

# ODDS Employment Services

## Oregon Administrative Rules Regarding Employment Services

### OAR 411-345

Regarding rules effective January 1, 2018

# Purpose of Changes to ODDS Employment Services Rules Effective January 1, 2018

- ODDS began meeting with stakeholders to discuss changes to the Employment Services rules in early 2017.
- The changes were effective January 1, 2018 and are published online at:  
<https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=1812>

# Purpose of Changes to ODDS Employment Services Rules Effective January 1, 2018

Some of the most significant changes include:

- ✓ Amends training requirements for employment professionals. The rule now specifies that 12 hours of training must be completed annually.
- ✓ Clarifies what documents providers are required to maintain regarding people who are using employment services
- ✓ Clarifies the rule for supported self-employment and further aligns with the Workforce Innovation and Opportunity Act and Vocational Rehabilitation.

# Purpose of Changes to ODDS Employment Services Rules Effective 01/01/18 (continued)

- ✓ Aligns with new Professional Behavior Services Rules (OAR 411-304)
- ✓ Requirements around the use and reporting of a safeguarding intervention, safeguarding equipment, and emergency physical restraint.
- ✓ Requires agreement and an individually-based limitation if an individual's right to freedom from coercion or restraint is limited.

# Training Requirements

## Intent of changes:

- ✓ Expand options for satisfying training requirements
- ✓ Increase the number of Department-approved trainings (to include conferences, provider offered trainings, etc.)
- ✓ Increase transparency regarding what will satisfy the requirements and transparency regarding when requirement satisfied

# Training Requirements

- Initial training requirement related to employment services remains the same. (i.e. one employment training within 90 days)
- 12 hours of annual employment training
- Demonstrate competency by taking ODDS online modules within the first year of providing employment services

# Documents that Providers Must Maintain

***Following an annual ISP meeting, and prior to the start of services,*** the provider agency must acquire, or demonstrate efforts to acquire, and maintain information related to the delivery of employment services.

The case management rules (OAR 411-415-0080(4)) requires the case manager to provide relevant content from the ISP ***prior to the start of services [for the ISP year].***

# Documents that Providers Must Maintain (continued)

Provider is expected to have information related to the delivery of employment services (listed below) **so long as the person has agreed to share the information:**

- The Career Development Plan
- Either a Service Agreement (including all known relevant risks) **or** relevant portions of the ISP (including the risk management plan)
- Relevant portions of the ISP or CDP may include employment related information in the Person Center Information (PCI) or one page profile. The employment services provider is invited to contribute to the PCI and one page profile, but should have this information if the person has agreed to share it with his or her provider.



# Documents that Providers Must Maintain (continued)

Risk related information including:

- Known serious risks that are relevant to an employment service setting or may occur in the employment service setting. (See OAR 411-345 and the ISP manual)
- A risk management plan (relevant to the employment setting). The case manager is responsible for developing the risk management plan based on the risk identification tool. (See the ISP manual)
- Existing protocols or mitigation strategies that are related to the relevant risks. Providers must receive relevant protocols and mitigation strategies. Providers must develop and update protocols or mitigations strategies to ensure they are relevant to the employment service settings.

# Documents that Providers Must Maintain (continued)

The following documents (if related to an identified relevant risk):

- ✓ A document indicating safety skills, including the ability of the person to evacuate from a building when warned by a signal device and adjust water temperature for washing.
- ✓ A brief written history of any behavioral challenges, including supervision and support needs.
- ✓ A copy of the most recent Behavioral Support Plan and assessment, nursing plan, and mental health treatment plan.
- ✓ Copies of documents relating to court orders, probation, and parole information, or any other legal restrictions.

# Documents that Providers Must Maintain (continued)

- ✓ Any completed and signed forms documenting consent to individually-based limitations.
- ✓ Health care representation information.
- ✓ Emergency contact information.
- ✓ Records describing medication taken by the individual that emergency personnel must be aware of.

# Documents that Providers Must Maintain (continued)

- ✓ Provider must have a copy of the written order signed by a physician or physician designee (if the person is unable to self-administer medication and the provider is supporting the person to administer medication).
- ✓ List that describes any allergies that emergency personnel must be aware of in the event of an emergency.
- ✓ Employment related information including: resume or work history, progress notes or outcome documents from other Department-funded employment services, documents available through VR or school, Discovery profile (if applicable).

# Documents that Providers Must Maintain (continued)

In preparation for an annual ISP meeting, a provider agency must develop the following:

- A preliminary written plan or provider implementation strategies.
- Mitigation strategy or protocol that addresses each identified relevant risk.

The provider must share the draft strategies/protocols with the ISP team at least one week prior to the ISP meeting.

- The draft strategies and protocols must be updated within 60 calendar days following the annual ISP meeting and provided to the person and his or her case manager.
- The update must incorporate any outcomes from the ISP meeting.

# Self-Employment

Changes include:

- Self-Employment must be reviewed/approved by ODDS.
- Can only be used after successful closure through VR.
- Person using supported self-employment must be performing essential functions of the job or business.

ODDS and VR are holding workgroup meetings in early 2018 to discuss questions related to supported self-employment including:

- Income requirements for supported self-employment.
- Criteria for approval of supported self-employment.
- Other implementation and training questions related to supported self-employment.