

Oregon’s Home and Community Based Services (HCBS) Setting Statewide Transition Plan

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HCBS Regulations History

In January 2014, the Centers for Medicare & Medicaid Services (CMS) issued a final regulation that ensures that individuals receiving long-term services and supports through HCBS programs under the 1915(c), 1915(i), and 1915(k) Medicaid authorities have full access to benefits of community living, the opportunity to receive services in the most integrated setting appropriate to enhance the quality of HCBS, and provide protections to participants. The CMS regulation became effective on March 17, 2014 and requires states to demonstrate compliance. To show compliance, states must review and evaluate settings in which HCBS are provided (residential and nonresidential settings), submit separate transition plans for each HCBS waiver and state plan option, and submit a statewide transition plan (STP).

CMS' definition of HCBS settings has evolved over the past five years, based on experience throughout the country and extensive public feedback about the best way to differentiate between institutional and home and community-based settings. CMS is moving away from defining home and community-based settings by "what they are not," and toward defining them by the nature and quality of individuals' experiences. The home and community-based setting provisions in this final HCBS regulation established a more outcome-oriented definition of home and community-based settings, as opposed to one based solely on a setting's location, geography, or physical characteristics.

Home and Community Based Services

Settings Requirements

All Settings

The CMS regulation requires that all HCBS settings meet the following qualifications:

- Integrates in and support full access of individuals receiving Medicaid HCBS to the greater community, including opportunities to seek employment and work in competitive integrated settings, engage in community life, control personal resources, and receive services in the community - to the same degree of access as individuals not receiving Medicaid HCBS.
- Allows the individual to select from setting options, including non-disability specific settings and an option for a private unit in a residential setting. The setting options are identified and documented in the person-centered service plan and are based on the individual's needs, preferences, and, for residential settings, resources available for room and board.
- Ensures an individual's rights of privacy, dignity and respect, and freedom from coercion and restraint.
- Optimizes, but does not regiment, individual initiative, autonomy, and independence in making life choices, including but not limited to, daily activities, physical environment, and with whom to interact.
- Facilitates individual choice regarding services and supports, and who provides them.

Provider-Owned or Controlled Residential Setting

In a provider-owned or controlled residential setting, in addition to the above qualities, the following additional conditions must be met:

- The unit or dwelling is a specific physical place that can be owned, rented, or occupied under a legally enforceable agreement by the individual receiving services, and the individual has, at a minimum, the same responsibilities and protections from eviction that tenants have under the landlord tenant law of the state, county, city, or other designated entity. For settings in which landlord tenant laws do not apply, the state must ensure that a lease, residency agreement or other form of written agreement will be in place for each participant and that the document

provides protections that address eviction processes and appeals comparable to those provided under the jurisdiction's landlord tenant law.

- Each individual has privacy in his or her sleeping or living unit.
- Units have entrance doors lockable by the individual, with only appropriate staff having keys to doors as needed.
- Individuals sharing units have a choice of roommates in that setting.
- Individuals have the freedom to furnish and decorate their sleeping or living units within the lease or other agreement.
- Individuals have the freedom and support to control their own schedules and activities, and have access to food at any time.
- Individuals are able to have visitors of their choosing at any time.
- The setting is physically-accessible to the individual.
- Any modification of the above requirements must be supported by a specific assessed need and justified in the person-centered service plan.

CMS-Identified Disallowed Settings

Home and community based services settings do not include the following:

- Nursing facilities;
- Institutions for mental diseases;
- Intermediate care facility for individuals with intellectual disabilities;
- Hospitals; or
- Any other locations that have qualities of an institutional setting, as determined by the Secretary of the United States Department of Health & Human Services.

CMS-Identified Presumed Disallowed Settings

- Any setting located in a building that is also a publicly or privately operated facility providing inpatient institutional treatment;
- Any setting that is located in a building on the grounds of, or immediately adjacent to, a public institution; or
- Any other setting that has the effect of isolating individuals receiving Medicaid HCBS from the broader community of individuals not receiving Medicaid HCBS.

These types of settings will be presumed to have the qualities of an institution unless the Secretary of the United States Department of Health & Human Services determines through heightened scrutiny, based on information presented by the

state or other parties, the setting does not have the qualities of an institution and the setting does have the qualities of home and community based settings.

Oregon's Home and Community Based Services Programs Overview

The Oregon Health Authority (OHA) is Oregon's single state Medicaid agency. The OHA's Health Systems Division operates Oregon's 1915(i) Home and Community Based Services State Plan Option.

Through an intergovernmental agreement, the OHA has designated the Department of Human Services (DHS) as an organized healthcare delivery system (OHCD) and operating agency of Oregon's six 1915(c) Home and Community Based Services Waivers and the 1915(k) Community First Choice State Plan Option (K Plan). Within DHS there are two offices administering the 1915(c) and K Plan – the Office of Developmental Disabilities Services (ODDS) and Aging and People with Disabilities (APD).

DHS, APD operates the Aged and Physically Disabled Waiver #0185 (Nursing Facility (NF) Level of Care (LOC)).

DHS, ODDS operates the following waivers:

- ICF/IDD Comprehensive Waiver #0117 (Intermediate Care Facility for Individuals with Intellectual and Developmental Disabilities (ICF/IDD) LOC)
- ICF/IDD Support Services Waiver #0375 (ICF/IDD LOC)
- Medically Fragile Hospital Model #40193 (Hospital LOC)
- Behavioral (ICF/IDD) Model Waiver #40194 (ICF/IDD LOC)
- Medically Involved Children's Waiver #0565 (NF LOC)

The K Plan is operated by APD and ODDS, which are both programs under DHS.

1915(i) Home and Community Based State Plan Option – Serves Medicaid-eligible individuals with Chronic Mental Illness who meet needs-based eligibility criteria (daily assistance of at least 1 hour per day to perform at least 2 personal care services specified in Oregon Administrative Rule). The 1915(i) is operated by the OHA, HSD. Individuals receiving services through the 1915(i) reside in their own or family homes or provider owned, controlled, or operated settings.

The following services are provided through the 1915(i):

- Home Based Habilitation
- HCBS Behavioral Habilitation
- HCBS Psychosocial Rehabilitation

1915(k) Community First Choice State Plan Option (K Plan) – serves State Plan eligible groups as described in Section 2.2-A of the State Plan. These individuals are eligible for medical assistance under the State Plan and are in an eligibility group that includes Nursing Facility services or are below 150% of federal poverty level if they are in an eligibility group that doesn't include Nursing Facility services. Individuals require the level of care provided in a hospital, a nursing facility, an intermediate care facility for Individuals with Intellectual Disabilities (ICF/IDD), an institution providing psychiatric services for individuals under age 21, or an institution for mental diseases for individuals age 65 or over. The K Plan is operated by DHS through its APD and ODDS programs. Individuals receiving services through the K Plan reside in their own or family homes or provider owned, controlled, or operated settings.

The following services are provided through the K Plan:

- ADL, IADL and other health-related tasks
- Chore Services
- Long-Term Care Community Nursing
- Acquisition, maintenance and enhancement of skills - ADL/IADL/HRT skills training, coaching and prompting
- Electronic Back-up Systems - Emergency Response Systems, Electronic Devices, Assistive Technology
- Relief Care
- Behavioral Support Services

- Voluntary training to select, manage, dismiss attendants
- Environmental Modifications
- Assistive Devices - DME, mechanical apparatus, electrical appliance or instrument of technology used to increase independence relating to any ADL
- Community Transportation
- Home Delivered Meals
- Transition Costs

1915(c) Aged and Physically Disabled (APD) Waiver #0185 – is operated by DHS, APD and serves Medicaid-eligible adults who are aged (over 65) and adults who have physical disabilities (over 18) and require the level of care provided in a Nursing Facility.

Waiver Case Management is the only services provided through the APD Waiver.

1915(c) ICF/IDD Comprehensive Waiver #0117 – is operated by DHS, ODDS and serves Medicaid-eligible individuals of any age who require the level of care provided in an ICF/IDD. Individuals receiving services through this waiver reside in their own or family homes or provider owned, controlled, or operated settings.

The following services are provided through the Comprehensive Waiver:

- Waiver Case Management;
- Employment Path Services;
- Supported Employment, Individual Employment Support;
- Supported Employment, Small Group Employment Support;
- Discovery/Career Exploration;
- Specialized Medical Supplies;
- Financial Management Services;
- Vehicle Modifications;
- Environmental Safety Modifications;
- Family Training
- Direct Nursing Services

1915(c) ICF/IDD Support Services Waiver #0375 - is operated by DHS, ODDS and serves Medicaid-eligible individuals aged 18 years and older who require the level of care provided in an ICF/IDD. Individuals receiving services through this waiver reside in their own or family homes.

The following are services provided through the Support Services Waiver:

- Waiver Case Management
- Employment Path Services
- Supported Employment, Individual Employment Support
- Supported Employment, Small Group Employment Support
- Discovery/Career Exploration
- Specialized Medical Supplies
- Financial Management Services
- Vehicle Modifications
- Environmental Safety Modifications
- Special Diets
- Family Training
- Direct Nursing Services

1915(c) Medically Fragile Hospital Model #40193 – serves Medicaid-eligible children from birth to aged 18 who have significant medical needs, require the level of care provided in a hospital and meet a specific score on the Medically Fragile Children's Clinical Criteria. Children enrolled in this waiver reside in their family home.

The following are services provided through the Medically Fragile Hospital Model Waiver:

- Waiver Case Management;
- Family Training;
- Specialized Medical Supplies;
- Special Diets;
- Individual Directed Goods and Services;
- Environmental Safety Modifications;
- Vehicle Modifications

1915(c) Behavioral (ICF/IDD) Model Waiver #40194 - serves Medicaid-eligible children from birth to aged 18 who have significant behaviors, require the level of care provided in an ICF/IDD and meet a specific score on the Behavioral Conditions Criteria. Children enrolled in this waiver reside in their family home.

The following are services provided through the Behavioral ICF/IDD Model Waiver:

- Waiver Case Management
- Family Training
- Specialized Medical Supplies
- Special Diets
- Individual Directed Goods and Services
- Environmental Safety Modifications
- Vehicle Modification

1915(c) Medically Involved Children's Waiver (MICW) #0565 - serves Medicaid-eligible children from birth to aged 18 who have significant medical needs, require the level of care provided in a NF, and meet a specific score on the MICW Criteria Instrument. Children enrolled in this waiver reside in their family home.

The following are services provided through the Medically Involved Children's Waiver:

- Waiver Case Management
- Family Training
- Specialized Medical Supplies
- Special Diets
- Individual Directed Goods and Services
- Environmental Safety Modifications
- Vehicle Modification

The settings in which these various services are provided are described in Appendix D of this document.

Oregon's Home and Community Based Services Setting Statewide Transition Plan

The Oregon Department of Human Services (DHS) and the Oregon Health Authority (OHA) submit this Statewide Transition Plan (Transition Plan) in accordance with requirements set forth in the Centers for Medicare and Medicaid Services Home and Community Based Services (HCBS) Setting and Person Centered Planning Regulation released on January 16, 2014. This Transition Plan includes programs and settings in which individuals receive Medicaid HCBS outside of their own or family home.

Statewide Transition Plan Overview

Oregon's HCBS Statewide Transition Plan is broken down into phases. Each phase builds on previous phases and is intended to provide additional information and guidance on the next phase. As an example, the development of the initial global scorecard described below provided DHS, OHA and its Stakeholders an overview of the regulatory status of DHS's and OHA's HCBS system at the time of CMS' release of the HCBS regulation. The next phase, through the Provider Self-Assessment and the Individual Experience Assessment, defines specific provider issues and will meet DHS's and OHA's requirements to assess specific settings. The phases in the plan are:

- Phase I – Initial Systemic Regulatory Assessment
- Phase II – Statewide Training and Education Efforts
- Phase III – Provider Self-Assessment and Individual Experience Assessment
- Phase IV – Heightened Scrutiny Process
- Phase V – Remediation Activities
- Phase VI – Ongoing Compliance and Oversight

Statewide Transition Plan Preparation

In preparation for development of Oregon's HCBS Statewide Transition Plan, DHS and OHA worked across agencies and assembled a HCBS Transition Stakeholder Group (Stakeholders) comprised of individuals receiving services, family members, advocates, providers and service delivery system representatives to assess the continuing status of the State's HCBS settings' compliance with the

new HCBS regulation. Three meetings of this group occurred prior to the first submission of the Transition Plan on October 13, 2014. DHS and OHA have continued and will continue to meet with Stakeholders throughout the transition period. DHS and OHA know that this ongoing engagement has improved the Transition Plan and continues to inform the implementation process.

Oregon's Statewide Transition Plan

Phase I. Initial Systemic Regulatory Assessment (June- 2014 – January 2016)

Prior to the first submission of the Transition Plan, DHS and OHA completed an initial systemic assessment of Oregon Revised Statutes (ORS), Oregon Administrative Rules (OAR), policies and contracts across three service delivery systems to determine regulatory compliance with the new HCBS regulation; OHA's Health Systems Division (HSD), formerly known as Addictions and Mental Health, DHS' Aging and People with Disabilities (APD), and DHS' Office of Developmental Disabilities Services (ODDS). In general, DHS's and OHA's initial systemic assessment led to the conclusion that ORSs, OARs, policies, and contracts aligned/complied with or were silent on the HCBS regulations. Areas that needed to be addressed are detailed below. However, key activities in the Transition Plan will further assess site specific compliance and remediate any remaining areas of concern.

The initial systemic assessment of ORSs, OARs, policies, and contracts specific to provider-owned, controlled, or operated residential HCBS settings was completed on August 4, 2014. The three service delivery systems reviewed ORSs 409, 410, 413, 427, 430, and 443, OARs (see Appendix C), policies, and contracts.

This assessment led to the creation of an initial "global scorecard". The scorecard (Appendix B) evaluated rules and regulations related to provider-owned, controlled, or operated settings licensed/certified by APD, HSD and by DHS's Office of Licensing and Regulatory Oversight (OLRO) on behalf of APD and ODDS programs. These setting types include residential settings listed below and identified in Oregon's approved Medicaid State Plan Options and Waivers (see Appendix D).

The initial global scorecard was separately shared with the Stakeholder Committee at a meeting on August 5, 2014, updated, and posted on Oregon's HCBS website (HCBS website) on March 9, 2015.

An individual's own or family home is presumed to meet the qualities of a home and community-based setting per CMS guidance and are not provider-owned, controlled, or operated residential settings. Oregon provides HCBS to individuals residing in their own or family homes through the 1915(k) Community First Choice State Plan Option and 1915(c) HCBS Waivers operated by APD and ODDS

and the 1915(i) HCBS State Plan Option operated by OHA, HSD. Additionally, children enrolled in ODDS' 1915(c) HCBS Medically Fragile Children's Waiver #40193, Behavioral Model Waiver #40194, and Medically Involved Children's Waiver #0565, receive services in their own or family home and have full access to the community. These children do not reside in provider-owned, controlled or operated residential settings.

Upon release of CMS's guidance for non-residential settings, DHS and OHA completed the same initial systemic regulatory assessment for certified and unlicensed settings, such as employment and adult day programs, in which individuals receive HCBS to determine if the statutes, rules, policies and contracts for these settings are in compliance with the HCBS regulations. Staff from the three service delivery systems reviewed pertinent ORSs, OARs (see Appendix A), policies, and contracts. The global scorecard was updated with the results of this initial systemic regulatory assessment of non-residential settings. The initial non-residential settings systemic regulatory assessment was completed on January 22, 2015. The rules, policies, and contracts regulating services in non-residential employment and day service settings aligned/complied with or were silent on the HCBS regulation.

The initial global scorecard was not intended to be the final determination of individual site compliance or identification of any necessary site specific changes, but it provides an initial snapshot of the regulatory status of Oregon's HCBS system during Phase I. Through the initial systemic assessment, DHS and OHA found that no immediate changes were necessary to its Oregon Revised Statutes (ORS). However, since submitting the initial Statewide Transition Plan on October 13, 2014, with the initial global scorecard, Oregon determined that changes were needed to OARs to remove any areas of ambiguity, better align with the HCBS regulations, and facilitate initial and ongoing provider compliance by establishing timelines for completion of activities in accordance with the Transition Plan.

Through the initial systemic regulatory assessment of State statutes, rules, policies and contracts, DHS and OHA determined that all of Oregon's regulations, at that time, met the following components of the HCBS regulation:

- The setting is selected by the individual, or their representative, from among all available options, including non-disability specific settings, unless there are court-mandated restrictions that prohibit the individual from

being served in a particular setting which would be articulated in the individual's person-centered service plan.

- The setting choice is identified and documented in the person-centered service plan and is based on the individual's needs and preferences.
- The service delivery system facilitates individual choice regarding services and supports, and who provides them.

At the same time, DHS and OHA determined that service-delivery system regulations for most residential setting types met the following components of the HCBS requirements:

- Ensures an individual's rights of privacy, dignity and respect, and freedom from coercion and restraint.
 - In limited circumstances, some individuals may need appropriate supports that include restraints. Restraints must meet all requirements set forth in the 1915(k) or 1915(i), as applicable, ORS, and OARs.
- Optimizes, but does not regiment, individual initiative, autonomy, and independence in making life choices, including but not limited to, daily activities, physical environment, and with whom to interact.
- The unit or dwelling can be owned, rented, or occupied under a legally enforceable agreement by the individual receiving services, and the individual has, at a minimum, substantially similar responsibilities and protections from eviction.
- Individuals have the freedom to furnish and decorate their sleeping or living units within the lease or other agreement.
- The setting is physically accessible to the individual.

Based on the initial regulatory assessment, Oregon, with stakeholder and public input, drafted and finalized an over-arching Oregon Administrative Rule that governs HCBS setting requirements across the three delivery systems. Oregon Administrative Rule Chapter 411, Division 004

(http://arcweb.sos.state.or.us/pages/rules/oars_400/oar_411/411_004.html)

became effective on January 1, 2016 as identified in the Statewide Transition Plan timeline.

Additionally, each service delivery system has amended specific program rules for full alignment/compliance with the over-arching OAR for all HCBS settings and federal HCBS settings regulations.

With the implementation of OAR Chapter 411, Division 004 and revised program-specific rules, DHS and OHA have determined that Oregon's regulations align/comply with the HCBS regulations.

Regulations governing the following settings fully comply with the federal requirements (see Appendix C for funding authority detail):

- APD Certified Adult Day Services;
- APD Assisted Living Facilities (includes endorsed Memory Care Facilities);
- APD Residential Care Facilities (includes endorsed Memory Care Facilities);
- APD Specialized Living Programs;
- APD Adult Foster Homes;
- HSD Adult Foster Homes;
- HSD Residential Treatment Homes;
- HSD Residential Treatment Facilities;
- ODDS Licensed/Certified Community Living Supports – Facility-based;
- ODDS Licensed/Certified Employment Services (Community-Based Job Coaching, Job Development, Discovery, Small Group, Employment Path Community, and Facility-Based Employment Path);
- ODDS Supported Living.
- ODDS Adult Foster Homes;
- ODDS Children's Foster Homes; and
- ODDS Group Care Homes.

Specific changes found necessary to 1915(c) waivers, and 1915(i) and 1915(k) State Plan Amendments will occur after the State completes the site specific assessment phase.

To demonstrate Oregon's current level of regulatory compliance with the HCBS regulation, OHA and DHS have created a crosswalk that clearly outlines:

- how each section of the regulations aligns with the HCBS regulation;
- the title, code, and sub-code for each policy identified; a general description of each policy and its relevance to the HCBS regulation;
- and

- key aspects of the HCBS regulation that should be taken into consideration when reviewing the specific policy.

The crosswalk replaces the global scorecard as Oregon's final determination of systemic regulatory compliance. The crosswalk can be found in Appendix E below.

LICENSED/CERTIFIED HCBS SETTINGS SUBJECT TO INITIAL SYSTEMIC REGULATORY ASSESSMENT: NUMBER OF SITES AND TOTAL STATEWIDE CAPACITY PER SETTING TYPE

APD Licensed/Certified Sites and Capacity

	Adult Foster Homes	Assisted Living Facilities (ALF)	<u>ALF with endorsed Memory Care Facility</u>	Residential Care Facilities (RCF)	<u>RCF with endorsed Memory Care Facility</u>	Adult Day Services	<u>Specialized Living</u>
# of Sites	1692	220	4	116	176	15	14
Capacity (Beds/Slots)	7502*	14847*	114*	4910*	6315*	181	188

*Includes Non-Medicaid/Private Pay capacity

HSD Licensed Sites and Capacity

	Adult Foster Homes	Residential Treatment Homes	Residential Treatment Facilities
# of Sites	138	60	47
Capacity (Beds)	665	341	675

ODDS Licensed/Certified Residential Sites and Capacity

	<u>Adult Foster Homes</u>	<u>Children's Foster Homes</u>	<u>Group Care Homes for Adults</u>	<u>Group Care Homes for Children</u>
# of Sites	946	283	781	41
Capacity (Beds)	2608	525	2773	168

**ODDS Licensed/Certified Supported Living Residential Providers (POCO)
and Participants**

	Supported Living
<u># of Providers</u>	95
<u># of individuals served</u>	174

ODDS Licensed/Certified Non-Residential Sites and Capacity

	ODDS Licensed/Certified Day Support Activities	ODDS Licensed/Certified Employment Services (Community-Based Job Coaching, Job Development, Discovery, Small Group, and Employment Path Community)	ODDS Licensed/Certified Employment Services (Facility-Based Employment Path Services)
# of Sites	101	No sites – community-based	89
Participants	2542	2577	2336

Though Oregon's regulations fully align/comply with the HCBS regulation, during the site specific assessment and remediation phases, (Phases II through IV), DHS and OHA will work to assure that each provider-owned, controlled or operated residential site meets the following additional requirements:

- Each individual has privacy in their sleeping or living unit.
- Units have entrance doors lockable by the individual, with only appropriate staff having keys to doors.
- Individuals sharing units have a choice of roommates in that setting.
- Individuals have the freedom and support to control their own schedules and activities, and have access to food at any time.
- Individuals receiving services in residential setting are able to have visitors of their choosing at any time.

Certain non-residential sites may need to adapt and change to comply with the HCBS regulations.

Facility-based Employment Path Services that occur in a fixed-site, provider-controlled setting where the individual has few or no opportunities to interact with people who do not have a disability except for paid staff will no longer be permissible after September 30, 2018. Oregon currently has facility-based prevocational service settings that do not comply with federal requirements and will require transformation. During this transition period, these providers and settings must transform into services, provided in HCBS-compliant settings, which support the primary objective of exploring, obtaining, maintaining, or advancing in an individual job in a competitive integrated employment setting in the general workforce.

Oregon Administrative Rule 411-450-0060(5)(b)(B) requires that facility-based non-residential community living supports that occur in a provider-controlled setting "must, at minimum, provide ongoing opportunities and encouragement to individuals to go out into the broader community". While Oregon's regulations align/comply with the HCBS regulation, site specific and service provider program specific assessments are needed and will be conducted to ensure full compliance with both federal and state requirements for home and community-based non-residential service settings.

Specific sites or service provider programs that cannot or will not be modified will be removed from the HCBS program. Non-residential service providers have until

September 1, 2018, per OARs, to make all necessary changes. This deadline allows sufficient time for DHS and OHA to assist individuals in transitioning to other settings that comply with HCBS requirements before March 2019.

Additionally, OAR 411-004-0030(2)(c)(C) requires that individuals must have an option to use employment and day services in a non-disability specific setting and that setting option must be documented in the individual's person-centered service plan.

DHS is actively pursuing Oregon's Employment First policy. Executive Order 15-01 (which supersedes and replaces Executive Order 13-04 (issued in April 2013)) directs state agencies to take numerous steps that will advance the State's Employment First policy. In 2014, the Oregon Legislature provided significant additional funding to carry out the measures required by the Order. Oregon Administrative Rules (407-025) have been adopted to carry out the Executive Order, a wide array of stakeholders and advocacy groups are engaged in this initiative, and efforts to fully implement the Order are well under way. As part of the Employment First initiative, providers are also given concrete instructions and technical assistance to transformation and change in order to simultaneously come into compliance with the new requirements regarding Home and Community-Based Services and achieve the objectives outlined in Executive Order 15-01.

Phase II. Statewide Training and Education Efforts (July- 2014 – March 2019)

Individual, Provider and Service Delivery System Education – Overview

Throughout this section of the Plan, the term "Stakeholders" is used. As stated above in the "Statewide Transition Plan Preparation" section, membership of the HCBS Transition Stakeholder Group (Stakeholders) includes individuals receiving services, family members, advocates, providers and service delivery system representatives.

In addition to the stakeholders specifically designated to address HCBS implementation, DHS and OHA programs have a multitude of stakeholder groups which are convened to address policy and operational components of the service delivery programs. HCBS concepts and compliance components overlap into

these stakeholder efforts which allows for additional opportunities for education and engagement with the Oregon community, including individuals, advocates, and family members of persons receiving services.

DHS and OHA have developed and implemented a variety of ways to educate Stakeholders and the broader public. These methods include, but are not limited to, the use of electronic media and community meetings. DHS and OHA developed a website designed to provide information and training materials in order to educate and keep Stakeholders and the broader community informed about the HCBS regulation and the State's progress towards achieving full compliance in its HCBS programs. Oregon's HCBS website address <http://www.oregon.gov/DHS/SENIORS-DISABILITIES/HCBS/Pages/index.aspx>. Training and technical assistance materials found on the HCBS website include fact sheets and Frequently Asked Questions that are updated on a regular basis.

The HCBS website allows the broader community to have continuous input into the transition process and progress of the State and its HCBS settings. Individuals and community members may subscribe to the HCBS website which results in alerts when the site is updated or new information is posted.

As updates to the Transition Plan, systemic compliance and site specific compliance occur the HCBS website is updated with current materials and information. Stakeholders, interested parties, and the broader public are able to provide feedback on the Transition Plan as well as the State's and providers' progress toward full compliance with the HCBS regulation.

Individuals may obtain non-electronic copies of all materials posted on the web and the Statewide Transition Plan by contacting their assigned person-centered service plan coordinator, local field office, or DHS and OHA Central Office staff. Information is also provided regarding how to obtain non-electronic copies of the Statewide Transition Plan and web materials at community meetings held by the State and training/technical assistance presentations provided by the State. Public insight and input, based on their individual experience, into the actual level of site specific compliance is vital as DHS and OHA move towards full compliance with the HCBS regulation.

In another effort to facilitate active communication and collaboration, DHS and OHA created and publicized an email address specifically for questions and

feedback relating to the HCBS regulation, Transition Plan, State processes, and state and provider progress toward for full compliance. The email box is monitored on a regular basis by designated State staff to address questions, comments, and requests that are received. The email address is HCBS.Oregon@dhsosha.state.or.us. There is a link from the HCBS website to the HCBS email address so that people can easily ask questions and provide comments.

Additionally, each program has dedicated efforts to engage with its program-specific stakeholder community. This includes director's messages from specific service delivery systems. These messages are electronic communications broadcasted through email to individuals, family members, advocates, providers, community partners, and service delivery system representatives. This direct communication provides updates, education, information, and links to resources. In stakeholder efforts, individuals and advocates have a vocal role in providing perspective and insight into strategies being developed to further support outreach efforts.

DHS and OHA have concentrated outreach and education efforts to service delivery system support roles which have direct engagement with service recipients and their families. Outreach and education efforts include providing foundational education and technical assistance using materials developed by DHS, OHA and Stakeholders, serving as a platform so that case managers and providers can offer education and support to individuals receiving services in the most effective and meaningful manner possible. Due to the diverse nature and complexity of individual supports, DHS and OHA are working diligently in providing training and support to the service field so that case managers and providers have the resources to effectively provide the education and outreach in the most appropriate manner possible.

Combined Individual, Family, and Provider Education Provided Jointly by DHS and OHA (January 2014 – March 2019)

DHS and OHA, with input from the HCBS Transition Stakeholder Group, develop and issue robust educational and technical assistance materials including fact sheets, frequently asked questions (FAQs), and responses to questions from stakeholders and the broader public. These materials are published on Oregon's HCBS website. All materials posted on the HCBS website are updated regularly

and provided at trainings. The website address is

<http://www.oregon.gov/DHS/SENIORS-DISABILITIES/HCBS/Pages/index.aspx>.

Beginning in September 2015, DHS and OHA hosted regional information forums throughout the state. Training activities and materials focused on the HCBS regulation and information regarding the Provider Self-Assessment Tool and the Individual Experience Assessment. At the advice of the Stakeholders, DHS and OHA invited providers, consumers, family members and delivery system staff members to the same training to ensure that the information is shared consistently to everyone. Trainings were held during the day and evenings to facilitate attendance. Announcements regarding the forums were made through DHS and OHA press releases, on Facebook and Twitter, via DHS, and APD and ODDS Director's Messages. Response to the trainings was favorable. Attendees consisted of individuals, family-members, advocates and providers across the three service delivery systems.

DHS and OHA regional information forum locations and attendance is described below. In order to maximize provider participation, DHS and OHA allowed the provider's attendance to apply toward annual Continued Learning Education (CLE) requirements. Providers were given credits toward CLE for attending a forum.

Adults: 20 forums (*two at each of the following locations*) with 746 attendees (*332 providers who received CLE credit; 414 others*):

- Astoria (9/30/15) – 14 attended [*7 providers who received CLE credit & 7 others*]
- Bend (08/31/15) – 47 attended [*22 providers who received CLE credit & 25 others*]
- Coos Bay (09/23/15) – 37 attended [*26 providers who received CLE credit & 11 others*]
- Eugene (09/28/15) – 107 attended [*54 providers who received CLE credit & 53 others*]
- Hillsboro (09/03/15) – 71 attended [*25 providers who received CLE credit & 46 others*]
- Salem/Keizer (09/02/15) – 104 attended [*28 providers who received CLE credit & 76 others*]
- Medford (09/22/15) – 162 attended [*87 providers who received CLE credit & 75 others*]

- Ontario (09/14/15) – 26 attended [6 providers who received CLE credit & 20 others]
- Pendleton (09/10/15) – 44 attended [16 providers who received CLE credit & 28 others]
- Portland (10/01/15) – 134 attended [61 providers who received CLE credit & 73 others]

Children (conducted by ODDS) 14 forums (2 times each day in 7 locations):

- Medford (10/28/15)- 7 attended
- Eugene (10/27/15)- 11 attended
- Gresham (10/19/15)- 10 attended
- Hillsboro (11/4/15) - 9 attended
- Salem (10/23/15) - 14 attended
- Bend (10/26/15) - 4 attended
- Pendleton (11/5/15) - 4 attended

In collaboration with Stakeholders, additional training for individuals/consumers, family members, guardians/representatives and providers is continuously being developed and disseminated based on the results of various compliance activities conducted by the State and the service delivery systems. Educational materials explain the HCBS regulation and how the requirements must be addressed throughout the State's transition period and ongoing. Educational materials also explain the impact of the HCBS regulation and how programs and services are to be integrated in the community and that individuals have the right to access the broader community in which they live. The information is routinely updated and posted on the HCBS website.

Targeted training and education materials regarding individual's rights, protections, community inclusion, individual modifications to the conditions, called "Individually Based Limitations to the Rules" in Oregon, are also being created and will be implemented. Trainings are delivered to interested groups throughout the state when education or technical assistance requests are made. DHS and OHA continue to engage Stakeholders to develop educational materials on how to safely meet the needs and rights of all individuals receiving services within the new requirements.

Further outreach occurred when DHS and OHA hosted two rule advisory committees (RAC) during promulgation of the State's overarching HCBS OAR. RAC invitations were sent to the statewide HCBS stakeholder committee, individuals/consumers, family members, providers, advocates, self-advocates, DHS and OHA service delivery systems, the Service Employees International Union, the State's protection and advocacy agency, and the Long-Term Care Ombudsman.

During the rulemaking public comment period, in addition to the parties noted above being notified of the public comment period, the general public was notified through news releases posted to FlashNews.net and News releases and documents sent to all service delivery systems local field offices for posting. Information was also posted in the Oregon Bulletin, on the State's HCBS website, and DHS' and OHA's service delivery systems' Facebook and Twitter accounts.

Provider-specific information meetings and trainings (July 2014 – September 2018)

DHS and OHA began meeting with providers and provider associations in July 2014 to inform them of the new regulations, Oregon's conceptual Transition Plan, and to give providers the opportunities to ask questions and provide initial process input. DHS and OHA have continued and will continue to meet with providers and their associations throughout the transition time period. DHS and OHA have also continuously recommended that providers hold resident and family meetings to discuss the HCBS regulations and their impact.

Additionally, as these are the homes of the individuals we serve, DHS and OHA have provided regulatory guidance to providers on the requirement that all provider-owned, operated, or controlled residential settings maintain a "home-like" quality.

Delivery System Education (November 2014 – March 2019)

DHS and OHA are ensuring that delivery system staff members (person-centered service plan coordinators, licensing staff, and protective service staff) are receiving additional training on Person-Centered Planning philosophy and practice, including the empowerment of the individual to fully understand the full

range of options available to them, and their rights in making individual choices. The trainings stress that individuals have the right to select where they live and receive services from the full array of available options in Oregon, including services and supports in their own or family homes. The training includes curricula on supporting informed choice, identifies areas that providers must address and supports implementation of the Transition Plan. It also includes individuals' rights, protections, person-centered thinking, and community inclusion.

Trainings and materials provided to case management entities and providers are presented with the intent and expectation that persons in these roles will use the information to educate and support individuals in understanding and exercising the HCBS freedoms and protections.

Program-specific Trainings and Public Engagement

OHA, HSD

OHA, HSD has convened a program specific stakeholder group to advise and assist in the HCBS settings statewide transition process. The participating members represent a diverse array of backgrounds and roles, including individuals, community partners, advocacy and rights organizations, provider organizations, and regulatory agencies.

HSD has met with the program-specific stakeholder group on the dates listed:

- 7/27/16
- 9/21/16

HSD has scheduled future program-specific stakeholder meetings on the following dates:

- 11/14/16
- 11/29/16
- 1/25/17
- 3/21/17
- 5/24/17
- 7/18/17
- 9/20/17

Meetings of this group have been scheduled through the end of 2017.

HSD has also conducted several trainings for Residential Treatment Home, Residential Treatment Facility and Adult Foster Home providers to discuss the HCBS regulations and implementation process. HSD intends to provide additional training related to the HCBS regulations to HCBS providers and individuals receiving services on an ongoing basis throughout the implementation process. HSD is offering grant funding (state general funds) to residential treatment homes, residential treatment facilities and adult foster homes who apply to finance improvements to meet HCBS requirements. Applicants are required to contribute at least 10% of the renovation costs. All improvements must be completed by May 12, 2017.

As part of this grant opportunity and the application process, HSD conducted a training and Q & A teleconference for interested parties with eligible properties. This training occurred on August 30, 2016.

HSD has conducted several trainings for Residential Treatment Home, Residential Treatment Facility and Adult Foster Home providers to discuss the HCBS regulations and transition and implementation process. HSD intends to provide additional HCBS training on a monthly basis to HCBS providers and individuals receiving services between December 2016 and March 2017 and, after that timeframe, on a quarterly basis for the duration of the transition period.

HSD provided HCBS training for the following entities on the dates listed:

- 6/7/16 – Multnomah County Residential Programs
- 7/28/16 – Multnomah County Non-Provider Owned RTF/RTH

HSD also will utilize county Residential Specialists to assist with trainings and public engagement. HSD works closely with Residential Specialists as they are in the communities and often go onsite to these homes and facilities to offer training and technical assistance. Residential Specialists will continually assist with the HCBS implementation processes.

DHS, APD:

APD will convene focus groups for consumers to help them understand the changes resulting from the new HCBS requirements and to elicit their feedback and insights. Training and collaboration has also occurred with advocacy organizations such the Long Term Care Ombudsman. The goal is to engage all interested parties in assisting Oregon in reaching full compliance with HCBS and in identifying areas of concern and gaps in our current services.

APD has provided HCBS training for the following entities on the dates listed:

- 06/17/15 - Oregon Health Care Association Assisted Living Facilities (ALF)/Residential Care Facilities (RCF) Council
- 10/15/15 - Leading Age Conference in Portland
- 10/28/15 - Adult Foster Homes (AFH) Licensors in The Dalles
- 11/10/15 - AFH Licensors in Hillsboro
- 11/15/15 - HCBS 101 for AFH Licensors in Eugene

- 12/10/15 - Provider Survey calls
- 12/11/15 - Provider Survey calls
- 01/11/16 - Long-Term Care Ombudsman
- 02/02/16 - LeadingAge
- 04/27/16 - LSA Annual Conference in MN (panelist)
- 05/19/16 - OR Dietetics in Health Care Community
- 07/18/16 - APD Surveyors (ALF/RCF)
- 09/20/16 - Oregon Health Care Association 2016 Convention
- 09/21/16 - APD Safety, Oversight & Quality, Licensing Complaint Unit
- 09/22/16 - Independent Adult Care Home Association (Adult Foster Home) Conference in Clackamas
- 10/05/16 - Independent Adult Care Home Association (Adult Foster Home) Conference in Medford

Additionally, APD has been providing ongoing HCBS training and technical assistance at regularly scheduled APD Case Manager and Managers' meetings.

Trainings have occurred:

- 10/06/15 - Case Manager Essentials
- 11/05/15 - Case Manager Essentials
- 01/14/16 - Case Manager Essentials
- 02/23/16 - 101 Person-Centered Service Planning
- 04/07/16 - Case Manager Essentials
- 08/17/16 - 101 Person-Centered Service Planning

DHS, ODDS:

Due to the Lane v. Brown litigation and Settlement Agreement as well as the HCBS requirements, Oregon has already assessed and completed site visits for all settings determined to be Sheltered Workshops. Based on HCBS requirements and Oregon Administrative Rule (OAR), Sheltered Workshop settings must transform to achieve compliance with regulations to ensure employment services are community based. This has caused questions for individuals and their families, providers and state legislators. For that reason, Oregon has done targeted outreach regarding compliance with HCBS requirements for employment and non-residential day services. While many of the questions and requests focus

on Sheltered Workshop settings, the forums and discussion include the requirements for all employment and non-residential day services.

These trainings and information sessions have included statewide community forums for which individuals, families, providers and legislators were invited to attend, several meetings with state Senators and Representatives, meetings with self-advocate and family-advocate groups, 1:1 meetings with individuals and families as requested, as well as on-going regional trainings regarding Oregon Administrative Rules and monitoring requirements for Services Coordinators and Personal Agents.

ODDS coordinates meetings on a regular basis with a targeted provider group (the largest employment and residential providers, with the largest number of individuals served in a Sheltered Workshop setting) to discuss compliance requirements as well as to help develop transformation plans. Oregon funds training and technical assistance for providers who wish to transform their services through WiSE and Living Opportunities (a current Oregon service provider) which include strategic assessments of provider organizations, full transformation and training plans, as well as interim and final reports regarding transformation. Oregon DHS has already issued 30 of such grants and currently has an open Request for Application (RFA) for additional applicants.

ODDS employs five Regional Employment Specialists whose job description includes providing training and technical assistance regarding HCBS compliance to case managers as well as Provider Organizations. These Regional Employment Specialists have provided targeted training to all CDDPs/Brokerages regarding HCBS requirements, and during the assessment/on-site visits with providers are also providing technical assistance as requested, or as determined by ODDS to be needed. This includes review of the assessment, review of individualized service plans and Career Development Plans, training regarding required transformation or adaptation plans, technical assistance regarding provider score cards and verification of service delivered.

In regards to employment, DHS is currently funding a Peer to Peer program, run by the DD Council and Self-Advocacy Coalition which is designed to help provide peer training to individuals who are interested in seeking competitive integrated employment with a focus on individuals who wish to leave a Sheltered Workshop setting. DHS hosts monthly Employment Policy meetings which include self-advocates and family advocate groups to discuss the transformation taking place in Oregon and the best way to reach individuals and their families. Additionally,

ODDS has developed a Supported Employment page which includes Fact Sheets and Pow Toons designed to help individuals and families understand the changes and their options for supported employment services moving forward (<https://www.oregon.gov/DHS/SENIORS-DISABILITIES/DD/Pages/Supported-Employment.aspx>).

At least monthly, DHS, Employment First releases messages regarding employment related changes. These messages include training opportunities, success stories, and policy changes. These messages are designed to be written in a way that individuals and families can understand. These messages can be found on the EF website (<http://www.oregon.gov/DHS/EMPLOYMENT/EMPLOYMENT-FIRST/Pages/messages.aspx>). DHS, Employment First also operates a Facebook page, as it has been reported that social media also helps reach individuals and their families.

DHS (Employment First with ODDS) provide a community seminar called Meet at the Mountain. For 2017 the target audience for this seminar is families and individuals. In 2015 Meet at the Mountain had more than 300 people in attendance and will be open to up to 500 in 2017. Additionally, ODDS partners with other seminars and trainings which are operated by and target individuals and families such as Breaking Barriers (a local training in central Oregon), APSE and other local initiatives.

ODDS also has conducted trainings for Adult Foster Home and 24 hour residential services providers. Participation ranged from 20-65 participants in each session with the exception of Coos Bay where there were about 15 participants:

- Salem (10/13/15)
- Gold Beach (10/29/15)
- Salem (11/19/15)
- Portland (12/18/15)
- Albany (1/19/16)
- Coos Bay (1/27/15)
- Grants Pass (1/28/15)
- Eugene (2/25/15)
- Dallas (3/22/15)

Trainings were presented to provider groups in the counties listed below:

- Roseburg (7/6/15)- 17 attended

- Coos Bay (7/6/15)- 5 attended
- Klamath Falls (7/7/15)- 15 attended
- Medford (7/8/15)- 31 attended
- Salem (7/13/15)- 51 attended
- Portland (7/14/15)- 14 attended
- Hillsboro (7/15/15)- 25 attended
- Portland (7/16/15)- 50 attended
- McMinnville (7/17/15)- 11 attended
- Portland (7/20/15)- 26 attended
- Dallas (7/21/15)- 13 attended
- Oregon City (7/22/15)- 27 attended
- Tillamook (7/23/15)- 10 attended
- Astoria (7/24/15)- 5 attended
- St. Helens (7/24/15)- 8 attended
- Portland (7/27/15)- 12 attended
- LaGrande (7/28/15)- 24 attended
- Bend (7/29/15)- 26 attended
- Eugene (7/30/15)- 44 attended
- Albany (8/5/15)- 13 attended
- Salem (8/20/15)
- Salem (12/7/15)
- Bend (12/8/15)
- Pendleton (12/10/15)
- Hillsboro (12/14/15)
- Salem (12/15/15)
- Medford (12/17/15)

HCBS training sessions were also conducted at the annual ODDS case management conferences which were held 8/26/15 through 8/27/15 and 8/9/16 through 8/10/16.

Phase III. Provider Self-Assessment and Individual Experience Assessment (July 2015 – September 2018)

Provider Self-Assessment Tool (July 2015 – November 2015)

In Phase I. of the Transition Plan, DHS and OHA described how they assessed regulatory compliance with the settings requirements for each type of provider-owned, controlled, or operated HCBS setting authorized and funded under 1915(c) waivers, and 1915(i) and 1915(k) State Plan Options. Phase III of the Transition Plan details how DHS and OHA will determine compliance with the settings requirements for individual sites within each type of provider-owned, controlled, or operated HCBS setting (e.g. Foster Homes, ALFs, RTFs, non-residential, etc.)

In consultation with Stakeholders and partners, DHS and OHA developed a Provider Self-Assessment Tool (PSAT) for providers of provider-owned, controlled, or operated residential and non-residential settings. DHS and OHA utilized an existing contract held by OHA to conduct the Provider Self-Assessment Tool (PSAT) surveys. The contracted entity contacted every provider or provider agency that provides HCBS in a provider-owned, controlled or operated residential setting. The provider of each site received a web link to the PSAT with instructions and required timelines for completion. HCBS providers were encouraged to complete the PSAT online. If the provider was unable to complete the PSAT online, paper PSATs were available upon the provider's request. Every provider or provider agency of HCBS in provider-owned, controlled, or operated settings was required to complete a PSAT for each individual HCBS site they operate or control. Providers were encouraged to include the individuals receiving services, their family members/representatives, advocates and others in their assessment process. DHS and OHA provided guidance to providers on how to accomplish this activity. Some of the guidance included fact sheets, instructions, and FAQs.

Providers were required to complete and return the PSAT to DHS and OHA within 60 calendar days of receipt. The contracted entity conducted follow-up calls to providers and provider agencies to ensure completion of the PSAT. While there is not a financial penalty levied against a provider for failing to complete a PSAT, failure to complete a survey will require more costly and intrusive efforts by DHS and OHA to gather the same information.

Individual Experience Assessment (July 2015 – November 2015)

DHS and OHA do not assume any of the individual HCBS sites meet the new regulations. To validate both DHS's and OHA's initial regulatory assessment and the provider self-assessment results, DHS and OHA are actively engaging with individuals receiving Medicaid-funded HCBS as specified in this plan, their families and their advocacy organizations on an ongoing basis to gather their opinion and insight on how providers are complying with the HCBS requirements.

In consultation with Stakeholders, DHS and OHA developed an Individual Experience Assessment (IEA) for individuals receiving Medicaid-funded HCBS services in provider-owned, controlled, or operated residential settings and non-residential settings. In addition to questions about residential settings, the IEA contains questions specifically related to employment and day services. The IEA focuses primarily on whether the individual feels his or her service experiences align with what is required in the settings requirements. The questions asked in the IEA are very similar to those asked in the PSAT, but worded more simply. The IEA and PSAT were conducted simultaneously so the results were comparable in time.

DHS and OHA utilized an existing contract held by OHA to conduct the IEA and the Provider Self-Assessment Tool as described above. The contracted entity sent the IEA to every individual receiving Medicaid-funded HCBS in a provider-owned, controlled or operated residential setting. Individuals had the choice of completing the IEA online or via paper.

Individuals were not required to complete the IEA but, with advice and feedback from Stakeholders and the contracted entity, DHS and OHA determined ways to maximize individual participation in the IEA process. In the event the individual did not respond to the initial survey, the contracted entity contacted individuals via mail up to three additional times to encourage participation and offer technical assistance. A toll-free phone line was also established for individuals to call if they required assistance in completing the IEA. Information regarding the IEA was also presented at each regional forum conducted by DHS and OHA.

During the analysis phase of IEA results, DHS and OHA has gained vital insight about how individuals receiving services perceive their experiences both with the service delivery system and their service provider. Additionally, the IEA asked if the individual felt that they were able to select their services from all available service options and all available providers. Responses to critical questions related

to the additional requirements for provider-owned, controlled, or operated settings have provided DHS and OHA with understanding of actual on-the-ground compliance specific to each site. As described below, each IEA is connected to the PSAT for the specific program or provider from which the individual receives services.

The IEA indicates if it was completed by the individual, the family, the individual's guardian, or others.

DHS and OHA provided feedback to the provider, based on their analysis and evaluation of the IEA, and required them to address the findings in their final adaptation plan.

Validation of Providers' Self-Assessment (November 2015 – December 2016)

DHS and OHA are using a variety of ways to validate the PSAT. The first step is the IEA. The IEA and the PSAT contain a unique identifier that allows the contracted entity to match the IEA response with the relevant PSAT for comparison. The unique number does not contain any identifiable protected health or personal information. DHS, OHA and the contracted entity made every effort to obtain responses from at least one individual residing at each provider site. As mentioned above, the IEA response will validate or contradict the provider's self-assessment. If there is not a substantial number of IEA responses, DHS and OHA will review and validate the PSAT response during the service delivery system and licensing site-review process.

Through ongoing education, technical assistance efforts, and public input, DHS and OHA will be able to corroborate information provided by providers and individuals receiving HCBS. DHS and OHA will continue to provide and publicize ongoing opportunities for the public to submit feedback on providers' compliance and/or progress. As a key component, DHS and OHA have asked advocacy organizations, such as the Oregon Long Term Care Ombudsman, to inform DHS and OHA if the Ombudsmen or other advocates have concerns about providers' attestations.

DHS and OHA are leveraging existing organizational partners such as the Governor's Advocacy Office, adult protective service staff, licensing staff and person-centered service plan coordinators to assist in validation of assessment results and ongoing provider compliance. Staff from these entities will report concerns or areas of inconsistency. The reports from these staff members will

allow the centralized HCBS team to compare complaints, issues and allegations against providers.

DHS and OHA received the majority of results of the completed PSATs and IEAs on 02/05/16. DHS and OHA expect to analyze approximately 4,700 completed PSATs. IEAs were sent to approximately 18,000 individuals receiving services in provider-owned, controlled, or operated residential settings and non-residential settings funded by 1915(c), 1915(i), and/or 1915(k). Due to the rate of return of IEAs, DHS and OHA took approximately 3 months to compile, analyze and compare the results of the PSATs and IEAs.

After IEA and PSAT results were compiled, analyzed, and compared, DHS and OHA preliminarily sorted settings into the following categories:

- Settings that are compliant;
- Settings which will be compliant with remediation;
- Setting is presumptively non-HCBS and will require heightened scrutiny;
- Setting cannot meet the federal requirements and must be removed from HCBS program;
- Setting is institutional (SNF, IMD, Hospital (Oregon does not operate ICF/ID)).

After sorting, DHS and OHA will amend the Transition Plan to include assessment results, analysis, plan for remediation activities, and identification of those sites (identified as of November 1, 2016) for which DHS and OHA will be submitting evidence and requesting CMS' heightened scrutiny. DHS and OHA anticipate that, based on regular licensing/certification and other on-site visits, the identification of sites requiring heightened scrutiny and submission of evidence to CMS will be a rolling, ongoing process. The amended plan will also include the aggregated number of sites that are sorted into the categories listed above. Oregon anticipates submitting its amended Transition Plan with site-specific assessment information on January 3, 2017.

Prior to the January 3, 2017 submission to CMS of the amended Transition Plan and identification of sites (as of November 1, 2016) which have definitely been determined to require heightened scrutiny, DHS and OHA will commence a 30 calendar day public notice and comment period. The public notice will include information about how individuals can request a printed copy of the amended Transition Plan and provide input on those sites identified which will require heightened scrutiny. Throughout the transition period, prior to submission of

evidence packages to CMS, DHS and OHA will commence 30 calendar day public notice and comment periods of sites determined to require heightened scrutiny.

Phase IV. Heightened Scrutiny Process – Initial and Ongoing (October 2014 – September 2018)

State's Review and Process for Heightened Scrutiny Submission to CMS (October 2014 – September 2018)

Throughout Phase III of the Statewide Transition Plan, DHS and OHA will assess each site to determine if it meets the HCBS settings requirements or requires CMS's Heightened Scrutiny. Heightened scrutiny assessment activities include:

- Conducting an initial review of licensing and service delivery system records to determine if the site is in the building of, on the grounds of, or adjacent to an institution. (October 2014)
- Working with stakeholders to create specific criteria and site characteristics for identifying which sites will require Heightened Scrutiny (October 2014 - June 2015).
- Using the Provider Self-Assessment Tool (PSAT), Individual Experience Assessment (IEA) responses, and additional activities to determine and propose if a site meets the definition of an HCBS site. (September 2015 – April 2016)
- Notifying identified affected providers of State's determination that provider's site(s) may have to go through the Heightened Scrutiny process in order to comply. (May 2016)
- Requiring identified providers of sites that appear to require heightened scrutiny to submit evidence to the State rebutting that presumption. (May 2016 –August 2016)
- Conducting on-site review of sites determined to require heightened scrutiny. (May 2016 – September 2016)
- Determining, based on evidence provided and results of onsite review, if sufficient evidence was provided to seek heightened scrutiny from CMS or if the site does not meet HCBS requirements. (September 2016 - November 2016)
- Compiling a report of the aggregated settings presumed to require heightened scrutiny. (July 2016 – November 2016)
- Commencing public notice and comment period including posting information on each service site that has been determined (as of November 1, 2016) to require CMS' Heightened Scrutiny. Information will be posted

- both on Oregon's HCBS website and will be made available in non-electronic format to those requesting. (November 2016 - December 2016)
- Revising Transition Plan to address public input, if necessary. (December 2016)
 - Submitting amended Transition Plan to CMS including evidence and justification of individual sites (identified as of November 1, 2016) that appear presumptively non-HCBS for CMS' Heightened Scrutiny. (January 2017)
 - Providing opportunity for sites to request an Administrative Review of DHS's and OHA's determination that a site **does not** meet HCBS requirements and **will not** go through CMS's heightened scrutiny process. (January 2017 – February 2017)
 - Expected receipt of CMS response. (February 2017)
 - Determining and implementing ongoing remediation strategies and next steps. (July 2016 – September 2018)
 - Implement ongoing, rolling process for submission of evidence to CMS of sites determined to require heightened scrutiny. (December 2016 – Ongoing)

The State will submit evidence to CMS for heightened scrutiny in its amended plan for the following sites:

1. Any setting that is located in a building that is also a publicly or privately operated facility that provides inpatient institutional treatment, or in a building located on the grounds of, or immediately adjacent to, a public institution, which the state believes overcomes the institutional presumption and meets the requirements of a home and community based setting.
2. Any setting regardless of location that has the effect of isolating individuals receiving Medicaid home and community-based services (HCBS) from the broader community.

To address settings that may fall into category 2, the State has identified "red flag" responses to specific questions asked in the Provider Self-Assessment Tool and Individual Experience Assessment that indicate that a site may potentially have institutional qualities due to the effect of isolating an individual receiving HCBS from the broader community. The questions asked by the State on the PSAT and IEA that may indicate isolation were derived from CMS regulatory language, guidance and suggested exploratory questions. Copies of the Provider

Self-Assessment Tool and Individual Experience Assessment tool are available to CMS upon request.

A provider who has “red flag” indicators will not automatically be referred to CMS for heightened scrutiny. There are several steps that will be taken before a referral is made to CMS, including prioritizing onsite visits by the State and providing the site an opportunity to rebut the presumption of institutional qualities due to the appearance of isolating individuals from the broader community.

Upon State validation and public input, evidence of sites presumed to have the qualities of an institution due to the effect of isolation per CMS regulations, but the State determines have the qualities of HCBS settings, will be referred to CMS for heightened scrutiny. Those sites that are unable to overcome the presumption of being institutional will be addressed using the process defined in Phase V. Initial Remediation Activities.

As part of the rolling, ongoing process for heightened scrutiny, the State has considered that during the HCBS compliance and validation site visits conducted by Licensing and service delivery system staff during the transition period certain sites may be identified as having the qualities of an institution due to the effect of isolating individuals receiving HCBS from the broader community. Those sites will be addressed using the same process described above and also below in Phase V. throughout the transition period.

Phase V. Initial Remediation Activities (May 2015 – March 2019)

After the Provider Self-Assessment Tool results for all providers and Individual Experience Assessment results were analyzed, for those providers whose settings are anticipated to be compliant with the HCBS regulations with remediation, DHS and OHA supplied each provider who responded an initial response detailing findings and the areas that they must change to come into compliance with the regulations. Initial responses were sent by the program areas in May 2016. The initial response included required information, for providers to include in its Provider-Specific Adaptation Plan. Upon receipt of the initial response, each provider will have 30 calendar days to provide DHS and OHA additional information rebutting the findings, if they choose. This submission will trigger a review process through which a review committee will make a final determination on the areas that must be remediated. The review committee will make a final determination within 30 calendar days. DHS and OHA will then send the provider a final response detailing the review committee's final determination and identify changes that must be addressed in the provider's Adaptation Plan.

DHS and OHA developed evaluation criteria and requirements for the Provider-Specific Adaptation Plans. Plans that do not meet the criteria and requirements will be returned to the providers/programs for necessary changes.

Providers/programs who do not agree with DHS's and OHA's evaluation of the Adaptation Plan may request an administrative review of the determination within 30 calendar days of receiving DHS's and OHA's decision. DHS and OHA will make a final decision within 30 calendar days of receiving the request for an administrative review.

Approved Adaptation Plans will be posted on the HCBS website. DHS and OHA will redact any individually identifiable or confidential information before posting.

DHS and OHA will ensure that sites are making progress towards compliance through licensing and service delivery system staff visits. A reporting mechanism will be created by DHS and OHA to allow these staff to report individual providers' progress. For sites that are not licensed, contract compliance staff will review providers annually to ensure that these provider types are meeting the requirements.

DHS and OHA will also develop a scorecard of provider's progress towards implementing the new requirements and post it on the HCBS website. This scorecard will allow the public to view the provider's assessment of their status.

The scorecard will include information and findings from the PSAT, adaptation plans, and service delivery system and licensing reviews. The scorecard will highlight HCBS requirements and provide a scoring system so that the public can easily understand the State's evaluation of the provider's progress towards full compliance. The information will be sufficient for the public to assess providers' compliance and provide feedback to DHS and OHA about their individual experience with and knowledge of providers.

DHS and OHA will require that providers submit their FINAL Adaptation Plan no later than December 31, 2016. For providers needing assistance to come into compliance, DHS and OHA shall:

- Facilitate regional focus groups of providers who can talk through provider specific issues and problem-solve how to achieve compliance together. Participation will be voluntary and can include individuals and family members who may aid in the problem solving process.
- Provide direct technical assistance at the request of the provider.
- Provide information on the HCBS website to guide providers in making the necessary changes.

The state will send communication to providers of non-residential HCBS explaining the requirement that the experiences of individuals receiving HCBS in non-residential settings must be consistent with those individuals not receiving HCBS.

All providers must be in full compliance with the regulations by September 30, 2018. If, by September 30, 2018, the provider is not in full compliance, DHS and OHA will notify individuals in writing by October 15, 2018 that their current provider is not in compliance with the HCBS regulations. The notification will explain the individual's rights. It will also define options, process and timeline, including the final deadline of February 28, 2019, to help the individual make an informed choice of another site that is compliant with the regulations. Individuals will be able to select from all services and available compliant settings for which they are eligible. Upon notification to the individual, using person-centered planning processes, service delivery system staff will assist and support individuals and their representatives in identifying alternate settings, services and options and will ensure that all critical services and supports are in place prior to the individual transitioning to the chosen alternate site. Individuals may contact

their service delivery system staff at any time during the transition period to discuss options, alternate settings, and other services and supports.

Providers who are not able to achieve full compliance by September 30, 2018 will be required to assist DHS and OHA in transitioning individuals by February 28, 2019 to other sites that are in compliance. At this time, DHS and OHA cannot estimate the number of individual service recipients who will be required to transition to other programs. From interaction and communications with providers, DHS and OHA anticipate the majority of providers will be in compliance prior to the final deadline. DHS and OHA will be able to provide more detailed estimates when the amended Transition Plan with site specific assessment information is submitted in January 2017.

The timeline described above allows the service delivery system staff more than 5 full months to provide notification to the individuals of the requirement to relocate to a compliant setting, give individuals the information, opportunity and supports necessary to make an informed choice about alternate settings and supports, and transition individuals by CMS's final compliance deadline. Individuals must be transitioned to compliant sites, with all critical services and supports in place, by February 28, 2019. Medicaid contracts for providers who are not willing or able to come into compliance with the regulations will be terminated no later than February 28, 2019.

Phase VI. Ongoing Compliance and Oversight (May 2015 – Ongoing)

On an ongoing basis, Oregon will assess providers' progress towards compliance through reports, interviews and on-site inspections that include information from providers and individuals receiving services.

Licensing and service delivery system staff will be critical to ensuring initial and ongoing compliance and assuring providers' progress on their adaptation plans. DHS and OHA will continue to ensure that these staff members are appropriately trained on the new regulations and expectations. Additionally, ongoing surveys of individuals will ensure that providers reach compliance.

With the Stakeholders, DHS and OHA will develop processes, data elements and other aspects to measure the impact of the changes on individuals receiving services. DHS and OHA will report out the compiled data on a regular basis and post information on the HCBS website.

Once overall compliance is achieved, strategies to ensure ongoing compliance will include:

- Conducting the Individual Experience Assessment biennially;
- Building questions from the individual's experience assessment into annual service planning processes;
- Ongoing licensing inspections by licensing staff; and
- Oregon's existing quality assurance system will include ongoing HCBS setting compliance monitoring to ensure that settings continue to comply with the HCBS Setting Rule.

Throughout the Transition Plan, DHS and OHA will continue to work closely with the Stakeholders to ensure that DHS and OHA have a robust view on the progress towards successful implementation of the Transition Plan and the changes necessary to reach lasting compliance. DHS and OHA will engage Stakeholders and other avenues to evaluate progress, identify areas of concern, and propose solutions. This transition process will be transparent to Stakeholders and the broader public.

Appendix A

Key Action Item Timeline

This timeline is intended to provide an overview of the timing involved in reaching full compliance. Some activities may start earlier and have a more rapid implementation process.

Key Action Items	Approx. Start Date (first day of month)	Approx. End Date (last day of month)
<i>Pre Plan Activities</i>		
Meetings with provider associations	Jul- 14	Sep- 14
Convene a HCBS Transition Stakeholder Group	Aug- 14	Sep- 19
HCBS Transition Stakeholder Kick-off meeting	Aug- 14	Aug- 14
<i>Phase I- Initial Regulatory Assessment</i>		
Complete an initial assessment of Oregon's residential and non-residential settings' regulatory compliance with the CFRs	Jun- 14	Jan - 15
Share scorecard with stakeholders	Aug- 14	Aug- 14 and Mar- 15
Post scorecard on Oregon HCBS Website	Aug- 14	Sep- 14 and Mar- 15
<i>Oregon Transition Plan Development and Submission</i>		
Write draft Transition Plan	Aug- 14	Aug- 14
Stakeholder review of draft Transition Plan	Aug- 14	Aug- 14
Public Comment Period: <i>September 5, 2014</i>	Sep- 14	Oct- 14
End of Public Comment Period: (October 5, 2014)	Oct- 14	Oct- 14
Transition Plan Submitted to CMS	Oct- 14	Oct- 14
Expected response from CMS	Jan- 15	Jan- 15
Response to CMS's Request for Additional Information	Jan- 15	Apr- 15
Response Received from CMS		Aug - 15
State's Response to CMS's request for additional information Response Received from CMS		Oct - 15 Jan - 16

Key Action Items	Approx. Start Date (first day of month)	Approx. End Date (last day of month)
State's Response to CMS's request for additional information		Apr - 16
Phase II- Statewide Training and Education Efforts		
Meet with providers and associations	Jul- 14	Ongoing
Develop educational materials for individuals, providers, and Case Managers including FAQs and Fact Sheets	Jul- 14	Ongoing
Develop and disseminate additional training regarding rights, protections, community inclusion and modifications to conditions.	Jul- 14	Ongoing
Share materials with stakeholders	Oct - 14	Ongoing
Post materials on website	Oct- 15	Ongoing
Delivery System Education Efforts	Nov – 14	Mar - 19
Host regional training and information meetings for individuals, providers, and case managers.	Sep – 15	Oct - 15
Phase III- Provider Self-Assessment and Individual Experience Assessment		
Provider Self-Assessment		
Develop Provider Self-Assessment Tool (PSAT) (residential and non-residential providers)	Oct- 14	Jul- 15
Share PSAT with Transition Stakeholder Group	Oct - 14	Jul - 15
Develop online survey tool	Jul- 15	Aug- 15
Send provider self-assessment to residential and non-residential providers	Sep- 15	Sep- 15
Provider self-assessments completed and returned to State	Sep- 15	Feb - 16
Individual Experience Assessment		
Develop a survey for individuals receiving services	Oct- 14	Jul- 15
Share survey with Transition Stakeholder Group	Oct – 14	Jul - 15
Develop online survey tool	Jul- 15	Aug - 15
Send Individual Experience Assessments to individuals receiving HCBS	Sep- 15	Dec- 15
State and partners to conduct individual assessments, as necessary (<i>in-person, phone</i>)	Sep - 15	Dec- 15
Provide technical assistance to individuals	Sep - 15	Dec - 15

Key Action Items	Approx. Start Date (first day of month)	Approx. End Date (last day of month)
Individual Experience Assessments completed and returned to State	Sep - 15	Feb - 16
<i>Provider Self-Assessment and Individual Experience Assessment Results, Responses and Validation</i>		
State receives responses from PSATs and IEAs	Feb- 16	Feb- 16
State evaluates Individual Experience Assessments and Provider Self-Assessments (comparison and validation of results from both using unique identifier that connects site with individual)	Feb- 16	Apr - 16
State solicits input from advocacy organizations and existing organizational partners to assist in validation of results	Mar - 16	May - 16
State to sort settings into compliance categories	Mar - 16	Apr - 16
State to provide initial feedback and recommendations on areas of improvement to residential and non-residential providers	Nov - 15	May - 16
Ongoing education and technical assistance efforts, and public input	Sep - 15	Ongoing
<i>Submission of Amended Statewide Transition Plan</i>		
State evaluates Individual Experience Assessments and Provider Self-Assessments (comparison and validation of results from both using unique identifier that connects site with individual)	Feb – 16	Apr – 16
State identifies necessary Transition Plan changes	Apr – 16	Nov – 16
State identifies (as of November 1, 2016) settings that require heightened scrutiny	Sep – 16	Nov – 16
State amends Statewide Transition Plan	Sep – 16	Nov – 16
Stakeholder review of draft Transition Plan	Oct – 16	Oct – 16
30- day Public Comment Period	Nov – 16	Dec – 16
Revisions to Statewide Transition Plan based on public input	Dec – 16	Dec – 16
Amended Statewide Transition Plan Submitted to CMS	Jan – 17	Jan – 17
Expected response from CMS	Feb – 17	Feb – 17
<i>Phase IV. Heightened Scrutiny Process - Initial</i>		
State uses the provider assessment, IEA responses, and additional criteria to determine and propose if a site meets the definition of an HCBS site	Feb - 16	Jun - 16

Key Action Items	Approx. Start Date (first day of month)	Approx. End Date (last day of month)
State notifies sites that, as of November 1, 2016, require CMS' Heightened Scrutiny	May – 16	Oct – 16
Providers requiring Heightened Scrutiny submit evidence to the State rebutting presumption of non-HCBS	May – 16	Oct – 16
State conducts on-site reviews of settings identified (as of November 1, 2016) to require heightened scrutiny per CMS's regulations	May - 16	Sep - 16
State determines, based on evidence provided and results of onsite review, if sufficient evidence was provided to seek heightened scrutiny from CMS or if the site does not meet HCBS requirements	Sep – 16	Nov – 16
State compiles aggregated report of sites requiring heightened scrutiny	Jul – 16	Nov – 16
Provide opportunity for sites determined not to be HCBS to request an administrative review by DHS and OHA	Jan -17	Feb – 17
State commences public notice and comment period for amended Transition Plan and sites determined to require CMS' heightened scrutiny	Nov – 16	Dec - 16
State addresses public input/comment	Dec – 16	Dec – 16
State submits amended Transition Plan and evidence to CMS for each setting that is presumed to be non-HCB but State is requesting CMS' heightened scrutiny	Jan - 17	Jan - 17
Expected response from CMS	Feb – 17	Feb – 17
Phase IV. Heightened Scrutiny Process - Ongoing (rolling process)		
State notifies sites that, as a result of onsite visits, have been identified as requiring CMS' Heightened Scrutiny	Dec – 16	Ongoing
Providers requiring Heightened Scrutiny submit evidence to the State rebutting presumption of non-HCBS	Dec – 16	Ongoing
State determines, based on evidence provided and results of onsite review, if sufficient evidence was provided to seek heightened scrutiny from CMS or if the site does not meet HCBS requirements	Dec – 16	Ongoing

Key Action Items	Approx. Start Date (first day of month)	Approx. End Date (last day of month)
State commences public notice and comment period for amended Transition Plan and sites determined to require CMS' heightened scrutiny	Dec – 16	Ongoing
State addresses public input/comment	Dec – 16	Ongoing
State submits evidence to CMS for each setting that is presumed to be non-HCB but State is requesting CMS' heightened scrutiny	Dec – 16	Ongoing
Expected response from CMS	Dec – 16	Ongoing
<i>Phase V- Initial Remediation Activities</i>		
Update website to guide providers in making the necessary changes.	May – 15	Sep – 18
Develop with Stakeholders an advisory panel and Adaptation Plan review criteria	May- 15	Dec- 15
Develop policies and procedures for Quality Assurance and Licensing staff to check progress on their adaptation plans.	May – 15	Jan – 16
Finalization of over-arching HCBS OAR	Jan – 16	Jan – 16
Finalization of program-specific OARs	Jan – 16	Sep – 16
Service Delivery Systems and OLRO conduct onsite reviews	Jan – 16	Sep – 18
Providers submit Adaptation Plans addressing State's findings	May – 16	Jun – 16
State and advisory panel review providers' Adaptation Plan and provides approval or denial of Plan	Jul – 16	Aug – 16
Providers may appeal the State's denial	Sep – 16	Sep – 16
Providers submit FINAL Adaptation Plan addressing State's findings	Nov – 16	Dec – 16
Develop a comprehensive scorecard of provider's compliance activities and outcomes	Jan – 17	Feb – 17
Post scorecard on website	Mar- 17	Mar- 17
Gather public input on provider's scorecard	Apr- 17	May - 17
State will review and address, as appropriate, public input on provider's scorecard.	May – 17	June - 17
State will update provider's scorecard with progress toward compliance	June – 17	Sep - 18

Key Action Items	Approx. Start Date (first day of month)	Approx. End Date (last day of month)
Gather ongoing public input on provider's progress toward compliance.	May – 17	Sep - 18
Notify Medicaid providers of non-compliance with intent to move individuals and terminate contract and license	Sept-18	Sept-18
Notify individuals of their need to transition to alternative settings	Oct-18	Oct-18
Assist individuals in finding, selecting and transitioning to alternative settings	Oct - 18	Feb- 19
Terminate Medicaid contracts with non-compliant providers	Mar- 19	Mar- 19
<i>OAR, 1915(c) waivers, and 1915(i) and 1915(k) State Plan Amendment (SPA) Changes</i>		
Assess OARs, waivers, and SPAs for needed changes	Oct- 14	Apr- 15
Work with stakeholders to identify and address necessary OAR, waivers, and SPA changes	Apr- 15	Oct- 15
Conduct formal rule making process	Jun- 15	Jan- 16
Finalization of over-arching HCBS OAR	Jan – 16	Jan – 16
Finalization of program-specific OARs	Jan – 16	Sep – 16
Amendment of over-arching HCBS OAR as described in Appendix E	Jan – 17	Jan - 17
Public Notice and Submission of any necessary waiver amendments and SPAs.	Mar – 17	Dec – 17
<i>Modifications to Conditions – Individually Based Limitations to the Rules</i>		
Develop policies and procedures on implementation of modifications to conditions contained in individual service plan.	Jan – 15	Dec – 15
Create expectations and a method for collecting data on an ongoing basis to measure the effectiveness of the individually based modification to conditions	Jan – 15	Jul – 16
Develop timeframes for review of the data and effectiveness of the modification to ensure it continues to be appropriate.	Jan – 15	Dec – 15
<i>Phase VI- Ongoing Compliance and Oversight</i>		
Develop and implement ongoing monitoring and quality assurance processes within existing structure	May – 15	Mar – 19
Service Delivery Systems and OLRO conduct onsite reviews to assure ongoing compliance	Mar – 19	Ongoing

Key Action Items	Approx. Start Date (first day of month)	Approx. End Date (last day of month)
2 nd Individual Experience Assessment	Jul – 17	Dec – 17
3 rd Individual Experience Assessment	Jul – 19	Dec – 19

Appendix B: Initial Global Scorecard

OAR & Policy Review	APD AFH	APD RCF / ALF (includes endorsed Memory Care Facilities)	APD Contracted / Specialized Living Program	APD Certified Adult Day Services
1. Is the setting integrated into the greater community?	Yes	Yes	Yes	Yes
2. Does the setting facilitate the individual's full access to the greater community, in the same manner as individuals without disabilities, including:	Yes	Yes	Yes	Yes
a. Opportunities to seek employment and work in competitive integrated settings,	Yes	Yes	Yes	Yes
b. Engage in community life,	Yes	Yes	Yes	Yes
c. Control personal resources, and	Yes	Yes	Yes	Yes
d. Receive services in the community?	Yes	Yes	Yes	Yes
3. Are the individual's essential personal rights of privacy, dignity and respect, and freedom from coercion and restraint protected?	Yes	Yes	Yes	Yes
4. Are the individual's initiative, autonomy, and independence in making life choices, including but not limited to, daily activities, physical environment, and with whom to interact are optimized and not regimented?	Yes	Yes	Yes	Yes

OAR & Policy Review	APD AFH	APD RCF / ALF (includes endorsed Memory Care Facilities)	APD Contracted / Specialized Living Program	APD Certified Adult Day Services
5. Is the unit or room a specific physical place that can be owned, rented or occupied under a legally enforceable agreement that provides the individual, at a minimum, the same responsibilities and protections from eviction that tenants have under the State's landlord tenant laws?	Yes	Yes	Yes	N/A
6. Do individuals have privacy in their sleeping or living unit?	Yes**	Yes	Yes	N/A
7. Do units have lockable entrance doors, with appropriate staff having keys to doors?	Yes	Yes	Yes	N/A
8. If individuals share rooms, do they do so only at their choice?	Yes	Yes	Yes	N/A
9. Do individuals have the freedom to furnish and decorate their sleeping or living units?	Yes	Yes	Yes	N/A
10. Do individuals have the freedom and support to control their own schedules and activities?	Yes	Yes	Yes	N/A
11. Do individuals have access to food at any time?	Yes	Yes	Yes	N/A
12. Are individuals able to have visitors of their choosing at any time?	Yes***	Yes	Yes	N/A
13. Is the setting is physically accessible to the individual?	Yes	Yes	Yes	Yes

OAR & Policy Review	APD AFH	APD RCF / ALF (includes endorsed Memory Care Facilities)	APD Contracted / Specialized Living Program	APD Certified Adult Day Services
14. Is the setting located in a building:				
a. That is also a facility that provides inpatient institutional treatment?	No	No	No	No
b. On the grounds of or immediately adjacent to a public or private institution?	Possibly adjacent	In some situations	No	No
c. On the grounds of or immediately adjacent to any setting that has the effect of isolating individuals receiving Medicaid HCBS from the broader community?	Possibly adjacent	In some situations	No	No
System Questions				
15. Is the setting selected by the individual from among all available alternatives and is identified in the person-centered service plan?	Yes	Yes	Yes	Yes
16. Is the individual choice regarding services and supports, and who provides them, facilitated?	Yes	Yes	Yes	Yes

OAR & Policy Review	HSD AFH	HSD RTH / RTF	ODDS AFH	ODDS Group Homes
1. Is the setting integrated into the greater community?	Yes	Yes	Yes	Yes
2. Does the setting facilitate the individual's full access to the greater community, in the same manner as individuals without disabilities, including:	Yes	Yes	Yes	Yes
a. Opportunities to seek employment and work in competitive integrated settings,	Yes	Yes	Yes	Yes
b. Engage in community life,	Yes	Yes	Yes	Yes
c. Control personal resources, and	Yes	Yes	Yes	Yes
d. Receive services in the community?	Yes	Yes	Yes	Yes
3. Are the individual's essential personal rights of privacy, dignity and respect, and freedom from coercion and restraint protected?	Yes	Yes	Yes	Yes
4. Are the individual's initiative, autonomy, and independence in making life choices, including but not limited to, daily activities, physical environment, and with whom to interact are optimized and not regimented?	Yes	No	Yes	Yes

OAR & Policy Review	HSD AFH	HSD RTH / RTF	ODDS AFH	ODDS Group Homes
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5. Is the unit or room a specific physical place that can be owned, rented or occupied under a legally enforceable agreement that provides the individual, at a minimum, the same responsibilities and protections from eviction that tenants have under the State's landlord tenant laws?	Yes	Yes	Yes	Yes
6. Do individuals have privacy in their sleeping or living unit?	Yes	Yes	Yes	Yes
7. Do units have lockable entrance doors, with appropriate staff having keys to doors?	Yes	No	Yes	Yes
8. If individuals share rooms, do they do so only at their choice?	Yes	Yes	Yes	Yes
9. Do individuals have the freedom to furnish and decorate their sleeping or living units?	Yes	Yes	Yes	Yes
10. Do individuals have the freedom and support to control their own schedules and activities?	Yes	Yes	Yes	Yes
11. Do individuals have access to food at any time?	Yes	Yes	Yes	Yes
12. Are individuals able to have visitors of their choosing at any time?	Yes	Yes	Yes	Yes
13. Is the setting is physically accessible to the individual?	Yes	No	Yes	Yes

OAR & Policy Review	HSD AFH	HSD RTH / RTF	ODDS AFH	ODDS Group Homes
14. Is the setting located in a building:				
a. That is also a facility that provides inpatient institutional treatment?	No	No	No	No
b. On the grounds of or immediately adjacent to a public or private institution?	No	No	No	No
c. On the grounds of or immediately adjacent to any setting that has the effect of isolating individuals receiving Medicaid HCBS from the broader community?	No	No	No	No
System Questions				
15. Is the setting selected by the individual from among all available alternatives and is identified in the person-centered service plan?	Yes	Yes	Yes	Yes
16. Is the individual choice regarding services and supports, and who provides them, facilitated?	Yes	Yes	Yes	Yes

OAR & Policy Review	ODDS Supported Living (POCO)	ODDS Children's Foster Homes	Certified DD Day Support Activities	ODDS Certified Employment (Community-Based Job Coaching, Job Development, Discovery, Small Group, Employment Path Community, and Facility-Based Employment Path)
1. Is the setting integrated into the greater community?	Yes	Yes	Yes	Yes
2. Does the setting facilitate the individual's full access to the greater community, in the same manner as individuals without disabilities, including:	Yes	Yes	Yes	Yes
a. Opportunities to seek employment and work in competitive integrated settings,	Yes	Yes	Yes	Yes
b. Engage in community life,	Yes	Yes	Yes	Yes
c. Control personal resources, and	Yes	Yes	Yes	Yes
d. Receive services in the community?	Yes	Yes	Yes	Yes
3. Are the individual's essential personal rights of privacy, dignity and respect, and freedom from coercion and restraint protected?	Yes	Yes	Yes	Yes

4. Are the individual's initiative, autonomy, and independence in making life choices, including but not limited to, daily activities, physical environment, and with whom to interact are optimized and not regimented?	Yes	Yes	Yes	Yes
5. Is the unit or room a specific physical place that can be owned, rented or occupied under a legally enforceable agreement that provides the individual, at a minimum, the same responsibilities and protections from eviction that tenants have under the State's landlord tenant laws?	Yes*	Yes*	N/A	N/A
6. Do individuals have privacy in their sleeping or living unit?	Yes	Yes*	N/A	N/A
7. Do units have lockable entrance doors, with appropriate staff having keys to doors?	Yes	No	N/A	N/A
8. If individuals share rooms, do they do so only at their choice?	Yes	Yes	N/A	N/A
9. Do individuals have the freedom to furnish and decorate their sleeping or living units?	Yes	Yes	N/A	N/A
10. Do individuals have the freedom and support to control their own schedules and activities?	Yes	No	N/A	N/A
11. Do individuals have access to food at any time?	Yes	Yes	N/A	N/A
12. Are individuals able to have visitors of their choosing at any time?	Yes	Yes***	N/A	N/A

13. Is the setting is physically accessible to the individual?	Yes	Yes	Yes	Yes
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OAR & Policy Review	ODDS Supported Living (POCO)	ODDS Children's Foster Homes	Certified DD Day Support Activities	ODDS Certified Employment (Community-Based Job Coaching, Job Development, Discovery, Small Group, Employment Path Community, and Facility-Based Employment Path)
14. Is the setting located in a building:				
a. That is also a facility that provides inpatient institutional treatment?	No	No	No	No
b. On the grounds of or immediately adjacent to a public or private institution?	No	No	No	No
c. On the grounds of or immediately adjacent to any setting that has the effect of isolating individuals receiving Medicaid HCBS from the broader community?	No	No	No*	No*
System Questions				
15. Is the setting selected by the individual from among all available alternatives and is identified in the person-centered service plan?	Yes	Yes	Yes	Yes
16. Is the individual choice regarding services and supports, and who provides them, facilitated?	Yes	Yes	Yes	Yes

*** Oregon Administrative Rule changes have been made as part of Oregon's Transition plan. For residential settings, OARS have protections re: notice of exit which serve as eviction, but there is no legal residency agreement required. Further assessment is needed to determine whether Oregon is in compliance in its implementation and practice of these laws and regulations.**

****1 or 2 individuals may share a bedroom.**

*****Unless visiting hours are limited as disclosed in the house policies.**

POCO- Provider-owned, controlled or operated.

Appendix C: Inventory of Oregon Administrative Rules Reviewed as part of HCBS Transition Plan

OAR	Title
<i>Oregon Health Authority, Health Systems Division</i>	
309-035	Residential Treatment Facilities for Mentally Or Emotionally Disturbed Persons and Residential Treatment Homes
309-040	Adult Foster Homes
<i>Department of Human Services, Aging and People with Disabilities</i>	
411-015	Long-Term Care Service Priorities for Individuals Served
411-028	Case Management Services
411-050	Adult Foster Homes
411-054	Residential Care and Assisted Living Facilities
411-057	Memory Care Communities
411-065	Specialized Living Services Contracts
411-066	Adult Day Services Programs
411-067	Continuing Care Retirement Community
<i>Department of Human Services, Office of Developmental Disabilities Services</i>	
407-025	Integrated Employment Services to Individuals with I/DD
411-308	In-Home Support for Children with Intellectual or Developmental Disabilities (I/DD)
411-318	Individual Rights, Complaints, Notification of Planned Action, and Contested Case Hearings for Developmental Disabilities Services
411-320	Community Developmental Disability Programs
411-323	Agency Certification and Endorsement to Provider Services to Individuals with I/DD in Community-Based Settings
411-325	24-Hour Residential Settings for Children and Adults with I/DD
411-328	Supported Living Settings for Individuals with I/DD
411-330	Comprehensive In-Home Support for Adults with I/DD
411-340	Support Services for Adults with I/DD

411-345	Employment and Alternatives to Employment Services for Individuals with I/DD
411-346	Foster Homes for Children with I/DD
411-360	Adult Foster Homes for Individuals with I/DD

Appendix D

Setting and Program Types with Medicaid Authority

Setting Type	Funding Authority	Rule Meets HCBS Criteria See Crosswalk for detail
Assisted Living Facility (ALF)	1915(k)	Yes
Adult Foster Care (AFC)	1915(i) 1915(k)	Yes
Adult Day Center	1915(k)	Yes
Specialized Living	1915(k)	
Residential Care Facilities (RCF)	1915(k)	Yes
Residential Treatment Facility/Home for Mentally or Emotionally Disturbed Persons	1915(i) 1915(k)	Yes
Supported Living Providers	1915(k)	Yes
Adult Group Home (GCH)	1915(k)	Yes
Group Care Homes for Children (GCH)	1915(k)	Yes
Developmental Disabilities Adult Foster Care	1915(k)	Yes
Children's Developmental Disability Foster Care	1915(k)	Yes
Individual's own or family home (In-home Services)	1915(k) 1915(i)	Yes
Integrated Community Employment Settings (Job Coaching, Job Development, Discovery, Supported Small Group and Employment Path)	1915(c)	Yes
ODDS Community Living Supports Facility Settings	1915(k)	Yes
Employment Path Facility-Based Settings	1915(c)	Yes

Appendix E: Crosswalk/Systems Remediation Grid

Oregon Crosswalk/System Remediation Grid as of September 30, 2016

In order to achieve full compliance with CMS HCBS rule, significant changes were made to state regulations in an attempt to mirror and adequately capture the intent of the federal HCBS requirements. In order to ensure full compliance with CMS HCBS Rule across all program areas in a consistent manner, the overarching HCBS Rule was created to govern all settings in which services are provided under 1915(c), 1915(k), or 1915(i) Medicaid authorities. The global HCBS rule, OAR 411-004, includes the federal HCBS language and applies to all corresponding program, service and setting-specific rules.

While working with CMS towards CMS' initial approval of the state's systemic-assessment Transition Plan, the need to amend the overarching HCBS rule was identified to permit freedom from restraint to be a right upon which an individually-based limitation to the rule may be applied. Oregon Revised Statute, Oregon Administrative Rules, the 1915(i) (adult foster homes only), and the 1915(k) allow the use of restraints in HCBS settings as follows:

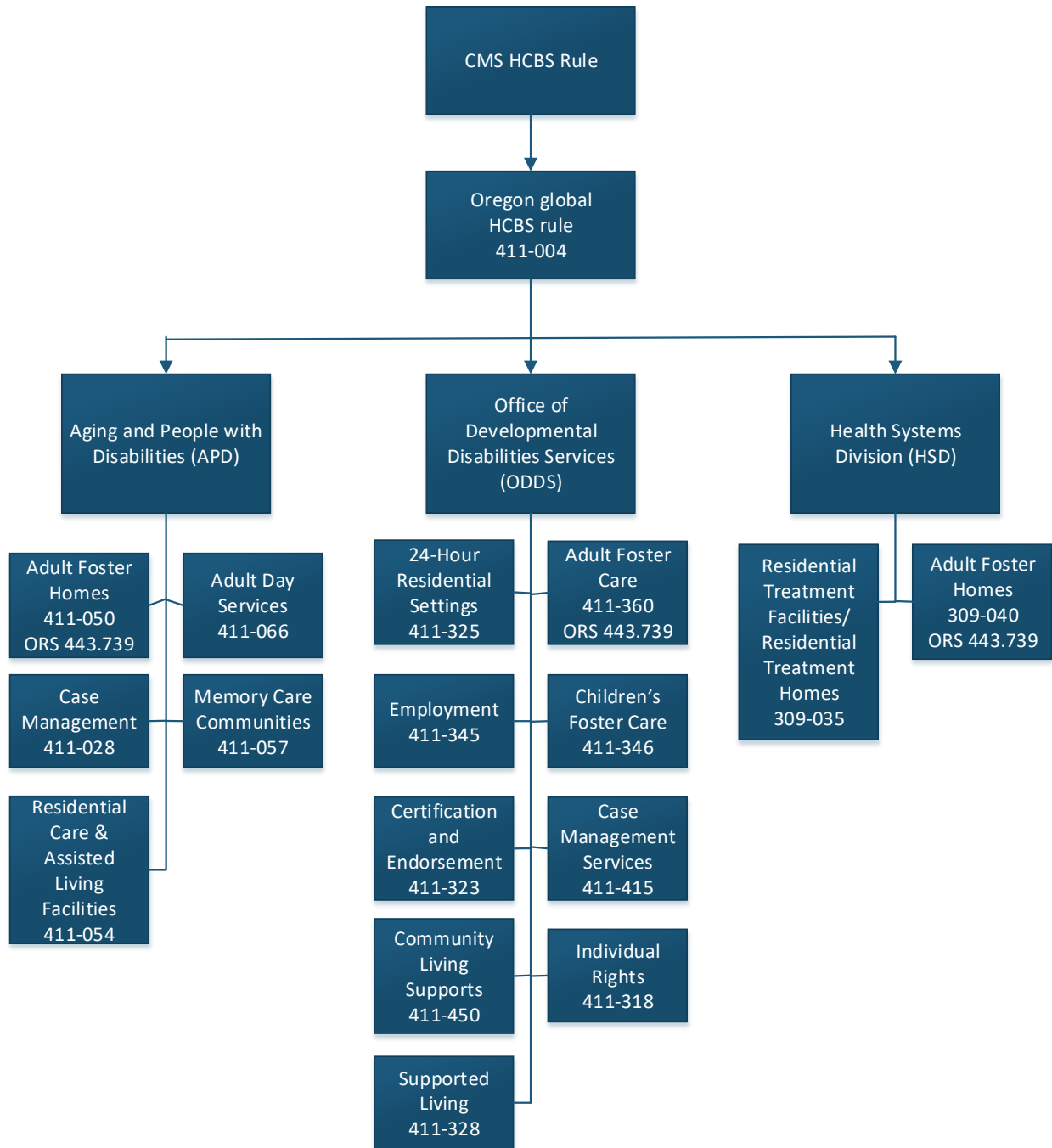
- In the case of an emergency to protect the individual or other individuals,
- Mechanical devices, material, equipment (referred to as safeguarding equipment) or manual methods to provide support to an individual for the purpose of achieving and maintaining functional body position, proper balance, and protecting the individual from injury or symptoms of existing medical conditions.

Use of any type of restraint must be prescribed by a physician or other qualified practitioner and is part of a defined plan to address the safety of the individual or others. The process for individually-based limitations to the rule, in accordance with the Federal regulations, will be followed for any individual for whom restraints are prescribed. Involuntary seclusion and wrongful restraints are defined as abuse in OARs. Through its established rule-making process, the state will amend the overarching HCBS OAR with an effective date of 01/01/2017.

To strengthen compliance further, additional clarifying language was added to each specific program, service and setting rules to highlight or clarify new

requirements or practices expected as a result of the new HCBS regulations. The updated rules are reflected in the citations in the global scorecard. As a result of this work, and the rule amendment referenced above, all Oregon Rules will fall within the category of fully compliant with CMS HCBS Rule.

The function of the Oregon global HCBS rule is reflected in the following illustration:



OHA/HSD

Area of Compliance and Regulation	Initial Status	Remediation Actions <i>[Include Links to OARs and Policies]</i>	Current Status <i>[Align/Comply, Silent, Conflicts]</i>	Timeline
<p>1. <i>Is the setting integrated into the greater community?</i> 42 CFR 441.301(c)(4)(i) 42 CFR 441.530(a)(1)(i) 42 CFR 441.710(a)(1)(i)</p>	<p>HSD AFH: Yes</p> <p>HSD RTF/RTH: Yes</p>	<ul style="list-style-type: none"> - Implement new Home and Community-Based Services and Settings rules, including the requirement that settings are integrated into the greater community - OAR 411-004-0000(2) - OAR 411-004-0020(1)(a) - OAR 411-004-0030(2)(c)(B) - Updated HSD-specific program rules to reflect requirement that settings are integrated into the greater community. Rules reviewed/updated include: HSD AFH: <ul style="list-style-type: none"> - OAR 309-040-0300(1)(a-b) - OAR 309-040-0301(1)(a)(A-D) - OAR 309-040-0390(11)(a)(B) HSD RTF/RTH: <ul style="list-style-type: none"> - OAR 309-035-0100(1)(a-b) - OAR 309-035-0107(1)(a)(A-D) - OAR 309-035-0160(2)(b)(B) 	<p>Overarching HCBS OARs: Align/Comply</p> <p>HSD OARs: Align/Comply</p>	<p>HCBS rules became effective 01/01/16</p> <p>HSD-specific Rules reviewed/updated and effective 09/06/16</p>

<p>2. Does the setting facilitate the individual's full access to the greater community, in the same manner as individuals without disabilities, including: 42 CFR 441.301(c)(2)(i) & (c)(4)(i) 42 CFR 441.530(a)(1)(ii) 42 CFR 441.710(a)(1)(ii)</p>	<p>HSD AFH: Yes</p> <p>HSD RTF/RTH: Yes</p>	<ul style="list-style-type: none"> - Implement new Home and Community-Based Services and Settings rules, including the requirement that settings facilitate the individual's full access to the greater community, in the same manner as individuals without disabilities - OAR 411-004-0000(2) - OAR 411-004-0020(1)(a), (1)(e), (3) - OAR 411-004-0030(2)(c)(B), (2)(c)(D) - Updated HSD-specific program rules to reflect requirement that settings facilitate the individual's full access to the greater community, in the same manner as individuals without disabilities. Rules reviewed/updated include: HSD AFH: HSD AFH: <ul style="list-style-type: none"> - OAR 309-040-0300(1)(a-b) - OAR 309-040-0301(1)(a)(B, D), (1)(e) - OAR 309-040-0390(10)(m), (11)(a)(B, D) - OAR 309-040-0410(1)(b)(E), (2)(c-d) HSD RTF/RTH: <ul style="list-style-type: none"> - OAR 309-035-0100(1)(b) - OAR 309-035-0107(1)(a)(A-D) 	<p>Overarching HCBS OARs: Align/Comply</p> <p>HSD OARs: Align/Comply</p>	<p>HCBS rules became effective 01/01/16</p> <p>HSD-specific Rules reviewed/updated and effective 09/06/16</p>
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		<ul style="list-style-type: none"> - OAR 309-035-0155(5)(c) - OAR 309-035-0160(1)(m), (2)(b)(B, D) - OAR 309-035-0165(2)(f) 		
<p><i>a. Opportunities to seek employment and work in competitive integrated settings?</i></p> <p><i>42 CFR 441.301(c)(2)(i) & (c)(4)(i)</i></p> <p><i>42 CFR 441.530(a)(1)(i)</i></p> <p><i>42 CFR 441.710(a)(1)(i)</i></p>	<p>HSD AFH: Yes</p> <p>HSD RTF/RTH: Yes</p>	<ul style="list-style-type: none"> - Implement new Home and Community-Based Services and Settings rules, including the requirement that the setting facilitates opportunities for individuals to seek employment and work in competitive integrated settings - OAR 411-004-0000(2)(a) - OAR 411-004-0010(2) - OAR 411-004-0020(1)(a)(A) - OAR 411-004-0030(2)(c)(C) <ul style="list-style-type: none"> - Updated HSD-specific program rules to reflect the requirement that the setting facilitates opportunities for individuals to seek employment and work in competitive integrated settings. Rules reviewed/updated include: HSD AFH: - OAR 309-040-0301(1)(a)(A) 	<p>Overarching HCBS OARs: Align/Comply</p> <p>HSD OARs: Align/Comply</p>	<p>HCBS rules became effective 01/01/16</p> <p>HSD-specific Rules reviewed/updated and effective 09/06/16</p>

		<ul style="list-style-type: none"> - OAR 309-040-0390(10)(m), (11)(a)(C) - OAR 309-040-0410(2)(d) <p>HSD RTF/RTH:</p> <ul style="list-style-type: none"> - OAR 309-035-0105(12) - OAR 309-035-0107(1)(a)(A) - OAR 309-035-0160(1)(m), (2)(b)(C) 		
<p><i>b. Engage in community life?</i> 42 CFR 441.301(c)(2)(i) & (c)(4)(i) 42 CFR 441.530(a)(1)(i) 42 CFR 441.710(a)(1)(i)</p>	<p>HSD AFH: Yes</p> <p>HSD RTF/RTH: Yes</p>	<ul style="list-style-type: none"> - Implement new Home and Community-Based Services and Settings rules, including the requirement that the setting facilitates individuals engagement in community life OAR 411-004-0000(2)(b) OAR 411-004-0020(1)(a)(B) OAR 411-004-0030(2)(c)(D) - Updated HSD-specific program rules to reflect the requirement that the setting facilitates individuals' engagement in community life. Rules reviewed/updated include: HSD AFH: <ul style="list-style-type: none"> - OAR 309-040-0301(1)(a)(B) - OAR 309-040-0390(11)(a)(D) HSD RTF/RTH: <ul style="list-style-type: none"> - OAR 309-035-0100(1)(b) - OAR 309-035-0107(1)(a)(B) - OAR 309-035-0155(5)(c) - OAR 309-035-0160(1)(m), (2)(b)(B, D) 	<p>Overarching HCBS OARs: Align/Comply</p> <p>HSD OARs: Align/Comply</p>	<p>HCBS rules became effective 01/01/16</p> <p>HSD-specific Rules reviewed/updated and effective 09/06/16</p>

<p>c. Control personal resources? 42 CFR 441.301(c)(2)(i) & (c)(4)(i) 42 CFR 441.530(a)(1)(i) 42 CFR 441.710(a)(1)(i)</p>	<p>HSD AFH: Yes</p> <p>HSD RTF/RTH: Yes</p>	<ul style="list-style-type: none"> - Implement new Home and Community-Based Services and Settings rules, including the requirement that the setting facilitates individuals control personal resources - OAR 411-004-0000(2)(c), (3)(e) - OAR 411-004-0010(14) - OAR 411-004-0020(1)(a)(C) - OAR 411-004-0030(2)(c)(A), (2)(c)(D) - Updated HSD-specific program rules to reflect the requirement that the setting facilitates individuals control personal resources. Rules reviewed/updated include: HSD AFH: <ul style="list-style-type: none"> - OAR 309-040-0301(1)(a)(C) - OAR 309-040-0390(11)(a)(A, D) HSD RTF/RTH: <ul style="list-style-type: none"> - OAR 309-035-0107(1)(a)(C) - OAR 309-035-0160(2)(b)(D) 	<p>Overarching HCBS OARs: Align/Comply</p> <p>HSD OARs: Align/Comply</p>	<p>HCBS rules became effective 01/01/16</p> <p>HSD-specific Rules reviewed/updated and effective 09/06/16</p>
<p>d. Receive services in the community? 42 CFR 441.301(c)(2)(i) & (c)(4)(i) 42 CFR 441.530(a)(1)(i) 42 CFR 441.710(a)(1)(i)</p>	<p>HSD AFH: Yes</p> <p>HSD RTF/RTH: Yes</p>	<ul style="list-style-type: none"> - Implement new Home and Community-Based Services and Settings rules, including the requirement that settings facilitate individuals receiving services in the community - OAR 411-004-0000(2), (2)(d) - OAR 411-004-0010(6), (17) - OAR 411-004-0020(1)(a)(D) 	<p>Overarching HCBS OARs: Align/Comply</p> <p>HSD OARs: Align/Comply</p>	<p>HCBS rules became effective 01/01/16</p> <p>HSD-specific Rules reviewed/updated and</p>

		<ul style="list-style-type: none"> - OAR 411-004-0030(2)(c)(D) - Updated HSD-specific program rules to reflect the requirement that the setting facilitates individuals receiving services in the community. Rules reviewed/updated include: HSD AFH: <ul style="list-style-type: none"> - OAR 309-040-0300(1)(b) - OAR 309-040-0301(1)(a)(D) - OAR 309-040-0390(11)(a)(D) HSD RTF/RTH: <ul style="list-style-type: none"> - OAR 309-035-0100(1)(b) - OAR 309-035-0107(1)(a)(D) - OAR 309-035-0155(5)(c) - OAR 309-035-0160(1)(m), (2)(b)(B, D) - OAR 309-035-0165(2)(f) 		<p>effective 09/06/16</p>
<p>3. <i>Are the individual's essential personal rights of privacy, dignity and respect, and freedom from coercion and restraint protected?</i> 42 CFR 441.301(c)(4)(iii) 42 CFR 441.530(a)(1)(iii) 42 CFR 441.710(a)(1)(iii)</p>	<p>HSD AFH: Yes</p> <p>HSD RTF/RTH: Yes</p>	<ul style="list-style-type: none"> - Implement new Home and Community-Based Services and Settings rules, including the requirement that the individual's essential personal rights of privacy, dignity and respect, and freedom from coercion protected. - OAR 411-004-0020(1)(c), (2) - *Per CMS' request, amend overarching Home and Community-Based Services and Settings rule to allow application 	<p>Overarching HCBS OARs: Align/Comply</p> <p>HSD OARs: Align/Comply</p> <p>AFH ORS (441.739) Align/Comply</p>	<p>HCBS rules became effective 01/01/16</p> <p>*Amendment to 411-004-0020, and 411-004-0040 with an effective date of 01/01/2017</p>

		<p>of individually-based limitations to the rule to an individual's right of freedom from restraint, in accordance with approved 1915(i) (only in AFH), and existing ORS and OARs.</p> <ul style="list-style-type: none"> - Updated HSD-specific program rules to reflect the requirement that the individual's essential personal rights of privacy, dignity and respect, and freedom from coercion and restraint are protected. Rules reviewed/updated include: HSD AFH: <ul style="list-style-type: none"> - OAR 309-040-0301(1)(c), (2)(d) - OAR 309-040-0305(42)(h), (76)(a, g, i) - OAR 309-040-0410(1)(a), (1)(b)(D), (2)(i) - ORS 443.738(9) states chemical and physical restraints may only be used to treat a resident's medical symptoms or to maximize a resident's physical functioning. They may not be used for the home's convenience or for discipline. - ORS 443.739(1), (4), (7), and (8) reflect the requirement that the individual's essential personal 	<p>HSD-specific Rules reviewed/updated and effective 09/06/16</p>
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		<p>rights of privacy, dignity and respect, and freedom from coercion and restraint (except as ordered by a physician or other qualified practitioner) are protected.</p> <p>HSD RTF/RTH:</p> <ul style="list-style-type: none"> - OAR 309-035-0100(1) - OAR 309-035-0105(29) - OAR 309-035-0107(1)(c), (4)(d) - OAR 309-035-0125(7)(c, e) - OAR 309-035-0146(2)(o)(H) - OAR 309-035-0155(3)(h), (4)(c), (5)(h) - OAR 309-035-0165(1) 		
<p><i>4. Are the individual's initiative, autonomy, and independence in making life choices, including but not limited to, daily activities, physical environment, and with whom to interact are optimized and not regimented?</i></p> <p>42 CFR 441.301(c)(4)(iv) 42 CFR 441.530(a)(1)(iv) 42 CFR 441.701(a)(1)(iv)</p>	<p>HSD AFH: No</p> <p>HSD RTF/RTH: No</p>	<ul style="list-style-type: none"> - Implement new Home and Community-Based Services and Settings rules, including the requirement that the individual's initiative, autonomy, and independence in making life choices, including but not limited to, daily activities, physical environment, and with whom to interact, are optimized and not regimented <p>OAR 411-004-0000(1), (3)(e)</p> <ul style="list-style-type: none"> - OAR 411-004-0010(14) - OAR 411-004-0020(1)(d), (1)(e), (2)(f), (2)(i) - OAR 411-004-0030(1)(c), (1)(h) 	<p>Overarching HCBS OARs: Align/Comply</p> <p>HSD OARs: Align/Comply</p>	<p>HCBS rules became effective 01/01/16</p> <p>HSD-specific Rules reviewed/updated and effective 09/06/16</p>

		<ul style="list-style-type: none"> - Updated HSD-specific program rules to reflect the requirement that the individual's initiative, autonomy, and independence in making life choices, including but not limited to, daily activities, physical environment, and with whom to interact, are optimized and not regimented. Rules reviewed/updated include: HSD AFH: <ul style="list-style-type: none"> - OAR 309-040-0300(1) - OAR 309-040-0301(1)(d-e), (2)(f, i) - OAR 309-040-0305(14), (38), (62), (83) - OAR 309-040-0390(10)(c, h) - OAR 309-040-0410(1)(b)(D, O) HSD RTF/RTH: <ul style="list-style-type: none"> - OAR 309-035-0105(29) - OAR 309-035-0107(1)(d-e), (2)(b), (4)(f, i) - OAR 309-035-0160(1)(a-c, h), 2)(b)(B) 		
RESIDENTIAL SETTINGS				

<p>5. Is the unit or room a specific physical place that can be owned, rented or occupied under a legally enforceable agreement that provides the individual, at a minimum, the same responsibilities and protections from eviction that tenants have under the State's landlord tenant laws? 42 CFR 441.301(c)(4)(vi)(A) 42 CFR 441.530(a)(1)(vi)(A) 42 CFR 441.710(a)(1)(vi)(A)</p>	<p>HSD AFH: Yes</p> <p>HSD RTF/RTH: No</p>	<ul style="list-style-type: none"> - Implement new Home and Community-Based Services and Settings rules, including the requirement that the unit or room is a specific physical place that can be owned, rented or occupied under a legally enforceable agreement that provides the individual, at a minimum, the same responsibilities and protections from eviction that tenants have under the State's landlord tenant laws - OAR 411-004-0010(18), (21) - OAR 411-004-0020(1)(b), (2)(c) - Updated HSD-specific program rules to reflect the requirement that the unit or room is a specific physical place that can be owned, rented or occupied under a legally enforceable agreement that provides the individual, at a minimum, the same responsibilities and protections from eviction that tenants have under the State's landlord tenant laws. Rules reviewed/updated include: HSD AFH: - OAR 309-040-0301(2)(b-c) 	<p>Overarching HCBS OARs: Align/Comply</p> <p>HSD OARs: Align/Comply</p>	<p>HCBS rules became effective 01/01/16</p> <p>HSD-specific Rules reviewed/updated and effective 09/06/16</p>
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<p>6. Do individuals have privacy in their sleeping or living unit? 42 CFR 441.301(c)(4)(vi)(B) 42 CFR 441.530(a)(1)(vi)(B) 42 CFR 441.710(a)(1)(vi)(B)</p>	<p>HSD AFH: Yes</p> <p>HSD RTF/RTH: Yes</p>	<ul style="list-style-type: none"> - Implement new Home and Community-Based Services and Settings rules, including the requirement that individuals have privacy in their sleeping or living unit - OAR 411-004-0010(21) - OAR 411-004-0020(1)(c), (2)(d) - Updated HSD-specific program rules to reflect the requirement that individuals have privacy in their sleeping or living unit. Rules reviewed/updated include: HSD AFH: <ul style="list-style-type: none"> - OAR 309-040-0301(2)(d) - OAR 309-040-0305(42)(h), (85) - OAR 309-040-0365(6)(a) - OAR 309-040-0380(1)(d) - OAR 309-040-0392(2)(o)(A)(viii) - OAR 309-040-0410(2)(i) 	<p>Overarching HCBS OARs: Align/Comply</p> <p>HSD OARs: Align/Comply</p>	<p>HCBS rules became effective 01/01/16</p> <p>HSD-specific Rules reviewed/updated and effective 09/06/16</p>

		<p>HSD RTF/RTH:</p> <ul style="list-style-type: none"> - OAR 309-035-0105(65) - OAR 309-035-0107(1)(c), (4)(d) - OAR 309-035-0125(7)(c) - OAR 309-035-0146(2)(o)(H) - OAR 309-035-0155(3)(h), (5)(h) 		
<p>7. Do units have lockable entrance doors, with appropriate staff having keys to doors?</p> <p>42 CFR 441.301(c)(4)(vi)(B)(1) 42 CFR 441.530(a)(1)(vi)(B)(1) 42 CFR 441.710(a)(1)(vi)(B)(1)</p>	<p>HSD AFH: No</p> <p>HSD RTF/RTH: No</p>	<ul style="list-style-type: none"> - Implement new Home and Community-Based Services and Settings, including the requirement that units have lockable entrance doors, with appropriate staff having keys to doors - OAR 411-004-0020(2)(e) - Updated HSD-specific program rules to reflect the requirement that units have lockable entrance doors, with appropriate staff having keys to doors. Rules reviewed/updated include: HSD AFH: <ul style="list-style-type: none"> - OAR 309-040-0301(2)(e) - OAR 309-040-0365(6)(a) - OAR 309-040-0392(2)(o)(A)(iv) - OAR 309-040-0410(2)(e) HSD RTF/RTH: <ul style="list-style-type: none"> - OAR 309-035-0107(4)(e) - OAR 309-035-0125(7)(c) - OAR 309-035-0146(2)(o)(D) - OAR 309-035-0155(5)(d) 	<p>Overarching HCBS OARs: Align/Comply</p> <p>HSD OARs: Align/Comply</p>	<p>HCBS rules became effective 01/01/16</p> <p>HSD-specific Rules reviewed/updated and effective 09/06/16</p>

<p>8. If individuals share rooms, do they do so only at their choice? 42 CFR 441.301(c)(4)(vi)(B)(2) 42 CFR 441.530(a)(1)(vi)(B)(2) 42 CFR 441.710(a)(1)(vi)(B)(2)</p>	<p>HSD AFH: No</p> <p>HSD RTF/RTH: No</p>	<ul style="list-style-type: none"> - Implement new Home and Community-Based Services and Settings rules, including the requirement that if individuals share rooms, they do so only at their choice - OAR 411-004-0020(2)(f) - Updated HSD -specific program rules to reflect the requirement that if individuals share rooms, they do so only at their choice. Rules reviewed/updated include: HSD AFH: <ul style="list-style-type: none"> - OAR 309-040-0301(2)(f) - OAR 309-040-0392(2)(o)(A)(v) - OAR 309-040-0410(2)(f) HSD RTF/RTH: <ul style="list-style-type: none"> - OAR 309-035-0107(4)(f) - OAR 309-035-0146(2)(o)(E) - OAR 309-035-0155(5)(e) 	<p>Overarching HCBS OARs: Align/Comply</p> <p>HSD OARs: Align/Comply</p>	<p>HCBS rules became effective 01/01/16</p> <p>HSD-specific Rules reviewed/updated and effective 09/06/16</p>
<p>9. Do individuals have the freedom to furnish and decorate their sleeping or living units? 42 CFR 441.301(c)(4)(vi)(B)(3) 42 CFR 441.530(a)(1)(vi)(B)(3) 42 CFR 441.710(a)(1)(vi)(B)(3)</p>	<p>HSD AFH: Yes</p> <p>HSD RTF/RTH: Yes</p>	<ul style="list-style-type: none"> - Implement new Home and Community-Based Services and Settings rules, including the requirement that individuals have the freedom to furnish and decorate their sleeping or living units. - OAR 411-004-0020(2)(g) - Updated HSD-specific program rules to reflect the requirement that individuals have the freedom 	<p>Overarching HCBS OARs: Align/Comply</p> <p>HSD OARs: Align/Comply</p>	<p>HCBS rules became effective 01/01/16</p> <p>HSD-specific Rules reviewed/updated and effective 09/06/16</p>

		<p>to furnish and decorate their sleeping or living units. Rules reviewed/updated include: HSD AFH:</p> <ul style="list-style-type: none"> - OAR 309-040-0301(2)(g) - OAR 309-040-0392(2)(o)(A)(vi) - OAR 309-040-0410(2)(g) <p>HSD RTF/RTH:</p> <ul style="list-style-type: none"> - OAR 309-035-0107(4)(g) - OAR 309-035-0146(2)(o)(F) - OAR 309-035-0155(5)(f) 		
<p>10. Do individuals have the freedom and support to control their own schedules and activities? 42 CFR 441.301(c)(4)(vi)(C) 42 CFR 441.530(a)(1)(vi)(C) 42 CFR 441.710(a)(1)(vi)(C)</p>	<p>HSD AFH: Yes</p> <p>HSD RTF/RTH: No</p>	<ul style="list-style-type: none"> - Implement new Home and Community-Based Services and Settings rules, including the requirement that individuals have the freedom and support to control their own schedules and activities - OAR 411-004-0000(3)(e) - OAR 411-004-0010(14) - OAR 411-004-0020(1)(d), (2)(i) - Updated HSD-specific program rules to reflect the requirement that individuals have the freedom and support to control their own schedules and activities. Rules reviewed/updated include: - OAR 309-040-0301(2)(i) - OAR 309-040-0392(2)(o)(A)(vii) - OAR 309-040-0410(1)(b)(O), (2)(c, h) <p>HSD RTF/RTH:</p>	<p>Overarching HCBS OARs: Align/Comply</p> <p>HSD OARs: Align/Comply</p>	<p>HCBS rules became effective 01/01/16</p> <p>HSD-specific Rules reviewed/updated and effective 09/06/16</p>

		<ul style="list-style-type: none"> - OAR 309-035-0107(1)(d-e), (4)(i) - OAR 309-035-0146(2)(o)(G) - OAR 309-035-0155(5)(c) 		
<p>11. Do individuals have access to food at any time? 42 CFR 441.301(c)(4)(vi)(C) 42 CFR 441.530(a)(1)(vi)(C) 42 CFR 441.710(a)(1)(vi)(C)</p>	<p>HSD AFH: Yes</p> <p>HSD RTF/RTH: Yes</p>	<ul style="list-style-type: none"> - Implement new Home and Community-Based Services and Settings rules, including the requirement that individuals have access to food at any time - OAR 411-004-0020(2)(j) - Updated HSD-specific program rules to reflect the requirement that individuals have access to food at any time. Rules reviewed/updated include: HSD AFH: <ul style="list-style-type: none"> - OAR 309-040-0301(2)(j) - OAR 309-040-0385(8) - OAR 309-040-0392(2)(o)(A)(ii) - OAR 309-040-0410(1)(b)(O) HSD RTF/RTH: <ul style="list-style-type: none"> - OAR 309-035-0107(4)(j) - OAR 309-035-0146(2)(o)(B) - OAR 309-035-0155(5)(g) - OAR 309-035-0170(3) 	<p>Overarching HCBS OARs: Align/Comply</p> <p>HSD OARs: Align/Comply</p>	<p>HCBS rules became effective 01/01/16</p> <p>HSD-specific Rules reviewed/updated and effective 09/06/16</p>

<p>12. Are individuals able to have visitors of their choosing at any time? 42 CFR 441.301(c)(4)(vi)(D) 42 CFR 441.530(a)(1)(vi)(D) 42 CFR 441.710(a)(1)(vi)(D)</p>	<p>HSD AFH: Yes</p> <p>HSD RTF/RTH: No</p>	<ul style="list-style-type: none"> - Implement new Home and Community-Based Services and Settings rules, including the requirement that individuals are able to have visitors of their choosing at any time - OAR 411-004-0020(2)(h) - Updated HSD-specific program rules to reflect the requirement that individuals are able to have visitors of their choosing at any time. Rules reviewed/updated include: HSD AFH: <ul style="list-style-type: none"> - OAR 309-040-0301(2)(h) - OAR 309-040-0392(2)(o)(A)(iii) - OAR 309-040-0410(2)(b) HSD RTF/RTH: <ul style="list-style-type: none"> - OAR 309-035-0107(4)(h) - OAR 309-035-0146(2)(o)(C) - OAR 309-035-0155(5)(b) 	<p>Overarching HCBS OARs: Align/Comply</p> <p>HSD OARs: Align/Comply</p>	<p>HCBS rules became effective 01/01/16</p> <p>HSD-specific Rules reviewed/updated and effective 09/06/16</p>
<p>13. Is the setting physically accessible to the individual? 42 CFR 441.301(c)(4)(vi)(E) 42 CFR 441.530(a)(1)(vi)(E) 42 CFR 441.710(a)(1)(vi)(E)</p>	<p>HSD AFH: Yes</p> <p>HSD RTF/RTH: No</p>	<ul style="list-style-type: none"> - Implement new Home and Community-Based Services and Settings rules, including the requirement that the setting is accessible to the individual - OAR 411-004-0020(2)(b) - Updated HSD-specific program rules to reflect the requirement that the setting is accessible to 	<p>Overarching HCBS OARs: Align/Comply</p> <p>HSD OARs: Align/Comply</p>	<p>HCBS rules became effective 01/01/16</p> <p>HSD-specific Rules reviewed/updated and effective 09/06/16</p>

		<p>the individual. Rules reviewed/updated include:</p> <p>HSD AFH:</p> <ul style="list-style-type: none"> - OAR 309-040-0301(2)(a) - OAR 309-040-0365(1)(d), (3) <p>HSD RTF/RTH:</p> <ul style="list-style-type: none"> - OAR 309-035-0107(4)(a) - OAR 309-035-0125(2)(a-c), (3) - OAR 309-035-0155(4)(b) 		
14. Is the residential setting located in a building:				
<p>a. That is also a facility that provides inpatient institutional treatment?</p> <p>42 CFR 441.301(c)(5)(v)</p> <p>42 CFR 441.530(a)(2)(v)</p> <p>42 CFR 441.701(a)(2)(v)</p>	<p>HSD AFH: No</p> <p>HSD RTF/RTH: No</p>	<ul style="list-style-type: none"> - Implement new Home and Community-Based Services and Settings rules, including the requirement that the residential setting is not located in a building that is also a facility that provides inpatient institutional treatment - OAR 411-004-0020(7)(e)(A)(i) - Updated HSD-specific program rules to reflect the requirement that the residential setting is not located in a building that is also a facility that provides inpatient institutional treatment. Rules reviewed/updated include: <p>HSD AFH:</p> <ul style="list-style-type: none"> - OAR 309-040-0300(1)(a-b) <p>HSD RTF/RTH:</p> <ul style="list-style-type: none"> - OAR 309-035-0100(1)(a-b) 	<p>Overarching HCBS OARs: Align/Comply</p> <p>HSD OARs: Align/Comply</p>	<p>HCBS rules became effective 01/01/16</p> <p>HSD-specific Rules reviewed/updated and effective 09/06/16</p>

<p><i>b. On the grounds of or immediately adjacent to a public institution?</i> 42 CFR 441.301(c)(5)(v) 42 CFR 441.530(a)(2)(v) 42 CFR 441.710(a)(2)(v)</p>	<p>HSD AFH: No</p> <p>HSD RTF/RTH: Yes</p>	<ul style="list-style-type: none"> - Implement new Home and Community-Based Services and Settings rules, including the requirement that the residential setting is located in a building that is not on the grounds of or immediately adjacent to a public institution - OAR 411-004-0020(7)(e)(A)(ii) - Updated HSD-specific program rules to reflect the requirement that the residential setting is located in a building that is not on the grounds of or immediately adjacent to a public institution. Rules reviewed/updated include: HSD AFH: - OAR 309-040-0300(1)(a-b) HSD RTF/RTH: - OAR 309-035-0100(1)(a-b) 	<p>Overarching HCBS OARs: Align/Comply</p> <p>HSD OARs: Align/Comply</p>	<p>HCBS rules became effective 01/01/16</p> <p>HSD-specific Rules reviewed/updated and effective 09/06/16</p>
<p><i>c. On the grounds of or immediately adjacent to disability-specific housing?</i> 42 CFR 441.301(c)(5)(v) 42 CFR 441.530(a)(2)(v) 42 CFR 441.710(a)(2)(v)</p>	<p>HSD AFH: No</p> <p>HSD RTF/RTH: No</p>	<ul style="list-style-type: none"> - Implement new Home and Community-Based Services and Settings rules, including the requirement that the residential setting is located in a building that is not on the grounds of or immediately adjacent to disability-specific housing - OAR 411-004-0020(7)(e), (7)(e)(A)(iii) 	<p>Overarching HCBS OARs: Align/Comply</p> <p>HSD OARs: Align/Comply</p>	<p>HCBS rules became effective 01/01/16</p> <p>HSD-specific Rules reviewed/updated and effective 09/06/16</p>

		<ul style="list-style-type: none"> - Updated HSD-specific program rules to reflect the requirement that the residential setting is located in a building that is not on the grounds of or immediately adjacent to disability-specific housing. Rules reviewed/updated include: HSD AFH: - OAR 309-040-0300(1)(a-b) HSD RTF/RTH: - OAR 309-035-0100(1)(a-b) 		
RESIDENTIAL SETTINGS - System Questions				
<p>15. <i>Is the setting selected by the individual from among all available alternatives and is identified in the person-centered service plan?</i> 42 CFR 441.301(c)(4)(ii) 42 CFR 441.530(a)(1)(ii) 42 CFR 441.710(a)(1)(ii)</p>	<p>HSD AFH: Yes</p> <p>HSD RTF/RTH: Yes</p>	<ul style="list-style-type: none"> - Implement new Home and Community-Based Services and Settings rules, including the requirement that the residential setting is selected by the individual from among all available alternatives and is identified in the person-centered service plan - OAR 411-004-0020(1)(b), (1)(b)(D) - Updated HSD-specific program rules to reflect the requirement that the residential setting is selected by the individual from among all available alternatives and is identified in the person- 	<p>Overarching HCBS OARs: Align/Comply</p> <p>HSD OARs: Align/Comply</p>	<p>HCBS rules became effective 01/01/16</p> <p>HSD-specific Rules reviewed/updated and effective 09/06/16</p>

		<p>centered service plan. Rules reviewed/updated include:</p> <p>HSD AFH:</p> <ul style="list-style-type: none"> - OAR 309-040-0301(1)(b)(A-C) - OAR 309-040-0390(11)(a)(A-B) - OAR 309-040-0395(1) <p>HSD RTF/RTH:</p> <ul style="list-style-type: none"> - OAR 309-035-0107(1)(b)(A-C), (2)(a-c) - OAR 309-035-0145(1)(c) - OAR 309-035-0160(2)(b)(A-B) 		
<p>16. <i>Is the individual choice regarding services and supports, and who provides them, facilitated?</i></p> <p>42 CFR 441.301(c)(4)(v) 42 CFR 441.530(a)(1)(v) 42 CFR 441.710(a)(1)(v)</p>	<p>HSD AFH: Yes</p> <p>HSD RTF/RTH: Yes</p>	<ul style="list-style-type: none"> - Implement new Home and Community-Based Services and Settings, including the requirement that the individual's choice regarding services and supports, and who provides them, is facilitated - OAR 411-004-0020(1)(d), (1)(e) - OAR 411-004-0030(1)(h) - Updated HSD-specific program rules to reflect the requirement that the individual's choice regarding services and supports, and who provides them, is facilitated. Rules reviewed/updated include: HSD AFH: <ul style="list-style-type: none"> - OAR 309-040-0301(1)(d, e) - OAR 309-040-0390(10)(h) HSD RTF/RTH: <ul style="list-style-type: none"> - OAR 309-035-0107(1)(e) 	<p>Overarching HCBS OARs: Align/Comply</p> <p>HSD OARs: Align/Comply</p>	<p>HCBS rules became effective 01/01/16</p> <p>HSD-specific Rules reviewed/updated and effective 09/06/16</p>

		- OAR 309-035-0160(1)(h)		
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*The updated HSD-specific Rules available on Oregon's Secretary of States website 11/01/2016. The remediation grid will be updated with hyperlinks to the rules at that time.

DHS/APD

Area of Compliance and Regulation	Initial Status (As of 7/2014 for Residential and 9/2015 for Non-Residential)	Remediation Actions <i>[Include Links to OARs and Policies]</i>	OAR Compliance with CFR <i>[Align/Comply, Silent, Conflicts]</i>	Timeline
<p>1. <i>Is the setting integrated into the greater community?</i> 42 CFR 441.301(c)(4)(i) 42 CFR 441.530(a)(1)(i) 42 CFR 441.710(a)(1)(i)</p>	<p>APD AFH: Yes APD RCF/ALF: Yes APD ADS: Yes APD SLP: Yes</p>	<ul style="list-style-type: none"> - Implement new Home and Community-Based Services and Settings rules, including the requirement that settings are integrated into the greater community - OAR 411-004-0000(2) - OAR 411-004-0020(1)(a) - OAR 411-004-0030(2)(c)(B) - Updated APD-specific program rules to reflect requirement that settings are integrated into the greater community. Rules reviewed/updated include: <ul style="list-style-type: none"> - APD AFH OAR 411-050-0602(4), (41) OAR 411-050-0645(1)(b)(D) OAR 411-050-0655(9)(a)(l) - APD RCF/ALF OAR 411-054-0000(1), (2) OAR 411-054-0012(4)(c)-(e) - APD Case Management OAR 411-028-0000(1) OAR 411-028-0020(2)(b) - APD Specialized Living OAR 411-065-0000 	<p>Overarching HCBS OARs: Align/Comply</p> <p>APD OARs: Align/Comply</p>	<p>HCBS rules became effective 01/01/16</p> <p>APD-specific Rules reviewed/updated and effective 01/01/16</p>

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<p>2. Does the setting facilitate the individual's full access to the greater community, in the same manner as individuals without disabilities, including: 42 CFR 441.301(c)(2)(i) & (c)(4)(i) 42 CFR 441.530(a)(1)(ii) 42 CFR 441.710(a)(1)(ii)</p>	<p>APD AFH: Yes APD RCF/ALF: Yes APD ADS: Yes APD SLP: Yes</p>	<ul style="list-style-type: none"> - Implement new Home and Community-Based Services and Settings rules, including the requirement that settings facilitate the individual's full access to the greater community, in the same manner as individuals without disabilities - OAR 411-004-0000(2) - OAR 411-004-0020(1)(a), (1)(e), (3) - OAR 411-004-0030(2)(c)(B), (2)(c)(D) - Updated APD-specific program rules to reflect requirement that settings facilitate the individual's full access to the greater community, in the same manner as individuals without disabilities. Rules reviewed/updated include: <ul style="list-style-type: none"> - APD AFH OAR 411-050-0600 OAR 411-050-0602(41), (42) OAR 411-050-0645(1)(b)(D), (1)(f) OAR 411-050-0655(9)(a)(l) - APD RCF/ALF OAR 411-054-0000(1), (2) OAR 411-054-0012(4)(c)-(e) delete - APD Specialized Living OAR 411-065-0046(1) 	<p>Overarching HCBS OARs Align/Comply</p> <p>APD OARs Align/Comply</p>	<p>HCBS rules became effective 01/01/16</p> <p>APD-specific Rules reviewed/updated and effective 01/01/16</p>
<p>a. Opportunities to seek employment and work in competitive integrated settings?</p>	<p>APD AFH: Yes APD RCF/ ALF: Yes</p>	<ul style="list-style-type: none"> - Implement new Home and Community-Based Services and Settings rules, including the requirement that the setting facilitates 	<p>Overarching HCBS OARs Align/Comply</p>	<p>HCBS rules became effective 01/01/16</p>

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<p>42 CFR 441.301(c)(2)(i) & (c)(4)(i) 42 CFR 441.530(a)(1)(i) 42 CFR 441.710(a)(1)(i)</p>	<p>APD ADS: Programs for Older Adults or Memory Care – Generally N/A; Programs for People with Disabilities – Yes</p> <p>APD SLP: Yes</p>	<p>opportunities for individuals to seek employment and work in competitive integrated settings</p> <ul style="list-style-type: none"> - OAR 411-004-0000(2)(a) - OAR 411-004-0010(2) - OAR 411-004-0020(1)(a)(A) - OAR 411-004-0030(2)(c)(C) <p>- Updated APD-specific program rules to reflect the requirement that the setting facilitates opportunities for individuals to seek employment and work in competitive integrated settings. Rules reviewed/updated include:</p> <ul style="list-style-type: none"> - APD AFH OAR 411-050-0600 OAR 411-050-0602(41) OAR 411-050-0645(1)(b)(D) - APD RCF/ALF OAR 411-054-0000(2) 	<p>APD OARs Align/Comply</p>	<p>APD-specific Rules reviewed/updated and effective 01/01/16</p>
<p><i>b. Engage in community life?</i> 42 CFR 441.301(c)(2)(i) & (c)(4)(i) 42 CFR 441.530(a)(1)(i) 42 CFR 441.710(a)(1)(i)</p>	<p>APD AFH: Yes</p> <p>APD RCF/ ALF: Yes</p> <p>APD ADS: Yes</p> <p>APD SLP: Yes</p>	<p>- Implement new Home and Community-Based Services and Settings rules, including the requirement that the setting facilitates individuals engagement in community life</p> <p>OAR 411-004-0000(2)(b) OAR 411-004-0020(1)(a)(B) OAR 411-004-0030(2)(c)(D)</p> <p>- Updated APD-specific program rules to reflect the requirement that the</p>	<p>Overarching HCBS OARs Align/Comply</p> <p>APD OARs Align/Comply</p>	<p>HCBS rules became effective 01/01/16</p> <p>APD-specific Rules reviewed/updated and effective 01/01/16</p>

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		<p>setting facilitates individuals' engagement in community life. Rules reviewed/updated include:</p> <ul style="list-style-type: none"> - APD AFH <p>OAR 411-050-0600 OAR 411-050-0602(41) OAR 411-050-0645(1)(b)(D) OAR 411-050-0655(9)(a)(C),(H),(I)</p> <ul style="list-style-type: none"> - APD RCF/ALF <p>OAR 411-054-0000(2) OAR 411-054-0027(1)(m)-(n)</p> <ul style="list-style-type: none"> - APD K-State Plan <p>OAR 411-035-0010(23)</p> <ul style="list-style-type: none"> - APD Specialized Living <p>OAR 411-065-0046</p>		
<p><i>c. Control personal resources?</i> 42 CFR 441.301(c)(2)(i) & (c)(4)(i) 42 CFR 441.530(a)(1)(i) 42 CFR 441.710(a)(1)(i)</p>	<p>APD AFH: Yes APD RCF/ALF: Yes APD ADS: Yes APD SLP: Yes</p>	<ul style="list-style-type: none"> - Implement new Home and Community-Based Services and Settings rules, including the requirement that the setting facilitates individuals control personal resources - OAR 411-004-0000(2)(c), (3)(e) - OAR 411-004-0010(14) - OAR 411-004-0020(1)(a)(C) - OAR 411-004-0030(2)(c)(A), (2)(c)(D) - Updated APD-specific program rules to reflect the requirement that the setting facilitates individuals control personal resources. Rules reviewed/updated include: - APD AFH <p>OAR 411-050-0600 OAR 411-050-0602(41)</p>	<p>Overarching HCBS OARs Align/Comply</p> <p>APD OARs Align/Comply</p>	<p>HCBS rules became effective 01/01/16</p> <p>APD-specific Rules reviewed/updated and effective 01/01/16</p>

		OAR 411-050-0645(1)(b)(D) OAR 411-050-0655(9)(a)(M) - APD RCF/ALF OAR 411-054-0000(2) OAR 411-054-0027(1)(i) OAR 411-054-0085(8)(a) - APD Specialized Living OAR 411-065-0046		
<p><i>d. Receive services in the community?</i> 42 CFR 441.301(c)(2)(i) & (c)(4)(i) 42 CFR 441.530(a)(1)(i) 42 CFR 441.710(a)(1)(i)</p>	<p>APD AFH: Yes APD RCF/ALF: blank APD ADS: Yes APD SLP: Yes</p>	<ul style="list-style-type: none"> - Implement new Home and Community-Based Services and Settings rules, including the requirement that settings facilitate individuals receiving services in the community - OAR 411-004-0000(2), (2)(d) - OAR 411-004-0010(6), (17) - OAR 411-004-0020(1)(a)(D) - OAR 411-004-0030(2)(c)(D) - Updated APD-specific program rules to reflect the requirement that the setting facilitates individuals receiving services in the community. Rules reviewed/updated include: <ul style="list-style-type: none"> - APD AFH <p> OAR 411-050-0602(41) OAR 411-050-0645(1)(b)(D) - APD RCF/ALF OAR 411-054-0000(2) OAR 411-054-0027(1)(m)-(n) OAR 411-054-0045(2)(b) - APD Case Management OAR 411-028-0010(4) </p>	<p>Overarching HCBS OARs Align/Comply</p> <p>APD OARs Align/Comply</p>	<p>HCBS rules became effective 01/01/16</p> <p>APD-specific Rules reviewed/updated and effective 01/01/16</p>

		<p>OAR 411-028-0020(1)(c), (2)(b) - APD In-Home Services OAR 411-030-0002(1), (36) OAR 411-030-0033(2)(a) OAR 411-030-0100(1) - APD Homecare Workers in CEP OAR 411-031-0040(5), (7) - APD Memory Care Communities OAR 411-057-0140(5)(a), (k) - APD Specialized Living OAR 411-065-0046</p>		
<p>3. <i>Are the individual's essential personal rights of privacy, dignity and respect, and freedom from coercion and restraint protected?</i> 42 CFR 441.301(c)(4)(iii) 42 CFR 441.530(a)(1)(iii) 42 CFR 441.710(a)(1)(iii)</p>	<p>APD AFH: Yes APD RCF/ALF: Yes APD ADS: Yes APD SLP: Yes</p>	<ul style="list-style-type: none"> - Implement new Home and Community-Based Services and Settings rules, including the requirement that the individual's essential personal rights of privacy, dignity and respect, and freedom from coercion and restraint are protected - OAR 411-004-0020(1)(c), (2) - Per CMS' request, amend overarching Home and Community-Based Services and Settings rule to allow application of individually-based limitations to the rule to an individual's right of freedom from restraint, in accordance with approved 1915(k), and existing ORS and OARs. - Updated APD-specific program rules to reflect the requirement that the individual's essential personal rights 	<p>Overarching HCBS OARs Align/Comply APD OARs Align/Comply AFH ORS (441.739) Align/Comply</p>	<p>HCBS rules became effective 01/01/16 *Amendment to 411-004-0020, and 411-004-0040 with an effective date of 01/01/2017 APD-specific Rules reviewed/updated and effective 01/01/16</p>

of privacy, dignity and respect, and freedom from coercion and restraint are protected. Rules reviewed/updated include:

- APD AFH

[OAR 411-050-0602\(41\),\(42\)](#)

[OAR 411-050-0645\(1\)\(b\)\(D\), \(1\)\(e\), \(7\)\(b\)\(A\),\(B\), \(7\)\(d\)](#)

[OAR 411-050-0655\(8\)\(a\), \(8\)\(d\), \(8\)\(j\)\(B\), \(9\)\(a\)\(A\),\(F\),\(G\),\(H\),\(J\),\(L\), \(9\)\(b\)\(D\),\(H\)](#)

[OAR 411-050-0665\(14\)\(a\), \(14\)\(c\)\(B\)](#)

[ORS 443.738\(9\)](#) states chemical and physical restraints may only be used to treat a resident's medical symptoms or to maximize a resident's physical functioning. They may not be used for the home's convenience or for discipline.

[ORS 443.739\(1\), \(4\), \(7\), and \(8\)](#) reflect the requirement that the individual's essential personal rights of privacy, dignity and respect, and freedom from coercion and restraint are protected.

- APD RCF/ALF

[OAR 411-054-0000\(2\)](#)

[OAR 411-054-0025\(7\), \(10\)](#)

[OAR 411-054-0027\(1\)\(a\), \(1\)\(g\), \(1\)\(k\)](#)

[OAR 411-054-0060\(1\)](#)

- APD Case Management

[OAR 411-028-0000\(1\)](#)

- APD In-Home Services

[OAR 411-030-0002\(1\)](#)

[OAR 411-030-0100\(1\)](#)

		<ul style="list-style-type: none"> - APD K-State Plan OAR 411-035-0000(1) OAR 411-035-0010(23) - APD Memory Care Communities OAR 411-057-0100 OAR 411-057-0140(5)(a)-(e) OAR 411-057-0160(1) OAR 411-057-0170(1) - APD Specialized Living OAR 411-065-0046 		
<p>4. <i>Are the individual's initiative, autonomy, and independence in making life choices, including but not limited to, daily activities, physical environment, and with whom to interact are optimized and not regimented?</i></p> <p>42 CFR 441.301(c)(4)(iv) 42 CFR 441.530(a)(1)(iv) 42 CFR 441.701(a)(1)(iv)</p>	<p>APD AFH: Yes</p> <p>APD RCF/ALF: Yes</p> <p>APD ADS: Yes</p> <p>APD SLP: Yes</p>	<ul style="list-style-type: none"> - Implement new Home and Community-Based Services and Settings rules, including the requirement that the individual's initiative, autonomy, and independence in making life choices, including but not limited to, daily activities, physical environment, and with whom to interact, are optimized and not regimented <p>OAR 411-004-0000(1), (3)(e)</p> <ul style="list-style-type: none"> - OAR 411-004-0010(14) - OAR 411-004-0020(1)(d), (1)(e), (2)(f), (2)(i) - OAR 411-004-0030(1)(c), (1)(h) <ul style="list-style-type: none"> - Updated APD-specific program rules to reflect the requirement that the individual's initiative, autonomy, and independence in making life choices, including but not limited to, daily activities, physical environment, and with whom to interact, are optimized 	<p>Overarching HCBS OARs Align/Comply</p> <p>APD OARs Align/Comply</p>	<p>HCBS rules became effective 01/01/16</p> <p>APD-specific Rules reviewed/updated and effective 01/01/16</p>

		<p>and not regimented. Rules reviewed/updated include:</p> <ul style="list-style-type: none"> - APD AFH OAR 411-050-0600 OAR 411-050-0602(41),(42) OAR 411-050-0645(1)(b)(D) OAR 411-050-0655(4)(a)(K),(N), (8)(a), (9)(a)(C),(H),(I),(K), (9)(b)(A-H) - APD RCF/ALF OAR 411-054-0000(1), (2) OAR 411-054-0025(10) OAR 411-054-0027(1) OAR 411-054-0036(6)(a) - APD Case Management OAR 411-028-0000(1) OAR 411-028-0010(4) OAR 411-028-0020(1)(c), (2)(b) - APD In-Home Services OAR 411-030-0002(1) OAR 411-030-0100(1) - APD K-State Plan OAR 411-035-0010(23) OAR 411-035-0015(4) - APD Memory Care Communities OAR 411-057-0160(1), (2)(a), (2)(d) - APD Specialized Living OAR 411-065-0046 - APD Service Priorities OAR411-015-0008(1)(a)(C), (2)(b)(B) 		
RESIDENTIAL SETTINGS				
<p>5. Is the unit or room a specific physical place that can be owned, rented or occupied under a legally</p>	<p>APD AFH: No APD RCF/ALF: Yes</p>	<p>- Implement new Home and Community-Based Services and Settings rules, including the requirement that the unit or room is a</p>	<p>Overarching HCBS OARs Align/Comply</p>	<p>HCBS rules became effective 01/01/16</p>

<p><i>enforceable agreement that provides the individual, at a minimum, the same responsibilities and protections from eviction that tenants have under the State's landlord tenant laws?</i></p> <p>42 CFR 441.301(c)(4)(vi)(A) 42 CFR 441.530(a)(1)(vi)(A) 42 CFR 441.710(a)(1)(vi)(A)</p>		<p>specific physical place that can be owned, rented or occupied under a legally enforceable agreement that provides the individual, at a minimum, the same responsibilities and protections from eviction that tenants have under the State's landlord tenant laws</p> <ul style="list-style-type: none"> - OAR 411-004-0010(18), (21) - OAR 411-004-0020(1)(b), (2)(c) - Updated APD-specific program rules to reflect the requirement that the unit or room is a specific physical place that can be owned, rented or occupied under a legally enforceable agreement that provides the individual, at a minimum, the same responsibilities and protections from eviction that tenants have under the State's landlord tenant laws. Rules reviewed/updated include: <ul style="list-style-type: none"> - APD AFH OAR 411-050-0602(41) OAR 411-050-0615(2) OAR 411-050-0645(1)(b)(D) OAR 411-050-0655(9)(b)(A) - APD RCF/ALF OAR 411-054-0000(2) OAR 411-054-0025(10) OAR 411-054-0027(2)(a) - APD In-Home Services OAR 411-030-0002(1) 	<p>APD OARs Align/Comply</p>	<p>APD-specific Rules reviewed/updated and effective 01/01/16</p>
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		<p>OAR 411-030-0033 - APD Memory Care Communities OAR 411-057-0110(24)</p>		
<p>6. Do individuals have privacy in their sleeping or living unit? 42 CFR 441.301(c)(4)(vi)(B) 42 CFR 441.530(a)(1)(vi)(B) 42 CFR 441.710(a)(1)(vi)(B)</p>	<p>APD AFH: Yes* APD RCF/ALF: Yes</p>	<p>- Implement new Home and Community-Based Services and Settings rules, including the requirement that individuals have privacy in their sleeping or living unit - OAR 411-004-0010(21) - OAR 411-004-0020(1)(c), (2)(d) - Updated APD-specific program rules to reflect the requirement that individuals have privacy in their sleeping or living unit. Rules reviewed/updated include: - APD AFH OAR 411-050-0602(41) OAR 411-050-0615(2)(d)(G) OAR 411-050-0645(1)(b)(D) OAR 411-050-0650(4)(d), (4)(e), (5)(d)(A)-(B) OAR 411-050-0655(4)(b)(G), (9)(a)(G) - APD RCF/ALF OAR 411-054-0000(2) OAR 411-054-0025(7) OAR 411-054-0027(1)(a), (1)(g), (1)(j) - APD Specialized Living OAR 411-065-0046(2)(e)</p>	<p>Overarching HCBS OARs Align/Comply APD OARs Align/Comply</p>	<p>HCBS rules became effective 01/01/16 APD-specific Rules reviewed/updated and effective 01/01/16</p>

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<p>7. Do units have lockable entrance doors, with appropriate staff having keys to doors? 42 CFR 441.301(c)(4)(vi)(B)(1) 42 CFR 441.530(a)(1)(vi)(B)(1) 42 CFR 441.710(a)(1)(vi)(B)(1)</p>	<p>APD AFH: No APD RCF: Not always APD ALF: Yes</p>	<ul style="list-style-type: none"> - Implement new Home and Community-Based Services and Settings, including the requirement that units have lockable entrance doors, with appropriate staff having keys to doors - OAR 411-004-0020(2)(e) - Updated APD-specific program rules to reflect the requirement that units have lockable entrance doors, with appropriate staff having keys to doors. Rules reviewed/updated include: <ul style="list-style-type: none"> - APD AFH OAR 411-050-0602(41) OAR 411-050-0615(2)(d)(C) OAR 411-050-0645(1)(b)(D) OAR 411-050-0650(4)(e), (5)(c), (5)(d)(A-C) - APD RCF/ALF OAR 411-054-0000(2) OAR 411-054-0020(5)(a) OAR 411-054-0027(1)g), (1)(j) OAR 411-054-0300(4)(e) 	<p>Overarching HCBS OARs Align/Comply APD OARs Align/Comply</p>	<p>HCBS rules became effective 01/01/16 APD-specific Rules reviewed/updated and effective 01/01/16</p>
<p>8. If individuals share rooms, do they do so only at their choice? 42 CFR 441.301(c)(4)(vi)(B)(2) 42 CFR 441.530(a)(1)(vi)(B)(2) 42 CFR 441.710(a)(1)(vi)(B)(2)</p>	<p>APD AFH: Yes APD RCF/ALF: Yes</p>	<ul style="list-style-type: none"> - Implement new Home and Community-Based Services and Settings rules, including the requirement that if individuals share rooms, they do so only at their choice - OAR 411-004-0020(2)(f) - Updated APD-specific program rules to reflect the requirement that if 	<p>Overarching HCBS OARs Align/Comply APD OARs Align/Comply</p>	<p>HCBS rules became effective 01/01/16 APD-specific Rules reviewed/updated and effective 01/01/16</p>

		<p>individuals share rooms, they do so only at their choice. Rules reviewed/updated include:</p> <ul style="list-style-type: none"> - APD AFH <p>OAR 411-050-0602(41) OAR 411-050-0615(2)(d)(D) OAR 411-050-0645(1)(b)(D) OAR 411-050-0655 (4)(b)(D), (9)(b)(E)</p> <ul style="list-style-type: none"> - APD RCF/ALF <p>OAR 411-054-0000(2) OAR 411-054-0027(1)(g), (1)(j), (2)(d)</p> <ul style="list-style-type: none"> - APD Service Priorities <p>OAR 411-015-0008(1)(a)(C), (2)(b)(B)</p>		
<p>9. Do individuals have the freedom to furnish and decorate their sleeping or living units?</p> <p>42 CFR 441.301(c)(4)(vi)(B)(3) 42 CFR 441.530(a)(1)(vi)(B)(3) 42 CFR 441.710(a)(1)(vi)(B)(3)</p>	<p>APD AFH: Yes</p> <p>APD RCF/ALF: Yes</p>	<ul style="list-style-type: none"> - Implement new Home and Community-Based Services and Settings rules, including the requirement that individuals have the freedom to furnish and decorate their sleeping or living units - OAR 411-004-0020(2)(g) - Updated APD-specific program rules to reflect the requirement that individuals have the freedom to furnish and decorate their sleeping or living units. Rules reviewed/updated include: <ul style="list-style-type: none"> - APD AFH <p>OAR 411-050-0602(41) OAR 411-050-0615(2)(d)(E) OAR 411-050-0645(1)(b)(D) OAR 411-050-0655(4)(b)(E), (9)(b)(F)</p> <ul style="list-style-type: none"> - APD RCF/ALF 	<p>Overarching HCBS OARs Align/Comply</p> <p>APD OARs Align/Comply</p>	<p>HCBS rules became effective 01/01/16</p> <p>APD-specific Rules reviewed/updated and effective 01/01/16</p>

		<p>OAR 411-054-0000(2) OAR 411-054-0027(1)(g), (1)(j), (2)(e) - APD Memory Care Communities OAR 411-057-0170(8)(b)</p>		
<p>10. Do individuals have the freedom and support to control their own schedules and activities? 42 CFR 441.301(c)(4)(vi)(C) 42 CFR 441.530(a)(1)(vi)(C) 42 CFR 441.710(a)(1)(vi)(C)</p>	<p>APD AFH: Yes APD RCF/ALF: Yes</p>	<p>- Implement new Home and Community-Based Services and Settings rules, including the requirement that individuals have the freedom and support to control their own schedules and activities</p> <p>- OAR 411-004-0000(3)(e) - OAR 411-004-0010(14) - OAR 411-004-0020(1)(d), (2)(i)</p> <p>- Updated APD-specific program rules to reflect the requirement that individuals have the freedom and support to control their own schedules and activities. Rules reviewed/updated include:</p> <p>- APD AFH OAR 411-050-0602(41) OAR 411-050-0615(2)(d)(F) OAR 411-050-0645(1)(b)(D) OAR 411-050-0655(4)(b)(f), (9)(b)(G) - APD RCF/ALF OAR 411-054-0000(2) OAR 411-054-0027(1)(a), (1)(g), (1)(j), (1)(k), (1)(m), (1)(n), (2)(f) - APD In-Home Services OAR 411-030-0040(8)(a)</p>	<p>Overarching HCBS OARs Align/Comply</p> <p>APD OARs Align/Comply</p>	<p>HCBS rules became effective 01/01/16</p> <p>APD-specific Rules reviewed/updated and effective 01/01/16</p>

		<ul style="list-style-type: none"> - APD Memory Care Communities OAR 411-057-0160(2)(d) - APD Specialized Living OAR 411-065-0046(2) 		
<p>11. Do individuals have access to food at any time? 42 CFR 441.301(c)(4)(vi)(C) 42 CFR 441.530(a)(1)(vi)(C) 42 CFR 441.710(a)(1)(vi)(C)</p>	<p>APD AFH: Yes APD RCF: Not always APD ALF: Yes</p>	<ul style="list-style-type: none"> - Implement new Home and Community-Based Services and Settings rules, including the requirement that individuals have access to food at any time - OAR 411-004-0020(2)(j) - Updated APD-specific program rules to reflect the requirement that individuals have access to food at any time. Rules reviewed/updated include: <ul style="list-style-type: none"> - APD AFH OAR 411-050-0602(41), (42) OAR 411-050-0615(2)(d)(A) OAR 411-050-0645(1)(b)(D), (4)(c)(C) OAR 411-050-0655(4)(b)(A), (8)(a), (9)(b)(B) - APD RCF/ALF OAR 411-054-0000(2) OAR 411-054-0027(1)(g), (1)(j), (2)(b) 	<p>Overarching HCBS OARs Align/Comply APD OARs Align/Comply</p>	<p>HCBS rules became effective 01/01/16 APD-specific Rules reviewed/updated and effective 01/01/16</p>
<p>12. Are individuals able to have visitors of their choosing at any time? 42 CFR 441.301(c)(4)(vi)(D) 42 CFR 441.530(a)(1)(vi)(D) 42 CFR 441.710(a)(1)(vi)(D)</p>	<p>APD AFH: Yes** APD RCF/ALF: Not defined in OAR</p>	<ul style="list-style-type: none"> - Implement new Home and Community-Based Services and Settings rules, including the requirement that individuals are able to have visitors of their choosing at any time - OAR 411-004-0020(2)(h) 	<p>Overarching HCBS OARs Align/Comply APD OARs Align/Comply</p>	<p>HCBS rules became effective 01/01/16 APD-specific Rules reviewed/updated and effective 01/01/16</p>

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		<ul style="list-style-type: none"> - Updated APD-specific program rules to reflect the requirement that individuals are able to have visitors of their choosing at any time. Rules reviewed/updated include: <ul style="list-style-type: none"> - APD AFH OAR 411-050-0602(41) OAR 411-050-0615(2)(d)(B) OAR 411-050-0645(1)(b)(D) OAR 411-050-0655(4)(b)(B), (8)(a), (9)(b)(C) - APD RCF/ALF OAR 411-054-0000(2) OAR 411-054-0027(1)(g), (2)(c) - APD Specialized Living OAR 411-065-0046(2) 		
<p>13. Is the setting physically accessible to the individual? 42 CFR 441.301(c)(4)(vi)(E) 42 CFR 441.530(a)(1)(vi)(E) 42 CFR 441.710(a)(1)(vi)(E)</p>	<p>APD AFH: Yes APD RCF/ALF: Yes</p>	<ul style="list-style-type: none"> - Implement new Home and Community-Based Services and Settings rules, including the requirement that the setting is accessible to the individual <ul style="list-style-type: none"> - OAR 411-004-0020(2)(b) - Updated APD-specific program rules to reflect the requirement that the setting is accessible to the individual. Rules reviewed/updated include: <ul style="list-style-type: none"> - APD AFH OAR 411-050-0602(41) OAR 411-050-0645(1)(b)(D) OAR 411-050-0650(1)(a), (1)(e), (5)(f), (5)(s) - APD RCF/ALF OAR 411-054-0000(2) 	<p>Overarching HCBS OARs Align/Comply APD OARs Align/Comply</p>	<p>HCBS rules became effective 01/01/16 APD-specific Rules reviewed/updated and effective 01/01/16</p>

		OAR 411-054-0200(5)(d)-(h) OAR 411-054-0300(5)		
14. Is the residential setting located in a building:				
<p>a. That is also a facility that provides inpatient institutional treatment? 42 CFR 441.301(c)(5)(v) 42 CFR 441.530(a)(2)(v) 42 CFR 441.701(a)(2)(v)</p>	<p>APD AFH: No APD RCF/ ALF: No</p>	<ul style="list-style-type: none"> - Implement new Home and Community-Based Services and Settings rules, including the requirement that the residential setting is not located in a building that is also a facility that provides inpatient institutional treatment - OAR 411-004-0020(7)(e)(A)(i) - Updated APD-specific program rules to reflect the requirement that the residential setting is not located in a building that is also a facility that provides inpatient institutional treatment. Rules reviewed/updated include: <ul style="list-style-type: none"> - APD AFH <p>OAR 411-050-0602(41), (42) OAR 411-050-0645(1)(b)(D) OAR 411-050-0655(8)(a)</p> <ul style="list-style-type: none"> - APD RCF/ALF <p>OAR 411-054-0000(2)</p>	<p>Overarching HCBS OARs Align/Comply</p> <p>APD OARs Align/Comply</p>	<p>HCBS rules became effective 01/01/16</p> <p>APD-specific Rules reviewed/updated and effective 01/01/16</p>
<p>b. On the grounds of or immediately adjacent to a public institution?</p>	<p>APD AFH: Possibly adjacent</p>	<ul style="list-style-type: none"> - Implement new Home and Community-Based Services and Settings rules, including the 	<p>Overarching HCBS OARs Align/Comply</p>	<p>HCBS rules became effective 01/01/16</p>

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<p>42 CFR 441.301(c)(5)(v) 42 CFR 441.530(a)(2)(v) 42 CFR 441.710(a)(2)(v)</p>	<p>APD RCF/ALF: In some situations</p>	<p>requirement that the residential setting is located in a building that is not on the grounds of or immediately adjacent to a public institution</p> <ul style="list-style-type: none"> - OAR 411-004-0020(7)(e)(A)(ii) - Updated APD-specific program rules to reflect the requirement that the residential setting is located in a building that is not on the grounds of or immediately adjacent to a public institution. Rules reviewed/updated include: <ul style="list-style-type: none"> - APD AFH OAR 411-050-0602(41), (42) OAR 411-050-0645(1)(b)(D) OAR 411-050-0655(8)(a) - APD RCF/ALF OAR 411-054-0000(2) 	<p>APD OARs Align/Comply</p>	<p>APD-specific Rules reviewed/updated and effective 01/01/16</p>
<p><i>c. On the grounds of or immediately adjacent to disability-specific housing?</i> 42 CFR 441.301(c)(5)(v) 42 CFR 441.530(a)(2)(v) 42 CFR 441.710(a)(2)(v)</p>	<p>APD AFH: Possibly adjacent APD RCF/ALF: In some situations</p>	<ul style="list-style-type: none"> - Implement new Home and Community-Based Services and Settings rules, including the requirement that the residential setting is located in a building that is not on the grounds of or immediately adjacent to disability-specific housing - OAR 411-004-0020(7)(e), (7)(e)(A)(iii) - Updated APD-specific program rules to reflect the requirement that the residential setting is located in a building that is not on the grounds of or immediately adjacent to disability- 	<p>Overarching HCBS OARs Align/Comply APD OARs Align/Comply</p>	<p>HCBS rules became effective 01/01/16 APD-specific Rules reviewed/updated and effective 01/01/16</p>

		<p>specific housing. Rules reviewed/updated include:</p> <ul style="list-style-type: none"> - APD AFH <p>OAR 411-050-0602(41), (42) OAR 411-050-0645(1)(b)(D) OAR 411-050-0655(8)(a)</p> <ul style="list-style-type: none"> - APD RCF/ALF <p>OAR 411-054-0000(2)</p>		
RESIDENTIAL SETTINGS - System Questions				
<p>15. <i>Is the setting selected by the individual from among all available alternatives and is identified in the person-centered service plan?</i> 42 CFR 441.301(c)(4)(ii) 42 CFR 441.530(a)(1)(ii) 42 CFR 441.710(a)(1)(ii)</p>	<p>APD AFH: Yes</p> <p>APD RCF/ALF: Yes</p>	<ul style="list-style-type: none"> - Implement new Home and Community-Based Services and Settings rules, including the requirement that the residential setting is selected by the individual from among all available alternatives and is identified in the person-centered service plan - OAR 411-004-0020(1)(b), (1)(b)(D) - Updated APD-specific program rules to reflect the requirement that the residential setting is selected by the individual from among all available alternatives and is identified in the person-centered service plan. Rules reviewed/updated include: <ul style="list-style-type: none"> - APD AFH <p>OAR 411-050-0602(41) OAR 411-050-0615(2) OAR 411-050-0645(1)(b)(D)</p> <ul style="list-style-type: none"> - APD RCF/ALF <p>OAR 411-054-0000(2)</p> 	<p>Overarching HCBS OARs Align/Comply</p> <p>APD OARs Align/Comply</p>	<p>HCBS rules became effective 01/01/16</p> <p>APD-specific Rules reviewed/updated and effective 01/01/16</p>

		<ul style="list-style-type: none"> - APD Case Management OAR 411-028-0020(1)(c), (2)(b) - APD Homecare Workers in CEP OAR 411-031-0040(2), (5), (7) - APD K-State Plan OAR 411-035-0015(5) - APD Specialized Living OAR 411-065-0035(1) 		
<p>16. <i>Is the individual choice regarding services and supports, and who provides them, facilitated?</i> 42 CFR 441.301(c)(4)(v) 42 CFR 441.530(a)(1)(v) 42 CFR 441.710(a)(1)(v)</p>	<p>APD AFH: Yes APD RCF/ALF: Yes</p>	<ul style="list-style-type: none"> - Implement new Home and Community-Based Services and Settings, including the requirement that the individual's choice regarding services and supports, and who provides them, is facilitated - OAR 411-004-0020(1)(d), (1)(e) - OAR 411-004-0030(1)(h) - Updated APD-specific program rules to reflect the requirement that the individual's choice regarding services and supports, and who provides them, is facilitated. Rules reviewed/updated include: <ul style="list-style-type: none"> - APD AFH OAR 411-050-0602(41) OAR 411-050-0645(1)(b)(D) - APD RCF/ALF OAR 411-054-0000(2) OAR 411-054-0005(10), (16), (63), (67) OAR 411-054-0025(7) OAR 411-054-0027(1)(a)-(b) - APD Case Management OAR 411-028-0010(4) 	<p>Overarching HCBS OARs Align/Comply</p> <p>APD OARs Align/Comply</p>	<p>HCBS rules became effective 01/01/16</p> <p>APD-specific Rules reviewed/updated and effective 01/01/16</p>

		<p>OAR 411-028-0020(1)(c), (2)(b) - APD In-Home Services</p> <p>OAR 411-030-0020(10), (11) OAR 411-030-0050(2)(a)-(b) - APD Homecare Workers in CEP</p> <p>OAR 411-031-0040(8) - APD K-State Plan</p> <p>OAR 411-035-0015(4), (5) - APD Memory Care Communities</p> <p>OAR 411-057-0160(2)(a)-(b) - APD Specialized Living</p> <p>OAR 411-065-0035(2), OAR 411-065-0046(2)(a), (b), (i) - APD Service Priorities</p> <p>OAR 411-015-0008(1)(a)(C), (2)(b)(B)</p>		
NON-RESIDENTIAL SETTINGS				
<i>17. Is the setting:</i>				
<p><i>a. Located in a building that provides inpatient institutional treatment?</i> 42 CFR 441.301(c)(5)(v) 42 CFR 441.530(a)(2)(v) 42 CFR 441.710(a)(2)(v)</p>	<p>APD ADS: No</p> <p>APD SLP: No</p>	<ul style="list-style-type: none"> - Implement new Home and Community-Based Services and Settings rules, including the requirement that the non-residential setting is not located in a building that provides inpatient institutional treatment - OAR 411-004-0000 - OAR 411-004-0020(7), (7)(e)(A)(i), (7)(e)(B) - Updated APD AFH OARs for Definitions to reflect the requirement that the non-residential setting is not located in a building that provides 	<p>Overarching HCBS OARs Align/Comply</p> <p>APD OARs Align/Comply</p>	<p>HCBS rules became effective 01/01/16</p> <p>APD-specific Rules reviewed/updated and effective 01/01/16</p>

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		<p>inpatient institutional treatment. Rules reviewed/updated include:</p> <ul style="list-style-type: none"> - APD AFH OAR 411-050-0602(41) - APD RCF/ALF OAR 411-054-0000(2) - APD Adult Day Services OAR 411-066-0020(6)(e) 		
<p><i>b. Located in a building on the grounds of or immediately adjacent to a public or private institution?</i> 42 CFR 441.301(c)(5)(v) 42 CFR 441.530(a)(2)(v) 42 CFR 441.710(a)(2)(v)</p>	<p>APD ADS: No APD SLP: No</p>	<ul style="list-style-type: none"> - Implement new Home and Community-Based Services and Settings rules, including the requirement that the non-residential setting is not located in a building on the grounds of or immediately adjacent to a public or private institution - OAR 411-004-0000 - OAR 411-004-0020(7), (7)(e)(A)(ii), (7)(e)(B) - Updated APD-specific program rules to reflect the requirement that the non-residential setting is not located in a building on the grounds of or immediately adjacent to a public or private institution. Rules reviewed/updated include: <ul style="list-style-type: none"> - APD AFH OAR 411-050-0602(41) - APD RCF/ALF OAR 411-054-0000(2) 	<p>Overarching HCBS OARs Align/Comply</p> <p>APD OARs Align/Comply</p>	<p>HCBS rules became effective 01/01/16</p> <p>APD-specific Rules reviewed/updated and effective 01/01/16</p>

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<p>18. Does the setting have the effect of isolating individuals receiving Medicaid HCBS from the broader community? 42 CFR 441.301(c)(5)(v) 42 CFR 441.530(a)(2)(v) 42 CFR 441.710(a)(2)(v)</p>	<p>APD ADS: No APD SLP: No</p>	<ul style="list-style-type: none"> - Implement new Home and Community-Based Services and Settings rules, including the requirement that the non-residential setting does not have the effect of isolating individuals receiving Medicaid HCBS from the broader community - OAR 411-004-0000 - OAR 411-004-0020(1), (7), (7)(e)(A)(iii), (7)(e)(B) - Updated APD-specific program rules to reflect the requirement that the non-residential setting does not have the effect of isolating individuals receiving Medicaid HCBS from the broader community. Rules reviewed/updated include: <ul style="list-style-type: none"> - APD AFH OAR 411-050-0602(41) - APD RCF/ALF OAR 411-054-0000(2) - APD Adult Day Services OAR 411-066-0005(2) OAR 411-066-0020(3) 	<p>Overarching HCBS OARs Align/Comply</p> <p>APD OARs Align/Comply</p>	<p>HCBS rules became effective 01/01/16</p> <p>APD-specific Rules reviewed/updated and effective 01/01/16</p>
<p>19. Is the setting physically accessible to the individuals using it? 42 CFR 441.301(c)(4)(vi)(E) 42 CFR 441.530(a)(vi)(E) 42 CFR 441.710(a)(vi)(E)</p>	<p>APD ADS: Yes APD SLP: Yes</p>	<ul style="list-style-type: none"> - Implement new Home and Community-Based Services and Settings rules, including the requirement that the non-residential setting is physically accessible to the individuals using it - OAR 411-004-0000 	<p>Overarching HCBS OARs Align/Comply</p> <p>APD OARs Align/ Comply</p>	<p>HCBS rules became effective 01/01/16</p> <p>APD-specific Rules reviewed/updated</p>

		<ul style="list-style-type: none">- OAR 411-004-0020(2)(b)- Update APD-specific program rules to reflect the requirement that the non-residential setting is physically accessible to the individuals using it. Rules reviewed/updated include:<ul style="list-style-type: none">- APD AFH <p>OAR 411-050-0602(41)</p> <ul style="list-style-type: none">- APD RCF/ALF <p>OAR 411-054-0000(2)</p> <ul style="list-style-type: none">- APD Adult Day Services <p>OAR 411-066-0020(4)</p>		and effective 01/01/16
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NON-RESIDENTIAL SETTINGS – System Questions				
<p>20. <i>Is the non-residential service setting selected by the individual from among setting options that include non-disability specific settings and are the setting options identified and documented in the person-centered service plan?</i></p> <p>42 CFR 441.301(c)(4)(ii) 42 CFR 441.530(a)(1)(ii) 42 CFR 441.710(a)(1)(ii)</p>	<p>APD ADS: Yes</p> <p>APD SLP: Yes</p>	<ul style="list-style-type: none"> - Implement new Home and Community-Based Services and Settings rules, including the requirement that the non-residential setting is selected by the individual from among setting options that include non-disability specific settings and are the setting options identified and documented in the person-centered service plan - OAR 411-004-0000 - OAR 411-004-0020(1), (1)(b) - Updated APD-specific program rules to reflect the requirement that the non-residential setting is selected by the individual from among setting options that include non-disability specific settings and are the setting options identified and documented in the person-centered service plan. Rules reviewed/updated include: <ul style="list-style-type: none"> - APD Case Management <p>OAR 411-028-0010(4) OAR 411-028-0020(1)(c), (2)(b)</p>	<p>Overarching HCBS OARs Align/Comply</p> <p>APD OARs Align/Comply</p>	<p>HCBS rules became effective 01/01/16</p> <p>APD-specific Rules reviewed/updated and effective 01/01/16</p>
<p>21. <i>Does the setting facilitate individual choice regarding services and supports, and who provides them?</i></p> <p>42 CFR 441.301(c)(4)(v) 42 CFR 441.530(a)(1)(v) 42 CFR 441.710(a)(1)(v)</p>	<p>APD ADS: Yes</p> <p>APD SLP: Yes</p>	<ul style="list-style-type: none"> - Implement new Home and Community-Based Services and Settings rules, including the requirement that the non-residential setting facilitates individual choice regarding services and supports, and who provides them - OAR 411-004-0010(17) 	<p>Overarching HCBS OARs Align/Comply</p> <p>APD OARs Align/Comply</p>	<p>HCBS rules became effective 01/01/16</p> <p>APD-specific Rules reviewed/updated and effective 01/01/16</p>

		<ul style="list-style-type: none"> - OAR 411-004-0020(1)(e), (2) - OAR 411-004-0030(2)(c)(H), (2)(c)(P) - Updated APD-specific program rules to reflect the requirement that the non-residential setting facilitates individual choice regarding services and supports, and who provides them. Rules reviewed/updated include: <ul style="list-style-type: none"> - APD Case Management <p>OAR 411-028-0000(1) OAR 411-028-0010(4) OAR 411-028-0020(1)(c), (2)(b)</p> <ul style="list-style-type: none"> - APD Service Priorities <p>OAR 411-015-0008(1)(a)(C), (2)(b)(B)</p>		
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*1 or 2 individuals may share a bedroom

*Unless visiting hours are limited as disclosed in house policies

ACRONYM KEY

APD ADS = Certified Adult Day Services
APD AFH = Adult Foster/Group Home
APD ALF = Assisted Living Facility
APD CCRC = Continuing Care Retirement Community
APD CEP = Consumer-Employed Provider Program
APD RCF = Residential Care Facility
APD SLP = Contracted/Specialized Living Program

DHS/ODDS

Area of Compliance and Regulation	Initial Status	Remediation Actions <i>[Include Links to OARs and Policies]</i>	Current Status- OAR Compliance w/CFR <i>[Align/Comply, Silent, or Conflicts]</i>	Timeline
<p>1. <i>Is the setting integrated into the greater community?</i> 42 CFR 441.301(c)(4)(i) 42 CFR 441.530(a)(1)(i) 42 CFR 441.710(a)(1)(i)</p>	<p>DD AFH: Yes</p> <p>DD Group Homes: Yes</p> <p>DD Certified Employment Services: Yes*</p> <p>DD Certified Day Services: Yes*</p>	<ul style="list-style-type: none"> • Implement new Home and Community-Based Services and Settings rules, including the requirement that settings are integrated- <ul style="list-style-type: none"> - OAR 411-004-0000(2) - OAR 411-004-0020(1)(a) - OAR 411-004-0030(2)(c)(B) • Update DD specific program, service and setting rules to reflect requirement of community-integrated settings. Rules updated to reflect integration requirement include: <ul style="list-style-type: none"> - Case Management Services OAR 411-415-0070(1)(a);(f) OAR 411-415-0090(2)(b)(H) - Agency Certification and Endorsement to Provide Developmental Disabilities Services in Community-Based Settings OAR 411-323-0030(1)(b);(3);(4)(a)(C) OAR 411-323-0035 (1)(c);(3)(a);(4)(a)(B) - Community Living Supports 	<p>Align/Comply</p>	<p>HCBS rule created 1/1/16</p> <p>DD Specific rules updated 1/1/16 & 6/28/16</p>

		<p>OAR 411-450-0050(8)(p) OAR 411-450-0060(5)(b)(B)</p> <ul style="list-style-type: none"> - Employment Services for Individuals with Intellectual or Developmental Disabilities <p>OAR 411-345-0010(3);(4)(d) OAR 411-345-0020(2) OAR 411-345-0025;(3);(5);(8)(e)(f);(10)(a)(A)(i)(iii);(10)(a)(B);(10)(b)(c);(10)(c)(D)(F); (10)(G) OAR 411-345-0140(2)(b) OAR 411-345-0160(5)(c)</p> <ul style="list-style-type: none"> • Oregon Revised Statutes (ORS) provides additional requirements to reinforce HCBS standards for individuals receiving services: - ORS 427.007(1)(a) - ORS 427.007(4) 		
<p>2. Does the setting facilitate the individual's full access to the greater community, in the same manner as individuals without disabilities, including: 42 CFR 441.301(c)(2)(i) & (c)(4)(i) 42 CFR 441.530(a)(1)(ii) 42 CFR 441.710(a)(1)(ii)</p>	<p>DD AFH: Yes DD Group Homes: Yes DD Certified Employment Services: Yes* DD Certified Day Services: Yes*</p>	<ul style="list-style-type: none"> • Implement new Home and Community-Based Services and Settings rules, including the requirement that settings facilitate access to the greater community- - OAR 411-004-0000(2) - OAR 411-004-0020(1)(a); (1)(e); (3) - OAR 411-004-0030(2)(c)(B), (2)(c)(D) • Update DD specific program, service and setting rules to reflect requirement that settings facilitate access to the greater community. Rules updated include: 	<p>Align/Comply</p>	<p>HCBS rule created 1/1/16 DD Specific rules updated 1/1/16 & 6/28/16</p>

		<ul style="list-style-type: none">- Case Management Services OAR 411-415-0070(1)(a):(f) OAR 411-415-0090(2)(b)(H)- Agency Certification and Endorsement to Provide Developmental Disabilities Services in Community-Based Settings OAR 411-323-0030(1)(b):(3):(4)(a)(C) OAR 411-323-0035 (1)(c):(3)(a):(4)(a)(B)- Community Living Supports OAR 411-450-0050(8)(p) OAR 411-450-0060(5)(b)(B)- Individual Rights, Complaints, Notification of Planned Action, and Contested Case Hearings for Developmental Disabilities Services OAR 411-318-0010(1)(i):(o) OAR 411-318-0010(3)- Employment Services for Individuals with Intellectual or Developmental Disabilities OAR 411-345-0010(3):(4)(d) OAR 411-345-0020(2) OAR 411-345-0025:(3):(5):(8)(e)(f):(10)(a)(A)(i)(iii):(10)(a)(B):(10)(b)(c):(10)(c)(D)(F); (10)(G) OAR 411-345-0140(2)(b) OAR 411-345-0160(5)(c) <ul style="list-style-type: none">• Oregon Revised Statutes (ORS) provides additional requirements to reinforce HCBS standards for individuals receiving services:<ul style="list-style-type: none">- ORS 427.007(1)(a)- ORS 427.007(4)		
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Oregon's Home and Community Based (HCB) Setting Transition Plan **10-31-2016**

<p>a. Opportunities to seek employment and work in competitive integrated settings? 42 CFR 441.301(c)(2)(i) & (c)(4)(i) 42 CFR 441.530(a)(1)(i) 42 CFR 441.710(a)(1)(i)</p>	<p>DD AFH: Yes</p> <p>DD Group Homes: Yes</p> <p>DD Certified Employment Services: Yes*</p> <p>DD Certified Day Services: Yes*</p>	<ul style="list-style-type: none"> • Implement new Home and Community-Based Services and Settings rules, including the requirement that settings support opportunities to seek employment and work in competitive, integrated settings- <ul style="list-style-type: none"> - OAR 411-004-0000(2)(a) - OAR 411-004-0010(2) - OAR 411-004-0020(1)(a)(A) - OAR 411-004-0030(2)(c)(C) • Update DD specific program, service and setting rules to reflect opportunities to seek employment and work in competitive, integrated settings. Rules updated include: <ul style="list-style-type: none"> - Case Management Services OAR 411-415-0070(1)(a):(f) OAR 411-415-0090(2)(b)(H) - Agency Certification and Endorsement to Provide Developmental Disabilities Services in Community-Based Settings OAR 411-323-0030(1)(b):(3):(4)(a)(C) OAR 411-323-0035 (1)(c):(3)(a):(4)(a)(B) - Community Living Supports OAR 411-450-0050(8)(p) OAR 411-450-0060(5)(b)(B) - Employment Services for Individuals with Intellectual or Developmental Disabilities OAR 411-345-0010(3):(4)(d) OAR 411-345-0020(2) OAR 411-345-0025(1)-(5):(8)(e)(f) 	<p>Align/Comply</p>	<p>HCBS rule created 1/1/16</p> <p>DD Specific rules updated 1/1/16 & 6/28/16</p>
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		<p><u>OAR 411-345-0025(10)(a)(A)(i)(iii); (a)(B);(b)(c);(c)(D)(F);(d);(G)</u> <u>OAR 411-345-0140(2)(b)</u> <u>OAR 411-345-0160(5)(c)</u></p> <ul style="list-style-type: none"> • Oregon Revised Statutes (ORS) provides additional requirements to reinforce HCBS standards for individuals receiving services: <ul style="list-style-type: none"> - <u>ORS 427.007(1)(a)</u> - <u>ORS 427.007(4)</u> 		
<p><i>b. Engage in community life?</i> 42 CFR 441.301(c)(2)(i) & (c)(4)(i) 42 CFR 441.530(a)(1)(i) 42 CFR 441.710(a)(1)(i)</p>	<p>DD AFH: Yes DD Group Homes: Yes DD Certified Employment Services: Yes DD Certified Day Services: Yes</p>	<ul style="list-style-type: none"> • Implement new Home and Community-Based Services and Settings rules, including the requirement that settings support individuals to engage in community life- <ul style="list-style-type: none"> - <u>OAR 411-004-0000(2)(b)</u> - <u>OAR 411-004-0020(1)(a)(B)</u> - <u>OAR 411-004-0030(2)(c)(D)</u> • Update DD specific program, service and setting rules to reflect requirement that settings support individuals to engage in community life. Rules updated include: <ul style="list-style-type: none"> - Case Management Services <u>OAR 411-415-0070(1)(a);(f)</u> <u>OAR 411-415-0090(2)(b)(H)</u> - Agency Certification and Endorsement to Provide Developmental Disabilities Services in Community-Based Settings <u>OAR 411-323-0030(1)(b);(3);(4)(a)(C)</u> <u>OAR 411-323-0035 (1)(c);(3)(a);(4)(a)(B)</u> 	<p>Align/Comply</p>	<p>HCBS rule created 1/1/16 DD Specific rules updated 1/1/16 & 6/28/16</p>

		<ul style="list-style-type: none"> - Community Living Supports OAR 411-450-0050(8)(p) OAR 411-450-0060(5)(b)(B) - Individual Rights, Complaints, Notification of Planned Action, and Contested Case Hearings for Developmental Disabilities Services OAR 411-318-0010(1)(i);(o) OAR 411-318-0010(3) - Employment Services for Individuals with Intellectual or Developmental Disabilities OAR 411-345-0010(3);(4)(d) OAR 411-345-0020(2) OAR 411-345-0025(3);(5);(8)(e)(f) OAR 411-345-0025(10)(a)(A)(i)(iii);(a)(B);(b)(c);(c)(D)(F);(G) OAR 411-345-0140(2)(b) OAR 411-345-0160(5)(c) • Oregon Revised Statutes (ORS) provides additional requirements to reinforce HCBS standards for individuals receiving services: <ul style="list-style-type: none"> - ORS 427.007(1)(a) - ORS 427.007(4) 		
<p>c. Control personal resources? 42 CFR 441.301(c)(2)(i) & (c)(4)(i) 42 CFR 441.530(a)(1)(i) 42 CFR 441.710(a)(1)(i)</p>	<p>DD AFH: Yes DD Group Homes: Yes DD Certified Employment</p>	<ul style="list-style-type: none"> • Implement new Home and Community-Based Services and Settings rules, including the requirement that settings support individuals to control personal resources- <ul style="list-style-type: none"> - OAR 411-004-0000(2)(c); (3)(e) - OAR 411-004-0010(14) 	<p>Align/Comply</p>	<p>HCBS rule created 1/1/16</p>

	<p>Services: Yes</p> <p>DD Certified Day Services: Yes</p>	<ul style="list-style-type: none"> - OAR 411-004-0020(1)(a)(C) - OAR 411-004-0030(2)(c)(A), (2)(c)(D) <ul style="list-style-type: none"> • Update DD specific program, service and setting rules to reflect requirement that settings support individuals to control personal resources. Rules updated include: <ul style="list-style-type: none"> - Case Management Services OAR 411-415-0070(1)(a);(f) OAR 411-415-0090(2)(b)(H) - Agency Certification and Endorsement to Provide Developmental Disabilities Services in Community-Based Settings OAR 411-323-0030(1)(b);(3);(4)(a)(C) OAR 411-323-0035 (1)(c);(3)(a);(4)(a)(B) - Community Living Supports OAR 411-450-0050(8)(p) OAR 411-450-0060(5)(b)(B) - Individual Rights, Complaints, Notification of Planned Action, and Contested Case Hearings for Developmental Disabilities Services OAR 411-318-0010(1)(k);(m) OAR 411-318-0010(3) - Employment Services for Individuals with Intellectual or Developmental Disabilities OAR 411-345-0010(3);(4)(d) OAR 411-345-0025(3) OAR 411-345-0140(2)(b) OAR 411-345-0160(5)(c) 		<p>DD Specific rules updated 1/1/16 & 6/28/16</p>
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		<ul style="list-style-type: none"> • Oregon Revised Statutes (ORS) provides additional requirements to reinforce HCBS standards for individuals receiving services: <ul style="list-style-type: none"> - ORS 427.007(1)(a) - ORS 427.007(4) 		
<p><i>d. Receive services in the community?</i> 42 CFR 441.301(c)(2)(i) & (c)(4)(i) 42 CFR 441.530(a)(1)(i) 42 CFR 441.710(a)(1)(i)</p>	<p>DD AFH: Yes</p> <p>DD Group Homes: Yes</p> <p>DD Certified Employment Services: Yes</p> <p>DD Certified Day Services: Yes</p>	<ul style="list-style-type: none"> • Implement new Home and Community-Based Services and Settings rules, including the requirement that settings support individuals to receive services in the community- <ul style="list-style-type: none"> - OAR 411-004-0000(2):(2)(d) - OAR 411-004-0010(6), (17) - OAR 411-004-0020(1)(a)(D) - OAR 411-004-0030(2)(c)(D) • Update DD specific program, service and setting rules to reflect requirement that settings support individuals to receive services in the community. Rules updated include: <ul style="list-style-type: none"> - Case Management Services OAR 411-415-0070(1)(a):(f) OAR 411-415-0090(2)(b)(H) - Agency Certification and Endorsement to Provide Developmental Disabilities Services in Community-Based Settings OAR 411-323-0030(1)(b):(3):(4)(a)(C) OAR 411-323-0035 (1)(c):(3)(a):(4)(a)(B) - Community Living Supports OAR 411-450-0050(8)(p) OAR 411-450-0060(5)(b)(B) 	<p>Align/Comply</p>	<p>HCBS rule created 1/1/16</p> <p>DD Specific rules updated 1/1/16 & 6/28/16</p>

		<ul style="list-style-type: none"> - Individual Rights, Complaints, Notification of Planned Action, and Contested Case Hearings for Developmental Disabilities Services OAR 411-318-0010(1)(i);(o) OAR 411-318-0010(3) - Employment Services for Individuals with Intellectual or Developmental Disabilities OAR 411-345-0010(3);(4)(d) OAR 411-345-0020(2) OAR 411-345-0025(3);(5);(8)(e)(f) OAR 411-345-0025(10)(a)(A)(i)(iii);(a)(B);(b)(c);(c)(D)(F);(G) OAR 411-345-0140(2)(b) OAR 411-345-0160(5)(c) • Oregon Revised Statutes (ORS) provides additional requirements to reinforce HCBS standards for individuals receiving services: <ul style="list-style-type: none"> - ORS 427.007(1)(a) - ORS 427.007(4) 		
<p>3. <i>Are the individual's essential personal rights of privacy, dignity and respect, and freedom from coercion and restraint protected?</i> 42 CFR 441.301(c)(4)(iii) 42 CFR 441.530(a)(1)(iii) 42 CFR 441.710(a)(1)(iii)</p>	<p>DD AFH: Yes DD Group Homes: Yes DD Certified Employment Services: Yes</p>	<ul style="list-style-type: none"> - Implement new Home and Community-Based Services and Settings rules protecting individual rights- OAR 411-004-0020(1)(c); (2) - *Per CMS' request, amend overarching Home and Community-Based Services and Settings rule to allow application of individually-based limitations to the rule to an individual's right of freedom from 	<p>Align/Comply</p>	<p>HCBS rule created 1/1/16 *Amendment to 411-004-0020, and 411-004-0040 with an effective</p>

	<p>DD Certified Day Services: Yes</p>	<p>restraint, in accordance with approved 1915(k), and existing ORS and OARs.</p> <ul style="list-style-type: none"> - Update DD specific program, service and setting rules to further clarify and better reflect the protection of the individual's essential personal rights. Rules updated include: <ul style="list-style-type: none"> - Case Management Services <p>OAR 411-415-0030(3) OAR 411-415-0070(1)(a);(f) OAR 411-415-0090(2)(b)(H)</p> <ul style="list-style-type: none"> - Agency Certification and Endorsement to Provide Developmental Disabilities Services in Community-Based Settings <p>OAR 411-323-0030(1)(b);(3);(4)(a)(C) OAR 411-323-0035 (1)(c);(3)(a);(4)(a)(B)</p> <ul style="list-style-type: none"> - Community Living Supports <p>OAR 411-450-0050(8)(p) OAR 411-450-0060(5)(b)(B)</p> <ul style="list-style-type: none"> - Individual Rights, Complaints, Notification of Planned Action, and Contested Case Hearings for Developmental Disabilities Services <p>OAR 411-318-0010(1)(a)-(g) OAR 411-318-0010(3)</p> <ul style="list-style-type: none"> - Employment Services for Individuals with Intellectual or Developmental Disabilities <p>OAR 411-345-0010(3);(4)(d) OAR 411-345-0025(3) OAR 411-345-0140(2)(b) OAR 411-345-0160(5)(c)</p>	<p>date of 01/01/2017</p> <p>DD Specific rules updated 1/1/16 & 6/28/16</p>
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		<ul style="list-style-type: none"> - Oregon Revised Statutes (ORS) provides additional requirements to reinforce HCBS standards for individuals receiving services: - ORS 427.007(1)(a) - ORS 427.007(4) - ORS 443.738(9) - ORS 443.739(1), (4), (7), and (8) 		
<p>4. Are the individual's initiative, autonomy, and independence in making life choices, including but not limited to, daily activities, physical environment, and with whom to interact are optimized and not regimented?</p> <p>42 CFR 441.301(c)(4)(iv) 42 CFR 441.530(a)(1)(iv) 42 CFR 441.701(a)(1)(iv)</p>	<p>DD AFH: Yes</p> <p>DD Group Homes: Yes</p> <p>DD Certified Employment Services: Yes</p> <p>DD Certified Day Services: Yes</p>	<ul style="list-style-type: none"> • Implement new Home and Community-Based Services and Settings rules protecting individual rights- <ul style="list-style-type: none"> - OAR 411-004-0000(1), (3)(e), - OAR 411-004-0010(14) - OAR 411-004-0020(1)(b)(D),(1)(d), (1)(e), (2)(f), (2)(i) - OAR 411-004-0030(1)(c), (1)(h) • Update DD specific program, service and setting rules to reflect initiative, autonomy, and independence are optimized. Rules updated include: <ul style="list-style-type: none"> - Case Management Services OAR 411-414-0030(3) OAR 411-415-0070(1)(a);(f);(2)(i)(F) OAR 411-415-0080(3) OAR 411-415-0090(2)(b)(H) - Agency Certification and Endorsement to Provide Developmental Disabilities Services in Community-Based Settings OAR 411-323-0030(1)(b);(3);(4)(a)(C) OAR 411-323-0035 (1)(c);(3)(a);(4)(a)(B) - Community Living Supports 	Align/Comply	<p>HCBS rule created 1/1/16</p> <p>DD Specific rules updated 1/1/16 & 6/28/16</p>

		<p>OAR 411-450-0050(8)(p) OAR 411-450-0060(5)(b)(B)</p> <ul style="list-style-type: none"> - Individual Rights, Complaints, Notification of Planned Action, and Contested Case Hearings for Developmental Disabilities Services <p>OAR 411-318-0010(1)(o)-(s) OAR 411-318-0010(3)</p> <ul style="list-style-type: none"> - Employment Services for Individuals with Intellectual or Developmental Disabilities <p>OAR 411-345-0010(3):(4)(d) OAR 411-345-0025(3):(8)(e)(f) OAR 411-345-0140(2)(b) OAR 411-345-0160(5)(c)</p> <ul style="list-style-type: none"> • Oregon Revised Statutes (ORS) provides additional requirements to reinforce HCBS standards for individuals receiving services: <ul style="list-style-type: none"> - ORS 427.007(1)(a) - ORS 427.007(4) 		
RESIDENTIAL SETTINGS				

<p>5. Is the unit or room a specific physical place that can be owned, rented or occupied under a legally enforceable agreement that provides the individual, at a minimum, the same responsibilities and protections from eviction that tenants have under the State's landlord tenant laws? 42 CFR 441.301(c)(4)(vi)(A) 42 CFR 441.530(a)(1)(vi)(A) 42 CFR 441.710(a)(1)(vi)(A)</p>	<p>DD AFH and DD Group Homes: OARS have protections re: notice of exit which serve as eviction, but there is no legal residency agreement required</p>	<ul style="list-style-type: none"> • Implement new Home and Community-Based Services and Settings rules specifically requiring written residency agreements for provider-owned, controlled, or operated residential service settings- <ul style="list-style-type: none"> - OAR 411-004-0010(18), (21) - OAR 411-004-0020(1)(b), (2)(c) • Most provider-owned or controlled settings in the DD system are exempt per statute from landlord tenant laws. DD settings rules reflect notice of exit requirements that are comparable to landlord tenant law eviction processes and protections. • Update DD specific setting rules to reflect the requirement of a legally enforceable agreement that provides protections from eviction, process, and appeals. (Existing rules reflected conditions for exit notice, process, timelines, and appeal rights). Updated rules include: <ul style="list-style-type: none"> - Individual Rights, Complaints, Notification of Planned Action, and Contested Case Hearings for Developmental Disabilities Services OAR 411-318-0010(4) - Agency Certification and Endorsement to Provide Developmental Disabilities Services in Community-Based Settings 	<p>Align/Comply</p>	<p>HCBS rule created 1/1/16</p> <p>DD Specific rules updated 1/1/16 & 6/28/16</p>
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		<p>OAR 411-323-0030(1)(b);(3);(4)(a)(C) OAR 411-323-0035 (1)(c);(3)(a);(4)(a)(B)</p> <ul style="list-style-type: none"> - 24-Hour Residential Programs and Settings for Children and Adults with Intellectual or Developmental Disabilities <p>OAR 411-325-0040(3)(c) OAR 411-325-0030(1)</p> <ul style="list-style-type: none"> - Adult Foster Homes for Individuals with Intellectual or Developmental Disabilities <p>OAR 411-360-0050(4)(r) OAR 411-360-0055(3) OAR 411-360-0170(7)</p> <ul style="list-style-type: none"> - Supported Living Programs for Adults with Intellectual or Developmental Disabilities <p>OAR 411-328-0625(3)</p> <ul style="list-style-type: none"> • Additional clarifying language will be added to program, service and setting administrative rules to more closely align with components of Oregon landlord tenant law, expanding timelines of notice requirements and allowing for the individual to remediate the conditions upon which a notice of exit is issued. 		<p>Updates to occur 6/2017</p>
<p>6. Do individuals have privacy in their sleeping or living unit? 42 CFR 441.301(c)(4)(vi)(B) 42 CFR 441.530(a)(1)(vi)(B) 42 CFR 441.710(a)(1)(vi)(B)</p>	<p>DD AFH: Yes DD Group Homes: Yes</p>	<ul style="list-style-type: none"> • Implement new Home and Community-Based Services and Settings rules addressing privacy in personal quarters of the individual for provider- 	<p>Align/Comply</p>	<p>HCBS rule created 1/1/16</p>

		<p>owned, controlled, or operated residential service settings-</p> <ul style="list-style-type: none"> - OAR 411-004-0010(21) - OAR 411-004-0020(1)(c), (2)(d) <p>• Privacy is considered an essential right of all individuals regardless of setting. Privacy is addressed in DD specific rules. The following rules explicitly state the right to privacy of individuals or reference the home and community-based services and setting and/or individual rights rules:</p> <ul style="list-style-type: none"> - Agency Certification and Endorsement to Provide Developmental Disabilities Services in Community-Based Settings OAR 411-323-0030(1)(b):(3):(4)(a)(C) OAR 411-323-0035(1)(c):(3)(a):(4)(a)(B) - Individual Rights, Complaints, Notification of Planned Action, and Contested Case Hearings for Developmental Disabilities Services OAR 411-318-0010(1)(g) OAR 411-318-0010(3) - 24-Hour Residential Programs and Settings for Children and Adults with Intellectual or Developmental Disabilities OAR 411-325-0300(2) - Adult Foster Homes for Individuals with Intellectual or Developmental Disabilities OAR 411-360-0170(11)(a)(I):(J) 		<p>DD Specific rules updated 1/1/16; 2/23/16; & 6/28/16</p>
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		<p>OAR 411-360-0170(11)(f):(g)</p> <ul style="list-style-type: none"> - Supported Living Programs for Adults with Intellectual or Developmental Disabilities <p>OAR 411-328-0720(1)</p> <ul style="list-style-type: none"> - Foster Homes for Children with Intellectual or Developmental Disabilities <p>OAR 411-346-0190(2)</p>		
<p>7. Do units have lockable entrance doors, with appropriate staff having keys to doors? 42 CFR 441.301(c)(4)(vi)(B)(1) 42 CFR 441.530(a)(1)(vi)(B)(1) 42 CFR 441.710(a)(1)(vi)(B)(1)</p>	<p>DD AFH: No DD Group Homes: No</p>	<ul style="list-style-type: none"> • Implement new Home and Community-Based Services and Settings rules requiring lockable doors on units in provider-owned, controlled, or operated residential service settings- - OAR 411-004-0020(2)(e) • DD Program, service and setting rules required updates to specifically address the expectation of locks available to individuals. Rules were updated to align with the global HCBS rule as well as setting rules which express the expectation of locks (with clarification that such locks must be single-action release for safety). The following rule updates reflect the new requirement: • Individual Rights, Complaints, Notification of Planned Action, and Contested Case Hearings for Developmental Disabilities Services <p>OAR 411-318-0010(4)</p>	<p>Align/Comply</p>	<p>HCBS rule created 1/1/16</p> <p>DD Specific rules updated 1/1/16; 2/23/16; & 6/28/16</p>

		<ul style="list-style-type: none">• Agency Certification and Endorsement to Provide Developmental Disabilities Services in Community-Based Settings OAR 411-323-0030(1)(b);(3);(4)(a)(C) OAR 411-323-0035 (1)(c);(3)(a);(4)(a)(B)• 24-Hour Residential Programs and Settings for Children and Adults with Intellectual or Developmental Disabilities OAR 411-325-0150(6)(d) OAR 411-325-0430(7)(a)(C)• Adult Foster Homes for Individuals with Intellectual or Developmental Disabilities OAR 411-360-0130(4)(d)• Supported Living Programs for Adults with Intellectual or Developmental Disabilities OAR 411-328-0625(4)(a)(C)• DD Children's Foster Homes had substantive changes to the administrative rules to reflect the new HCBS requirements. The previous prohibition on locks on bedroom doors was removed and language addressing locking bedroom doors as an option for children was added. This is reflected in:• Foster Homes for Children with Intellectual or Developmental Disabilities OAR 411-346-0200(3)(d)(C)		
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<p>8. If individuals share rooms, do they do so only at their choice? 42 CFR 441.301(c)(4)(vi)(B)(2) 42 CFR 441.530(a)(1)(vi)(B)(2) 42 CFR 441.710(a)(1)(vi)(B)(2)</p>	<p>DD AFH: Yes DD Group Homes: Yes</p>	<ul style="list-style-type: none"> • Implement new Home and Community-Based Services and Settings rules addressing choice in bedroom roommate for individuals sharing bedrooms in provider-owned, controlled, or operated residential service settings- <ul style="list-style-type: none"> - OAR 411-004-0020(2)(f) • DD Program, service and setting rules required updated language to reflect that individuals have a choice in roommate for shared bedroom situations. The rule updates are reflected specifically in the following setting rules: <ul style="list-style-type: none"> • Individual Rights, Complaints, Notification of Planned Action, and Contested Case Hearings for Developmental Disabilities Services OAR 411-318-0010(4) <ul style="list-style-type: none"> • Agency Certification and Endorsement to Provide Developmental Disabilities Services in Community-Based Settings OAR 411-323-0030(1)(b);(3);(4)(a)(C) OAR 411-323-0035 (1)(c);(3)(a);(4)(a)(B) <ul style="list-style-type: none"> • 24-Hour Residential Programs and Settings for Children and Adults with Intellectual or Developmental Disabilities OAR 411-325-0150(6)(c) OAR 411-325-0430(7)(a)(D) 	<p>Align/Comply</p>	<p>HCBS rule created 1/1/16</p> <p>DD Specific rules updated 1/1/16; & 6/28/16</p>
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		<ul style="list-style-type: none"> • Adult Foster Homes for Individuals with Intellectual or Developmental Disabilities OAR 411-360-0130(4)(b) • Supported Living Programs for Adults with Intellectual or Developmental Disabilities OAR 411-328-0625(4)(a)(D) 		
<p>9. Do individuals have the freedom to furnish and decorate their sleeping or living units? 42 CFR 441.301(c)(4)(vi)(B)(3) 42 CFR 441.530(a)(1)(vi)(B)(3) 42 CFR 441.710(a)(1)(vi)(B)(3)</p>	<p>DD AFH: Yes DD Group Homes: Yes</p>	<ul style="list-style-type: none"> • Implement new Home and Community-Based Services and Settings rules specifying that individuals have the freedom and support to furnish and decorate units in provider-owned, controlled, or operated residential service settings- - OAR 411-004-0020(2)(g) • DD Program, service and setting rules required updated language to reflect that individuals have a choice in roommate for shared bedroom situations. The rule updates are reflected specifically in the following setting rules: - Individual Rights, Complaints, Notification of Planned Action, and Contested Case Hearings for Developmental Disabilities Services OAR 411-318-0010(4) - Agency Certification and Endorsement to Provide Developmental Disabilities Services in Community-Based Settings 	<p>Align/Comply</p>	<p>HCBS rule created 1/1/16 DD Specific rules updated 1/1/16; & 6/28/16</p>

		<p>OAR 411-323-0030(1)(b);(3);(4)(a)(C) OAR 411-323-0035 (1)(c);(3)(a);(4)(a)(B)</p> <ul style="list-style-type: none"> - 24-Hour Residential Programs and Settings for Children and Adults with Intellectual or Developmental Disabilities <p>OAR 411-325-0220(2) OAR 411-325-0430(7)(a)(E)</p> <ul style="list-style-type: none"> - Adult Foster Homes for Individuals with Intellectual or Developmental Disabilities <p>OAR 411-360-0055(3)(a)(B) OAR 411-360-0130(4)(c)</p> <ul style="list-style-type: none"> - Supported Living Programs for Adults with Intellectual or Developmental Disabilities <p>OAR 411-328-0625(4)(a)(E)</p> <ul style="list-style-type: none"> - Foster Homes for Children with Intellectual or Developmental Disabilities <p>OAR 411-346-0200(3)(d)(H)</p>		
<p>10. Do individuals have the freedom and support to control their own schedules and activities? 42 CFR 441.301(c)(4)(vi)(C) 42 CFR 441.530(a)(1)(vi)(C) 42 CFR 441.710(a)(1)(vi)(C)</p>	<p>DD AFH: Yes DD Group Homes: Yes</p>	<ul style="list-style-type: none"> • Implement new Home and Community-Based Services and Settings rules specifying that individuals have the freedom and support to control their own schedules and activities in provider-owned, controlled, or operated residential service settings- <ul style="list-style-type: none"> - OAR 411-004-0000(3)(e) - OAR 411-004-0010(14) - OAR 411-004-0020(1)(d), (2)(i) 	<p>Align/Comply integration requirements</p>	<p>HCBS rule created 1/1/16</p> <p>DD Specific rules</p>

		<ul style="list-style-type: none">• Supporting self-direction and autonomy have been established concepts in Oregon's DD service system. Substantive rule changes were not necessary to address individual's freedom and support to control schedules and activities. The following rules reflect expectations that support the individual's freedom and support to control their own schedule and activities:• Individual Rights, Complaints, Notification of Planned Action, and Contested Case Hearings for Developmental Disabilities Services OAR 411-318-0010(1)(o)-(r);(w) OAR 411-318-0010(4)<ul style="list-style-type: none">• Agency Certification and Endorsement to Provide Developmental Disabilities Services in Community-Based Settings OAR 411-323-0030(1)(b);(3);(4)(a)(C) OAR 411-323-0035 (1)(c);(3)(a);(4)(a)(B)<ul style="list-style-type: none">• 24-Hour Residential Programs and Settings for Children and Adults with Intellectual or Developmental Disabilities OAR 411-325-0300(2) OAR 411-325-0430(7)(a)(F)<ul style="list-style-type: none">• Adult Foster Homes for Individuals with Intellectual or Developmental Disabilities OAR 411-360-130(5)(c) OAR 411-360-0170(5)(F)		updated 1/1/16; & 6/28/16
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		<p>OAR 411-360-0170(1)(f)(g)</p> <ul style="list-style-type: none"> Supported Living Programs for Adults with Intellectual or Developmental Disabilities <p>OAR 411-328-0625(4)(a)(F)</p> <ul style="list-style-type: none"> Foster Homes for Children with Intellectual or Developmental Disabilities <p>OAR 411-346-0190(1)(a)-(e)</p>		
<p>11. Do individuals have access to food at any time? 42 CFR 441.301(c)(4)(vi)(C) 42 CFR 441.530(a)(1)(vi)(C) 42 CFR 441.710(a)(1)(vi)(C)</p>	<p>DD AFH and DD Group Homes: Not defined in OAR</p>	<ul style="list-style-type: none"> Implement new Home and Community-Based Services and Settings rules specifying that individuals have the freedom and support to have access to food at any time in provider-owned, controlled, or operated residential service settings- <ul style="list-style-type: none"> - OAR 411-004-0020(2)(j) DD Specific program, setting, and service rules were updated to include more specific language addressing individual's freedom to have access to food at any time. Rule updates include: <ul style="list-style-type: none"> - Individual Rights, Complaints, Notification of Planned Action, and Contested Case Hearings for Developmental Disabilities Services <p>OAR 411-318-0010(1)(m) OAR 411-318-0010(4)</p>	<p>Align/Comply</p>	<p>HCBS rule created 1/1/16</p> <p>DD Specific rules updated 1/1/16; 2/23/16; & 6/28/16</p>

		<ul style="list-style-type: none"> - Agency Certification and Endorsement to Provide Developmental Disabilities Services in Community-Based Settings OAR 411-323-0030(1)(b):(3):(4)(a)(C) OAR 411-323-0035 (1)(c):(3)(a):(4)(a)(B) - 24-Hour Residential Programs and Settings for Children and Adults with Intellectual or Developmental Disabilities OAR 411-325-0130(1) OAR 411-325-0300(2) OAR 411-325-0430(7)(a)(A) - Adult Foster Homes for Individuals with Intellectual or Developmental Disabilities OAR 411-360-0130(5)(a):(c) OAR 411-360-0170(5)(A) - Supported Living Programs for Adults with Intellectual or Developmental Disabilities OAR 411-328-0625(4)(a)(F) OAR 411-328-0640(4) - Foster Homes for Children with Intellectual or Developmental Disabilities OAR 411-346-0190(6)(a)(B):(b) 		
<p>12. Are individuals able to have visitors of their choosing at any time? 42 CFR 441.301(c)(4)(vi)(D) 42 CFR 441.530(a)(1)(vi)(D) 42 CFR 441.710(a)(1)(vi)(D)</p>	<p>DD AFH and DD Group Homes: Not defined in OAR</p>	<ul style="list-style-type: none"> • Implement new Home and Community-Based Services and Settings rules specifying that individuals are able to have visitors of their choosing at any time in provider-owned, controlled, or operated residential service settings- OAR 411-004-0020(2)(h) 	<p>Align/Comply</p>	<p>HCBS rule created 1/1/16</p>

		<ul style="list-style-type: none"> • Changes were necessary to some DD specific program, service and settings rules to address conflict or lack of specificity in addressing an individual's ability to have visitors of their choosing at any time. Rules that restricted to or allowed for the practice of specific visiting hours were repealed. The following rules were adopted to set the expectation that individuals are able to have visitors of their choosing at any time: <ul style="list-style-type: none"> - Individual Rights, Complaints, Notification of Planned Action, and Contested Case Hearings for Developmental Disabilities Services OAR 411-318-0010(1)(g);(h) OAR 411-318-0010(4) - Agency Certification and Endorsement to Provide Developmental Disabilities Services in Community-Based Settings OAR 411-323-0030(1)(b);(3);(4)(a)(C) OAR 411-323-0035 (1)(c);(3)(a);(4)(a)(B) - 24-Hour Residential Programs and Settings for Children and Adults with Intellectual or Developmental Disabilities OAR 411-325-0300(2) OAR 411-325-0430(7)(a)(B) - Adult Foster Homes for Individuals with Intellectual or Developmental Disabilities 		DD Specific rules updated 1/1/16; 2/23/16; & 6/28/16
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		<p>OAR 411-360-0170(5)(B) OAR 411-360-0170(11)(a)(J);(f)</p> <ul style="list-style-type: none"> - Supported Living Programs for Adults with Intellectual or Developmental Disabilities <p>OAR 411-328-0625(4)(a)(B)</p> <ul style="list-style-type: none"> - Foster Homes for Children with Intellectual or Developmental Disabilities <p>OAR 411-346-0190(1)(g);(h)</p>		
<p>13. Is the setting physically accessible to the individual? 42 CFR 441.301(c)(4)(vi)(E) 42 CFR 441.530(a)(1)(vi)(E) 42 CFR 441.710(a)(1)(vi)(E)</p>	<p>DD AFH: Yes***</p> <p>DD Group Homes: Yes***</p>	<ul style="list-style-type: none"> • Implement new Home and Community-Based Services and Settings rules requiring provider-owned, controlled, or operated residential service settings be physically accessible to the individual- <ul style="list-style-type: none"> - OAR 411-004-0020(2)(b) • There were no specific non-compliance issues with DD specific program, service or settings rules, however, the DD system did take the opportunity to make changes to some administrative rules to better reflect the HCBS requirements that the setting be physically accessible to the individual. Rule changes are highlighted in the following: <ul style="list-style-type: none"> - Individual Rights, Complaints, Notification of Planned Action, and Contested Case Hearings for Developmental Disabilities Services <p>OAR 411-318-0010(4)</p>	<p>Align/Comply</p>	<p>HCBS rule created 1/1/16</p> <p>DD Specific rules updated 1/1/16; 2/23/16; & 6/28/16</p>

		<ul style="list-style-type: none"> - Agency Certification and Endorsement to Provide Developmental Disabilities Services in Community-Based Settings OAR 411-323-0030(1)(b):(3):(4)(a)(C) OAR 411-323-0035 (1)(c):(3)(a):(4)(a)(B) - 24-Hour Residential Programs and Settings for Children and Adults with Intellectual or Developmental Disabilities OAR 411-325-0140(2):(11) - Adult Foster Homes for Individuals with Intellectual or Developmental Disabilities OAR 411-360-0130(1)(c):(d):(i):(j):(k) - Supported Living Programs for Adults with Intellectual or Developmental Disabilities OAR 411-328-0650(1) - Foster Homes for Children with Intellectual or Developmental Disabilities OAR 411-346-0200(1)(a):(3)(b):(c):(g)(vi) 		
<p>14. Is the residential setting located in a building:</p>				
<p>a. That is also a facility that provides inpatient institutional treatment?⁴² CFR 441.301(c)(5)(v)⁴² CFR 441.530(a)(2)(v)⁴² CFR 441.701(a)(2)(v)</p>	<p>DD AFH: No DD Group Homes: No</p>	<ul style="list-style-type: none"> • Implement new Home and Community-Based Services and Settings rules addressing settings that are located in a building that provides inpatient institutional treatment: - OAR 411-004-0020(7)(e)(A)(i) 	<p>Align/Comply</p>	<p>HCBS rule created 1/1/16</p>

		<ul style="list-style-type: none"> • Oregon's global HCBS rules which mirror the federal regulations articulate this concept. DD specific licensing for settings rules reference the Oregon HCBS rules: - Agency Certification and Endorsement to Provide Developmental Disabilities Services in Community-Based Settings OAR 411-323-0030(1)(b);(3);(4)(a)(C) OAR 411-323-0035 (1)(c);(3)(a);(4)(a)(B) - Community Living Supports OAR 411-450-0050(8)(p) 		DD Specific rules updated 1/1/16; & 6/28/16
<p>b. On the grounds of or immediately adjacent to a public institution? 42 CFR 441.301(c)(5)(v) 42 CFR 441.530(a)(2)(v) 42 CFR 441.710(a)(2)(v)</p>	DD AFH: No DD Group Homes: No	<ul style="list-style-type: none"> • Implement new Home and Community-Based Services and Settings rules addressing settings that are on the grounds of or adjacent to a public institution: - OAR 411-004-0020(7)(e)(A)(ii) • Oregon's global HCBS rules which mirror the federal regulations articulate this concept. DD specific licensing for settings rules reference the Oregon HCBS rules: - Agency Certification and Endorsement to Provide Developmental Disabilities Services in Community-Based Settings OAR 411-323-0030(1)(b);(3);(4)(a)(C) OAR 411-323-0035 (1)(c);(3)(a);(4)(a)(B) - Community Living Supports OAR 411-450-0050(8)(p) 	Align/Comply	<p>HCBS rule created 1/1/16</p> <p>DD Specific rules updated 1/1/16; & 6/28/16</p>

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<p>c. On the grounds of or immediately adjacent to disability-specific housing? 42 CFR 441.301(c)(5)(v) 42 CFR 441.530(a)(2)(v) 42 CFR 441.710(a)(2)(v)</p>	<p>DD AFH: No DD Group Homes: No</p>	<ul style="list-style-type: none"> Implement new Home and Community-Based Services and Settings rules addressing settings that are on the grounds of or adjacent to disability-specific housing: <ul style="list-style-type: none"> - OAR 411-004-0020(7)(e), (7)(e)(A)(iii) Oregon's global HCBS rules which mirror the federal regulations articulate this concept. DD specific licensing for settings rules reference the Oregon HCBS rules: <ul style="list-style-type: none"> - Agency Certification and Endorsement to Provide Developmental Disabilities Services in Community-Based Settings OAR 411-323-0030(1)(b);(3);(4)(a)(C) OAR 411-323-0035 (1)(c);(3)(a);(4)(a)(B) <ul style="list-style-type: none"> - Community Living Supports OAR 411-450-0050(8)(p) 	<p>Align/Comply</p>	<p>HCBS rule created 1/1/16</p> <p>DD Specific rules updated 1/1/16; & 6/28/16</p>
RESIDENTIAL SETTINGS - System Questions				
<p>15. Is the setting selected by the individual from among all available alternatives and is identified in the person-centered service plan? 42 CFR 441.301(c)(4)(ii) 42 CFR 441.530(a)(1)(ii) 42 CFR 441.710(a)(1)(ii)</p>	<p>DD AFH: Yes DD Group Homes: Yes</p>	<ul style="list-style-type: none"> Implement new Home and Community-Based Services and Settings rules addressing the setting is selected by the individual and is documented in the person-centered service plan: <ul style="list-style-type: none"> - OAR 411-004-0020(1)(b), (1)(b)(D) Choice has been a fundamental value and guiding principle in Oregon's DD system. The following administrative rules have been updated to better 	<p>Align/Comply</p>	<p>HCBS rule created 1/1/16</p> <p>DD Specific rules updated</p>

		<p>articulate expectations regarding individual choice of setting:</p> <ul style="list-style-type: none"> - Individual Rights, Complaints, Notification of Planned Action, and Contested Case Hearings for Developmental Disabilities Services <p>OAR 411-318-0010(1)(o) OAR 411-318-0010(3)</p> <ul style="list-style-type: none"> - Case Management Services <p>OAR 411-415-0050(9) OAR 411-415-0070(5)(f) OAR 411-415-0080(1):(2):(3) OAR 411-415-0110(1)(b)</p> <ul style="list-style-type: none"> - Agency Certification and Endorsement to Provide Developmental Disabilities Services in Community-Based Settings <p>OAR 411-323-0030(1)(b):(3):(4)(a)(C) OAR 411-323-0035 (1)(c):(3)(a):(4)(a)(B)</p>		<p>1/1/16; & 6/28/16</p>
<p>16. <i>Is the individual choice regarding services and supports, and who provides them, facilitated?</i> 42 CFR 441.301(c)(4)(v) 42 CFR 441.530(a)(1)(v) 42 CFR 441.710(a)(1)(v)</p>	<p>DD AFH: Yes DD Group Homes: Yes</p>	<ul style="list-style-type: none"> • Implement new Home and Community-Based Services and Settings rules addressing individual choice regarding services and supports: <ul style="list-style-type: none"> - OAR 411-004-0020(1)(d), (1)(e) - OAR 411-004-0030(1)(h) • Choice has been a fundamental value and guiding principle in Oregon's DD system. The following administrative rules have been updated to better articulate expectations for facilitation of individual choice regarding services and supports and who provides them : 	<p>Align/Comply</p>	<p>HCBS rule created 1/1/16</p> <p>DD Specific rules updated 1/1/16; & 6/28/16</p>

		<ul style="list-style-type: none"> - Individual Rights, Complaints, Notification of Planned Action, and Contested Case Hearings for Developmental Disabilities Services OAR 411-318-0010(1)(o);(p);(q) OAR 411-318-0010(3) - Case Management Services OAR 411-415-0050(9) OAR 411-415-0070(5)(f) OAR 411-415-0080(1);(2);(3) OAR 411-415-0110(1)(b) - Agency Certification and Endorsement to Provide Developmental Disabilities Services in Community-Based Settings OAR 411-323-0030(1)(b);(3);(4)(a)(C) OAR 411-323-0035 (1)(c);(3)(a);(4)(a)(B) 		
NON-RESIDENTIAL SETTINGS				
17. <i>Is the setting:</i>				
<p>a. <i>Located in a building that provides inpatient institutional treatment?</i> 42 CFR 441.301(c)(5)(v) 42 CFR 441.530(a)(2)(v) 42 CFR 441.710(a)(2)(v)</p>	<p>DD Certified Employment Services: No</p> <p>DD Certified Day Services: No</p>	<ul style="list-style-type: none"> • Implement new Home and Community-Based Services and Settings rules addressing settings that are located in a building that provides inpatient institutional treatment: <ul style="list-style-type: none"> - OAR 411-004-0020(7)(e)(A)(i) • <i>Oregon's global HCBS rules which mirror the federal regulations articulate this concept. DD specific licensing for settings rules reference the Oregon HCBS rules:</i> 	Align/Comply	<p>HCBS rule created 1/1/16</p> <p>DD Specific rules updated 1/1/16; & 6/28/16</p>

		<ul style="list-style-type: none"> - Agency Certification and Endorsement to Provide Developmental Disabilities Services in Community-Based Settings OAR 411-323-0030(1)(b):(3):(4)(a)(C) OAR 411-323-0035 (1)(c):(3)(a):(4)(a)(B) - Community Living Supports OAR 411-450-0050(8)(p) - Employment Services for Individuals with Intellectual or Developmental Disabilities OAR 411-345-0010(4)(d) 		
<p><i>b. Located in a building on the grounds of or immediately adjacent to a public or private institution?</i> 42 CFR 441.301(c)(5)(v) 42 CFR 441.530(a)(2)(v) 42 CFR 441.710(a)(2)(v)</p>	<p>DD Certified Employment Services: No DD Certified Day Services: No</p>	<ul style="list-style-type: none"> • Implement new Home and Community-Based Services and Settings rules addressing settings that are on the grounds of or adjacent to a public institution: <ul style="list-style-type: none"> - OAR 411-004-0020(7)(e)(A)(ii) • <i>Oregon's global HCBS rules which mirror the federal regulations articulate this concept. DD specific licensing for settings rules reference the Oregon HCBS rules:</i> <ul style="list-style-type: none"> - Agency Certification and Endorsement to Provide Developmental Disabilities Services in Community-Based Settings OAR 411-323-0030(1)(b):(3):(4)(a)(C) OAR 411-323-0035 (1)(c):(3)(a):(4)(a)(B) - Community Living Supports OAR 411-450-0050(8)(p) 	<p>Align/Comply</p>	<p>HCBS rule created 1/1/16 DD Specific rules updated 1/1/16; & 6/28/16</p>

		<ul style="list-style-type: none"> - Employment Services for Individuals with Intellectual or Developmental Disabilities <p>OAR 411-345-0010(4)(d)</p>		
<p>18. Does the setting have the effect of isolating individuals receiving Medicaid HCBS from the broader community?</p> <p>42 CFR 441.301(c)(5)(v) 42 CFR 441.530(a)(2)(v) 42 CFR 441.710(a)(2)(v)</p>	<p>DD Certified Employment Services: No*</p> <p>DD Certified Day Services: No*</p>	<ul style="list-style-type: none"> • Implement new Home and Community-Based Services and Settings rules addressing settings that have the effect of isolating individual receiving Medicaid HCBS from the broader community: <ul style="list-style-type: none"> - OAR 411-004-0000 - OAR 411-004-0020(1), (7), (7)(e)(A)(iii), (7)(e)(B) • Oregon's global HCBS rules which mirror the federal regulations articulate this concept. DD specific licensing for settings rules reference the Oregon HCBS rules: <ul style="list-style-type: none"> - Agency Certification and Endorsement to Provide Developmental Disabilities Services in Community-Based Settings <p>OAR 411-323-0030(1)(b):(3):(4)(a)(C) OAR 411-323-0035 (1)(c):(3)(a):(4)(a)(B)</p> <ul style="list-style-type: none"> - Community Living Supports <p>OAR 411-450-0050(8)(p) OAR 411-450-0060(5)(b)(B)</p> <ul style="list-style-type: none"> - Employment Services for Individuals with Intellectual or Developmental Disabilities 	<p>Align/Comply</p>	<p>HCBS rule created 1/1/16</p> <p>DD Specific rules updated 1/1/16; & 6/28/16</p>

		OAR 411-345-0010(4)(d) OAR 411-345-0025(10)(G)(H)		
<p>19. Is the setting physically accessible to the individuals using it? 42 CFR 441.301(c)(4)(vi)(E)42 CFR 441.530(a)(vi)(E)42 CFR 441.710(a)(vi)(E)</p>	<p>DD Certified Employment Services: Yes</p> <p>DD Certified Day Services: Yes</p>	<ul style="list-style-type: none"> Implement new Home and Community-Based Services and Settings rules requiring provider-owned, controlled, or operated service settings be physically accessible to the individual- <ul style="list-style-type: none"> - OAR 411-004-0000 - OAR 411-004-0020(2)(b) Oregon's global HCBS rules which mirror the federal regulations articulate this concept. DD specific licensing for settings rules reference the Oregon HCBS rules: <ul style="list-style-type: none"> - Agency Certification and Endorsement to Provide Developmental Disabilities Services in Community-Based Settings <p>OAR 411-323-0030(1)(b):(3):(4)(a)(C) OAR 411-323-0035 (1)(c):(3)(a):(4)(a)(B)</p>	Align/Comply	<p>HCBS rule created 1/1/16</p> <p>DD Specific rules updated 1/1/16; & 6/28/16</p>
NON-RESIDENTIAL SETTINGS - System Questions				

<p>20. Is the non-residential service setting selected by the individual from among setting options that include non-disability specific settings and are the setting options identified and documented in the person-centered service plan? 42 CFR 441.301(c)(4)(ii) 42 CFR 441.530(a)(1)(ii) 42 CFR 441.710(a)(1)(ii)</p>	<p>DD Certified Employment Services: Yes DD Certified Day Services: Yes</p>	<ul style="list-style-type: none"> • Implement new Home and Community-Based Services and Settings rules addressing the setting is selected by the individual and is documented in the person-centered service plan: <ul style="list-style-type: none"> - OAR 411-004-0000 - OAR 411-004-0020(1), (1)(b) • Choice has been a fundamental value and guiding principle in Oregon's DD system. The following administrative rules have been updated to better articulate expectations regarding individual choice of setting: <ul style="list-style-type: none"> - Individual Rights, Complaints, Notification of Planned Action, and Contested Case Hearings for Developmental Disabilities Services OAR 411-318-0010(1)(o) OAR 411-318-0010(3) <ul style="list-style-type: none"> - Case Management Services OAR 411-415-0030(3) OAR 411-415-0050(9) OAR 411-415-0070(1)(a);(2)(i)(F);(5)(f) OAR 411-415-0080(1);(3) OAR 411-415-0110(1)(b) <ul style="list-style-type: none"> - Agency Certification and Endorsement to Provide Developmental Disabilities Services in Community-Based Settings OAR 411-323-0030(1)(b);(3);(4)(a)(C) OAR 411-323-0035 (1)(c);(3)(a);(4)(a)(B) 	<p>Align/Comply</p>	<p>HCBS rule created 1/1/16 DD Specific rules updated 1/1/16; & 6/28/16</p>
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<p>21. Does the setting facilitate individual choice regarding services and supports, and who provides them?</p> <p>42 CFR 441.301(c)(4)(v) 42 CFR 441.530(a)(1)(v) 42 CFR 441.710(a)(1)(v)</p>	<p>DD Certified Employment Services: Yes</p> <p>DD Certified Day Services: Yes</p>	<ul style="list-style-type: none"> • Implement new Home and Community-Based Services and Settings rules addressing individual choice regarding services and supports: <ul style="list-style-type: none"> - OAR 411-004-0010(17) - OAR 411-004-0020(1)(d)(D), (1)(e), (2) - OAR 411-004-0030(2)(c)(H), (2)(c)(P) • Choice has been a fundamental value and guiding principle in Oregon's DD system. The following administrative rules have been updated to better articulate expectations for facilitation of individual choice regarding services and supports and who provides them : <ul style="list-style-type: none"> - Individual Rights, Complaints, Notification of Planned Action, and Contested Case Hearings for Developmental Disabilities Services OAR 411-318-0010(1)(o):(p):(q) OAR 411-318-0010(3) <ul style="list-style-type: none"> - Case Management Services OAR 411-415-0030(3) OAR 411-415-0050(9) OAR 411-415-0070(2)(i)(D)(F):(F):(5)(f) OAR 411-415-0080(1):(3) OAR 411-415-0110(1)(b) <ul style="list-style-type: none"> - Agency Certification and Endorsement to Provide Developmental Disabilities Services in Community-Based Settings OAR 411-323-0030(1)(b):(3):(4)(a)(C) OAR 411-323-0035 (1)(c):(3)(a):(4)(a)(B) <ul style="list-style-type: none"> - Community Living Supports 	<p>Align/Comply</p>	<p>HCBS rule created 1/1/16</p> <p>DD Specific rules updated 1/1/16; & 6/28/16</p>
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		<p>OAR 411-450-0050(8)(p) OAR 411-450-0060(5)(b)(B)</p> <ul style="list-style-type: none"> - Employment Services for Individuals with Intellectual or Developmental Disabilities <p>OAR 411-345-0010(3):(4)(d) OAR 411-345-0025(3):(8)(e)(f) OAR 411-345-0140(2)(b) OAR 411-345-0160(5)(c)</p> <ul style="list-style-type: none"> • Oregon Revised Statutes (ORS) provides additional requirements to reinforce HCBS standards for individuals receiving services: <ul style="list-style-type: none"> - ORS 427.007(1)(a) - ORS 427.007(4) 		
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* A facial review of Oregon Revised Statutes, Oregon Administrative Rules, as well as policy and contracts, indicates Oregon is in substantial compliance and alignment with new HCBS federal regulations. Some changes may be necessary to reach full compliance. These changes will be addressed as part of Oregon's Transition plan. Additionally, further assessment is needed to determine whether Oregon is in compliance in its implementation and practice of these laws and regulations.

*** Could be more explicit in rule