form, your hearing request should be in writing and provide at least the following information:

- Your full legal name, current address and phone number;
- The DSHS decision or action you disagree with;
- A brief explanation of why you disagree with the finding of the investigation by APS;
- A description of any help you need in the administrative appeal, including an interpreter or any accommodation for a disability.

APS' initial finding will become final, and your name will be placed on a lifetime registry if:

- You do not request a hearing within 30 calendar days;
- You withdraw (cancel) your hearing request;
- You do not appear at your hearing on time;
- After a hearing, the judge upholds our finding.

The public can access the registry. Some employers must check the registry before hiring or keeping an employee, particularly for jobs with unsupervised access to vulnerable adults or children.

If you timely request a hearing and the judge disagrees with APS' finding, your name will not be placed on the registry.

You may have an attorney or other person represent you at the hearing. DSHS will not pay for an attorney for you.

If the APS finding becomes final, you may not work in a position or hold a license that involves the care of vulnerable adults or children or work or volunteer in a position that gives you unsupervised access to vulnerable adults or children. DSHS may disclose the substantiated finding and your name to anyone who requests it from APS or the DSHS Background Check Central Unit.

This finding is separate from any action(s) taken by law enforcement, by the Department of Health, under any Department licensing or certification authority, or by any other agency.

If you have questions about this notice, you may call me at this phone number 206.341.7878.

Sincerely,

Christine Glenn

Christine Glenn, Legal Benefits Advisor
Adult Protective Services
Home and Community Services

cc: APS Case Record

I, Marina Parascenzo Brush, certify that I mailed a copy of this document, postage prepaid, to Vayakrishnan Nair via certified and regular mail. I certify under penalty of perjury, under the laws of the State of Washington, that the foregoing is true and correct.

Dated: 9/13/18 at Seattle, WA.

By: Marina Parascenzo Brush

REQUEST FOR ADULT PROTECTIVE SERVICES HEARING

APS investigation ID #326419

As per WAC 388-71-01240, to request a hearing you must either (1) mail your written request to the address below or (2) fax your request to the number below. **If you request a hearing by fax, you must also mail a copy of your request to the Office of Administrative Hearings (OAH) on the same day.** OAH must receive your fax no later than 5:00 p.m. by the 30th calendar day as required by WAC 388-02-0035 (2). OAH must receive your written request within 30 calendar days of the date the Department's letter was mailed to you or within 30 calendar days of the date the letter was personally served upon you, whichever occurs first.

Office of Administrative Hearings
One Union Square
600 University St., Suite 1500
Seattle, WA 98101

Telephone: (206) 389-3400
Toll free: 1-800-845-8830
Fax: (206) 587-5135

I am requesting a hearing because I want to challenge the decision made by Adult Protective Services (APS).
I disagree because (PLEASE PRINT):

I was notified of the APS decision on 9/20/2018 by the Seattle APS Office.
DATE YOU RECEIVED THE LETTER LOCATION OF THE OFFICE THAT SENT THE LETTER

Important: Attach a copy of the letter you received from APS.

PRINT YOUR NAME HERE			
Jayakrishnan Nair	Redmond	WA	98053
ADDRESS OF PERSON REQUESTING HEARING		CITY	STATE
11031 Elliston Way NE Redmond WA 98053			ZIP CODE
TELEPHONE NUMBER (INCLUDE AREA CODE)		MESSAGE TELEPHONE NUMBER (INCLUDE AREA CODE)	
201 205 7500		201 205 7500	

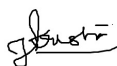
If you want someone to represent you at the hearing, you must obtain your own representation.
PLEASE CHECK:

I am going to represent myself at the APS hearing.
OR

I am represented by the person below (do not fill in if you are going to represent yourself):
Is this representative an attorney? (circle one): YES NO

NAME OF YOUR REPRESENTATIVE	ORGANIZATION	TELEPHONE NUMBER	
ADDRESS	CITY	STATE	ZIP CODE

Do you need any assistance, an interpreter or any accommodation for a disability for the hearing? YES NO
If yes, what language or what assistance? NO



YOUR SIGNATURE

10/10/2018

DATE

ADULT PROTECTIVE SERVICES INVESTIGATIONS Fact Sheet

Adult Protective Services (APS) is investigating a report that you might have abused, abandoned, financially exploited, or neglected a vulnerable adult. This document informs you of the investigation process, your rights, and other important information. As part of the investigation, APS will review records and interview people about the allegation(s). The outcome of the investigation could have serious consequences for you. Please read this carefully.

The investigator assigned to the case is: Randy Wilson

He or she can be reached at: 206.341.7753

WHAT RIGHTS DO I HAVE?

- You have the right to have a third party (such as a friend, attorney, union representative, family member, or guardian) with you during the interview.
- If English is not your primary language, you have the right to a free interpreter (APS is not allowed to use family members as interpreters).
- You have the right to not participate in the interview, to stop, or reschedule it.
- You have the right to provide APS with documents or witnesses related to the allegations.

HOW WILL APS NOTIFY ME OF THE OUTCOME OF THE INVESTIGATION?

- APS makes a decision based upon evidence that APS gathers during the investigation. The types of decisions APS makes are:
 - **Substantiated:** More likely than not the alleged incident occurred
 - **Unsubstantiated:** More likely than not the alleged incident did not occur
 - **Inconclusive:** APS cannot determine whether or not the alleged incident occurred.
- If APS finds that it is more likely than not that the incident occurred, APS will notify you by sending you a letter by certified and regular mail.
- If APS finds that it is more likely than not that the incident did not occur, APS will notify you verbally. APS can provide you a letter if you ask.
- If APS cannot determine whether or not the incident occurred, APS will notify you verbally. APS can provide you a letter if you ask.
- If APS does not have your current address, they will send the letter to the wrong address, and you might miss important deadlines.