

Topic:	Employment and Day Support Activities (DSA) – COVID-19 Guidance (Temporary Emergency Policies and Plans for Reopening)
Date Issued/Updated:	06/01/2020; Updated 06/05/2020; Updated 07/07/2020; Updated 07/20/2020; Updated 09/14/20; Updated 09/29/2020; Updated 10/28/2020; Updated 11/09/2020; Updated 11/13/2020; 11/16/2020; Updated 12/03/2020; Updated 12/18/2020; Updated 02/03/2021; Updated 04/08/2021; Updated 4/27/2021; 06/29/2021; 08/06/2021; 8/24/2021

Overview

Description: This Worker’s Guide outlines temporary emergency policies related to the delivery of Employment Services and Day Support Activities (DSA) during the COVID-19 pandemic. Temporary emergency policies remain in place until they are lifted, as outlined below. This Worker’s Guide will be updated as needed.

Purpose/Rationale: ODDS responded rapidly to the COVID-19 pandemic and state of emergency by rapidly releasing a series of transmittals. This guide replaces many of those transmittals and consolidates the information. This guide will be updated during the COVID-19 pandemic.

Procedure(s) that apply:

Each temporary emergency policy ODDS has issued (as described within this Worker’s Guide and other ODDS COVID_10 policies) related to COVID-19 will remain in place until ODDS rescinds it.

Updates:

07/20/2020 Update:

- As of July 15, 2020, ODDS providers delivering Employment or DSA services in congregate settings must follow State guidance for “indoor social get-togethers.” As of July 15, 2020, gatherings are limited to 10 or fewer inside a building or facility. This limit includes both individuals served as well as provider staff. This requirement applies to any employment or day services at a provider site. Exceptions may be made for business settings, and will be approved as part of a provider’s reopening plan. As outlined in this guide, providers must also continue to follow direction from federal, state, and local public health officials. This includes the new State guidance on gatherings found here:
<https://sharesystems.dhsoha.state.or.us/DHSForms/Served/le2351g.pdf>
- Additionally, unless an individual is not able to wear a mask and requires an accommodation per the ADA, masks must be worn inside building or facilities and outside when physical distancing is not possible. Some individuals may not be able to wear a mask due to a medical condition, or because it causes them distress.

- Explicitly state that Camps, which congregate two or more individuals with intellectual and developmental disabilities (who do not already reside together) must have a reopening plan. This is applicable even if the service being utilized for a Camp is Respite Care. The service may only be delivered in a congregate setting if the county is in Phase Two, to individuals who reside in the same or nearby county that is also in Phase Two.

09/14/2020 Update:

- Specify that masks cannot include a spit guard.

09/29/2020 Update:

- Provider Reopening:
 - ODDS is encouraging providers in Phase One to submit reopening plans to prepare for Phase Two.
 - Discovery is permitted during Phase One if the provider has an ODDS-approved reopening plan that addresses the service.
 - Employment and DSA services may be delivered 1:1 at a provider site during Phase One if the provider has an ODDS-approved reopening plan for the service.
- ODDS services for support during school and transition.
- Additional information regarding use of ODDS services for support to pursue claim for Unemployment Insurance.
- Risk Mitigation Strategies must be relevant for remote services (if applicable) and must be updated if it is necessary for the strategy to be effectively implemented.

10/28/2020 Update:

- Suspension of certain staff qualification requirements until further notice. Employment professional training requirements remain in place.
- Clarification that ODDS template must be used for provider reopening plan.

11/09/2020 Update:

- Individuals must wear masks for any group/facility Employment, DSA, or Community Transportation services, unless services are only with others from the same household. Accommodations will be made for individuals through alternative service settings.
- Clarification on exposure notification and closure requirements when there is a COVID-19 exposure in an Employment or DSA service setting.
- Non-residential day services permitted during Baseline or any Pause on Reopening include:
 - Remote or virtual services
 - Job Coaching
 - Discovery
 - Small Group or Employment Path services that take place at an essential business.
 - Individualized 1:1 Employment Path/Day Support Activities *that take place in the community or at a provider site. This 1:1 service or agency attendant care may not occur in a group. Group-based services may occur for individuals who reside together in one home.*
 - No agency services may occur in a group during baseline, phase one, or a pause to reopening, unless the individuals reside together in the same home.

- Provider agencies must have an ODDS-approved reopening plan to deliver any Employment, DSA, or Attendant Care services in a group or at a provider site (either 1:1 or in a group).

ODDS technical assistance is available. Provider reopening plans do not need to be updated to reflect closures. However, reopening plans must be updated to ensure they reflect individualized 1:1 services at a provider site. Guidance continues to require that providers stay up to date with and follow guidance from federal, state, and local public health officials.

11/13/2020 Update:

- Individuals must wear masks for any group/facility Employment, DSA, or Community Transportation services (as outlined in changes effective 11/09/2020).
- Providers must be aware of new OSHA regulations, including those relating to masks, infection control training requirements, and infection control plan. OSHA OARs can be found here: <https://osha.oregon.gov/OSHARules/div1/437-001-0744.pdf>. Additional OSHA guidance can be found here: <https://osha.oregon.gov/covid19/Pages/default.aspx>

11/16/2020 Update:

- During a freeze to reopening, or a return to reopening Phase One or Baseline:
 - ODDS Employment, DSA, or Attendant Care services may only occur in an individualized 1:1 setting, and not in a group. No more than six people, including staff, may be in a provider site or facility at a time.
 - Support to use small group or employment path to do essential work may continue if previously approved for baseline and phase one.
- Individualized 1:1 services (Job Coaching, Discovery, Path, or DSA) may continue.
- Remote services may continue.
- Provider may reopen under an ODDS-approved reopening plan once a county returns to Phase 2 without pause or freeze to Reopening.
- Providers must notify individuals as soon as possible regarding any service changes.

12/03/2020 Update:

- Incorporate Four Risk Levels (Low, Moderate, High, and Extreme) in place of Phases (in alignment with new state guidance).

12/18/2020 Update:

- During Extreme Risk Level, permit 1:1 DSA and Employment Path at a provider site for up to six people (including both supported individuals and support staff) with significant physical distancing between each 1:1 staffing. Ideally, this physical distance includes floor to ceiling walls and doors between any 1:1 staffing. For instance, if a provider facility is 20,000 square feet and includes an upstairs location, downstairs location and front office (all separated with doors, etc.) it would be ideal that any 1:1 service takes place in a separate part of the building. An approved Reopening Plan, or as of the release of this update, a Reopening Plan Acknowledgement must be completed by the provider prior to the date of deliver of any facility based services.
- Effective 12/18/2020, providers must sign the ODDS form acknowledging provider COVID-19 policies, and, in lieu of a written reopening plan, submit this to ODDS along with an emergency plan. Providers do not have to resubmit emergency plans that have been approved since March 2020. Providers that do not have approved emergency

plans must submit the plan and all deficiencies previously identified must be addressed. Specifically:

- o For providers who have an already approved Reopening Plan, services may continue so long as the acknowledgement is submitted to ODDS on or before 1/15/2021;

- o For providers who have a submitted (but not yet approved) Reopening Plan, the Regional Employment Specialist will work with your agency to ensure all emergency plan information is documented and get an acknowledgement signed so your agency can resume services;
 - o For providers who have not yet submitted a reopening plan, your agency may submit the acknowledgement anytime on or after 1/15/2021, as ODDS is prioritizing finalizing already submitted plans at this time. If there is a significant need to resume service prior to 1/15/2021, please contact your Regional Employment Specialist.
- Contact information for regional employment specialists can be found here: <https://www.oregon.gov/dhs/EMPLOYMENT/EMPLOYMENT-FIRST/Documents/VR-ODE-ODDS-Regional-Employment-Specialists.pdf>

02/01/2021 Update:

1. Permit one to one (1:1) Employment and DSA services for up to six individuals (not including staff) in buildings that are more than 500 square feet, with significant physical distancing between 1:1 cohorts, preferably including floor-to-ceiling walls during Extreme and High Risk levels. Reopening plan acknowledgement must be submitted to ODDS.
2. Specify that employment and DSA providers may not condition services on a person having the COVID-19 vaccine.
3. Clarify Discovery requirements.
4. Added headers and other changes to make this guide more accessible.

04/08/2021 Update:

1. Allow group services during extreme or high risk levels if the employer affirms that 80% of all Employment or DSA staff employed by the provider that are in direct contact with individuals served, have been vaccinated;
2. Clarify that staff may shadow other staff during moderate and low risk levels, with the individual's permission;
3. Updates to the informed choice sample tool on "Making a Plan for Work and Community Activities" in order to incorporate reference to the COVID-19 vaccine;
4. Update to reflect that in-person licensing may take place for Employment and DSA in all risk categories except "extreme" risk;
5. To clarify that Staffing Support information is no longer requested from non-contracted entities; and
6. To clarify that due to COVID-19, for the year of 2020 (January 1, 2020 – December 31, 2020), ODDS will waive the audit requirement for a Medicaid Agency certified and endorsed to provide program services, receiving less than \$750,000 in revenue per fiscal year as outlined in OAR 411-323-0030(5). This must resume for 2021 (January 1, 2021 – December 31, 2021).

04/27/2021 Update:

1. Updated to reflect that 80% of vaccinated staff can be 80% of staff providing direct service (employment or DSA) in a group setting, or 80% of staff providing direct care for employment and/or DSA.

2. Update to reflect that physical distancing, mask wearing, etc. must be observed in all service settings as outlined in this guide.
3. Update to reflect that providers who plan to operate a camp this summer (specifically any overnight camp), must contact ODDS prior to beginning the camp to ensure all necessary safety requirements are met.

06/29/2021 Update:

Changes are being made, effective 07/01/2021, to align guidance with the removal of Oregon's Risk Level Framework. Changes to the following limitations are being made:

1. Masks. ODDS Employment Services and DSA services continue to require masks in the following instances:
 - a. Group-based services at a provider site.
 - b. If preferred or requested by an individual using services in the setting, particularly if a person has a compromised immune system and has not been able to take the vaccine.
 - c. An individual, their ISP team, or provider agency can continue to require agency staff to wear a mask.
 - d. If required by the operator of the setting.
 - e. If required under other federal, state, or local guidance.
2. Group Size Limitations. Group-based employment and DSA services may not be in groups or cohorts greater than 8 (including both individuals and support staff). There may be multiple groups so long as there is significant space and physical distancing between the separate groups.
3. Provider reopening acknowledgments are no longer required. An acknowledgment was previously required opening group services or services at a provider site.

Temporary emergency requirements remain in place, unless explicitly lifted in this Guide.

08/06/2021 Update:

1. Masks. Effective 08/09/2021, **Masks are required** for all individuals and employment professionals (or direct support professionals) **when using employment or DSA services indoors in a group**, or if required based on the type of setting. Wearing a mask is also required for individuals and staff when using employment or DSA services 1:1 when indoors (the only exception to this is when a person needs an accommodation for wearing a mask in which case the 1:1 service is the accommodation). Masks are required if required based on the type of setting. The requirements for masks indoors is in addition to the following previously required scenarios:

These requirements are in addition to the following scenarios where previously required:

- a. Group-based services at a provider site.
- b. If preferred or requested by an individual using services in the setting, particularly if a person has a compromised immune system and has

- c. An individual, their ISP team, or provider agency can continue to require agency staff to wear a mask.
 - d. If required by the operator of the setting.
 - e. If required under other federal, state, or local guidance.
2. Group Size Limitations remain the same as outlined under the 07/01/2021 update. Group-based employment and DSA services may not be in groups or cohorts greater than 8 (including both individuals and support staff). There may be multiple groups so long as there is significant space and physical distancing between the separate groups.

Temporary emergency requirements remain in place, unless explicitly lifted in this Guide.

08/24/2021 Updates – 8/24/2021 (notated with “heading 1”):

1. Masks. Effective 08/25/2021, **Masks are required** for all individuals and employment professionals (or direct support professionals) **when using employment or DSA services in a group, even outdoors**, or if required based on the state, county or private business requirements. Wearing a mask is also required for individuals and staff when using employment or DSA services 1:1 (the only exception to this is when a person needs an accommodation for wearing a mask in which case the 1:1 service is the accommodation).

These requirements are in addition to the following scenarios where previously required:

- Group-based services at a provider site;
 - Indoor settings;
 - If preferred or requested by an individual using services in the setting, particularly if a person has a compromised immune system and has not been able to take the vaccine;
 - An individual, their ISP team, or provider agency can continue to require agency staff to wear a mask;
 - If required by the operator of the setting;
 - If required under other federal, state, or local guidance.
2. Group Size Limitations. Given that across the entire state of Oregon positive case counts, hospitalization, ICU bed utilization and percent of positive COVID-19 tests are higher than they have ever been before, in order to ensure health and safety for people with I/DD, group size restrictions are returning until COVID-19 cases decline. By 8/25/2021 Employment and DSA providers must review their current service settings and take immediate action to ensure compliance with group size restrictions. As soon as possible, but no later than Monday 8/30/2021 all Employment and DSA providers must be in full compliance with group size requirements as outlined below. **See Section C, starting on Page 7 for details.**

Temporary emergency requirements remain in place, unless explicitly lifted in this Guide.

I. Temporary Emergency Provider Requirements

In general, counties may reopen based on confirmation that the medical system can treat the number of people who are sick, and vaccinations are widely available to anyone seeking a vaccine. If the virus starts to spread quickly, then businesses and public settings may start to close again, subject to federal and state guidance.

A. Documentation of Informed Choice and Developing a Plan to Mitigate Risks when going to work and accessing services in the community

Individuals must have an opportunity to make an informed choice about using employment or day services in the community. This may include holding a team discussion to evaluate the pros and cons of continuing or returning to work or accessing services in the community (whether the work experience is supported by ODDS-funded job coaching, small group, employment path, natural supports, or the person is using DSA for support to access the community, etc.). The person and his or her ISP team must also develop a plan to mitigate any risks related to COVID-19 and accessing work, essential services, and the community. See the sample tools for facilitating and documenting this discussion:

<https://www.oregon.gov/DHS/SENIORS-DISABILITIES/DD/ODDS%20Resource%20Library/Developing-Plan-Return-Work-Activities.pdf>

B. All physical distancing and mask requirements must be observed as outlined.

C. Group Size Limitations

This table provides a snapshot of the services and supports, and any group size limitations. Full compliance required as soon as possible, but no later than 08/30/2021.

Individuals must always have an opportunity to make an informed choice about services used as outlined under Section I.A. above.

Service/Setting		Group Size Limitations
Employment	Job Coaching	Allowed – masks required
	Discovery	Allowed – masks required
	Small Group	Allowed for cohorts of up to 6 individuals (including staff) – masks required
	Employment Path – Remote; <u>Or</u> in the Community and Individualized (1:1, not in a group); <u>Or</u> everyone in same household	Allowed – masks required for in-person, unless an accommodation is needed for the person.
	Employment Path - Community in a Group (not at a provider site or business)	Allowed for up to 6 (individuals & staff) if 80% staff vaccinated. Masks required for all. Allowed for support to continue <u>paid</u> work experience in essential business (even if 80% of staff are not vaccinated). Masks required for all. Outdoor settings and

		significant physical distancing strongly recommended to the extent possible.
	Employment Path – At a Provider Site and Individualized (1:1, not in a group)	Allowed for up to 6 individuals (not including staff) in a setting larger than 500 sqft. For setting less than 500 sqft. The total of all people, including staff, may not exceed 6. Masks required unless an accommodation is needed for the person. Must have significant space between each individual (i.e., each person is their own cohort) May occur for support to continue work experience.
	Employment Path – At a provider site, in a group	Allowed for up to 6 (individuals & staff) if 80% staff vaccinated for support to continue work experience. Masks required for all. Must have significant space between each cohort of no more than 6 individuals, including walls, doors, restroom areas, etc.
DSA	DSA - Remote; <u>Or</u> in the Community and Individualized (1:1, not in a group); <u>Or</u> everyone in same household	Allowed – masks required for in-person unless an accommodation is needed for the person.
	DSA – Community in a Group (not at a provider site)	Allowed for up to 6 (individuals & staff) if 80% staff vaccinated. Masks required for all.
	DSA - At a provider site and Individualized (1:1, not in a group; or everyone form same household)	Allowed for up to 6 individuals (not including staff) in a setting larger than 500 sqft. For setting less than 500 sqft. The total of all people, including staff, may not exceed 6. Masks required unless an accommodation is needed for the person. Must have significant space between each individual (i.e., each person is their own cohort).
	DSA – At a provider site, in a group	Allowed for up to 6 (individuals & staff) if 80% staff vaccinated for support to continue paid work experience. Masks required for all. Must have significant space between each cohort of no more than 6 individuals (including staff), including walls, doors, restroom areas, etc.

In summary, effective 08/27/2021:

1. Services may occur:
 - In 1:1 service settings such as Job Coaching or Discovery, or 1:1 Employment Path or DSA;
 - Remotely or virtually;
 - In settings where essential business is performed such as Employment Path or Supported Small Group for cohorts of up to 6 (including staff);
 - For cohorts of 6 (including staff) for non-paid (or non-essential business) Employment Path services (such as classes), or DSA **when 80% of staff are vaccinated.**
2. Masks are required in all Employment and DSA service settings unless an accommodation to wearing a mask is required by the individual receiving service. In the instance of an accommodation at 1:1 service may be provided.
3. Physical distancing should be utilized in all service settings, including outdoors to the extent possible. Any cohorted services in-doors should include separate space such as walls, doors, separate restroom access, etc. for multiple cohorts or multiple groups of 1:1 service to be provided at a time.
4. A provider reopening acknowledgment is no longer required effective 07/01/2021. However, all guidance in this worker guide must be followed.

The following requirements continue to apply across service and setting types:

- The Table and ODDS Guidance may be updated based on Federal, State, and Local guidance from public health officials. Provider must remain in compliance with the most stringent guidance applicable (i.e. guidance for business sector, ODDS guidance, state or local guidance, whichever is most stringent to assure compliance with all).
- The service must also be in a setting that is permissible under federal, state, and local guidance from public officials.

D. Direct Support Staff Are Essential Worker

All employment professionals and DSA direct support professionals are considered essential workers.

E. Vaccines

Effective 02/03/2021, a provider may not condition employment services, DSA, or other non-residential day services on a person having the COVID-19 vaccine.

F. Other Specific Requirements by Service Type

1) Job Coaching

If an individual was temporarily laid off from their job (or decided due to health and safety reasons to stop working for a period of time) and has returned to work but currently needs additional support that would be better classified in a different phase of job coaching, please work with the individuals Case Manager to **request an exception to re-enter an earlier stage of job coaching.**

If an individual was permanently laid off from their job and has found employment with another agency, please follow the [related Worker's Guide](#).

If an individual is no longer working, but your agency continues to support an individual with seeking and reporting unemployment benefits, job searching, maintaining employment skills, etc., this may be billed as Employment Path Community support, as outlined below.

a) Making an informed choice about returning to work and develop a plan to mitigate risks

As outlined above, ensure the person has an opportunity to make an informed choice about returning to work and to develop a plan to reduce any risks caused by the COVID-19 virus. [See the sample tools for facilitating and documenting this discussion.](#)

Providers should also be working with individuals in order to identify opportunities for making accommodations. For example:

- Has the person gotten the COVID-19 vaccine, or had an opportunity to make an informed choice about getting it?
- Can individuals work during shifts where the spread of transmission is less likely?
- How is the employer ensuring employees can take as many precautions as possible?
- Does the person have access to equipment to take the necessary precautions such as masks, frequent hand washing, gloves and practicing physical distancing?
- Is the individual trained on his or her employer's sick leave policy and knows how to report sick, and will plan to remain home if he or she is sick?
- If the person must take time off related to the COVID-19 virus, has he or she communicated with the employer about returning to work?

Also, make a backup plan in case a job coach or employment staff get sick.

b) Remote Job Coaching May Occur

Until further notice, required in-person job coaching contacts and supports may temporarily be made remotely (i.e. phone, telehealth, email). This may include teleworking for any business, or essential businesses such as work at a grocery store, gas station, etc. Remote job coaching is subject to the support needs of the individual and may not be appropriate depending on the individual's protocols and health and safety concerns.

2) VR Job Development and Other Employment Services:

Information on accessing VR services for support to find a job and other employment services during the COVID-19 pandemic may be found here:

<https://www.oregon.gov/DHS/EMPLOYMENT/VR/Documents/Applying%20for%20VR%20during%20COVID-19.pdf>

3) Benefits Counseling

This service is incredibly valuable during this time, as there are many additional questions about relief funds (e.g. the CARES Act), unemployment benefits, etc. This service may be billed as ODDS Benefits Counseling as outlined in the [Benefits Counseling Worker's Guide.](#)

4) Small Group

Support to work in a Small Group Employment Service setting may occur if the job or setting is allowed to be open under the Risk Level the county is in, and the person has had an opportunity to make an informed choice. Services may only be billed for actual hours of service delivered.

If the individual has chosen not to work at this time, or the work is not able to be completed in alignment with state guidance, but you continue to support an individual with job searching, maintaining employment skills, etc., this may be billed as Employment Path Community, as outlined below.

5) Discovery

Discovery was previously only allowed starting at Phase Two. Effective 09/29/2020, Discovery is permissible during all Risk Levels or Phases. A provider reopening plan acknowledgment is required.

Discovery is not required before using VR services. However, a person who is using Discovery services must be connected to VR, and also have an employment outcome or goal. A person who is using Discovery should want to actively seek CIE.

Being “connected to VR” could include any of the following:

- A referral to VR has been sent.
- There is a scheduled consult with VR services and a timeline for referral.
- A VR intake meeting has been scheduled or occurred.
- VR has the person’s referral and an intake is scheduled.
- The person is in plan with VR.

At minimum, a consultation with VR or referral to VR should occur before Discovery services begin. VR is not able to open a file for an individual who does not want to work now. If the person indicates they would like to explore work, but not work at this time, Employment Path would be the more appropriate service at this time. Note, it is not required that someone have Discovery before going to VR, or while at VR. If a person receives Discovery, the result should be a completed Discovery profile, along with a VR case that is active and has an Individualized Plan for Employment (IPE) that uses the information from Discovery to move job development forward.

6) Employment Path Services

All Employment Path Services must be used in combination with a service component that is in a non-disability specific setting in the general community and away from the provider site (e.g. employment path in combination with an internship or job shadow at a general community business; job coaching; discovery; small group; or VR services). This is a long-standing requirement. On a temporary emergency basis, the community component may include remote employment path services.

Remote Employment Path Services:

Employment Path may occur remotely (i.e. phone, telehealth, email). At this time, providers should bill “community” for remote services (classes or skill building) delivered in a person’s home. **Examples of Employment Path Services that may occur:**

- Assisting people with filing for unemployment benefits;
- Helping individuals re-connect to benefits or file for increased benefits based on unemployment;
- Provide remote benefits counseling (if certified) or connect to WIN/DRO for benefits counseling;
- Working 1:1 with an individual to retain or build employment skills during a time of lay-off or not being able to work due to health and safety concerns.
- Remain connected to individuals who may have lost their jobs;
- Connecting with employers to retain relationships;
- Virtual meetings for skills training (Examples: This may include resume building, interview skills, Project Search curriculum, self-advocacy skills, assistance to obtain required job certifications such as food handler’s cards, assisting with employment goals, technology training, computer skills and other activities intended to promote gaining competitive integrated employment).
- Assisting an individual to learn how and manage IT such as zoom, teams, facetime, etc.

If an individual was receiving an Employment Path Facility service that consisted of classes, and these classes are currently being offered remotely, they may be billed as Employment Path Community, as outlined above. Employment classes that occur at a provider site is still Employment Path Facility.

7) Using ODDS Employment Path or Benefits Counseling for support to navigate unemployment benefits and stimulus payments (for example, under the Cares Act):

It is highly recommended that a person who is or has been working, receive benefits counseling services to help them understand how earnings from work may interact with public benefits. A qualified benefits counselor may be able to provide additional information about how stimulus payments, including those made under the CARE Act, may impact benefits.

Who can support a person to make a claim for Unemployment Insurance benefits?

ODDS employment path services may be used for support to navigate making a claim for unemployment benefits. A person can designate someone they trust for support to navigate an Unemployment Insurance claim. The ISP team can also support the person to designate a supporter specifically for the purpose of navigating Unemployment Insurance. The support person might be a family member, trusted person, or, if necessary and appropriate, an employment service provider. Employment Path Services may be used for support to navigate claims for Unemployment Insurance. Due to the COVID-19 pandemic, some of this service may be done “on behalf of the individual” when the person is not present.

Third Party Certification

Providers supporting individuals to make a claim for unemployment insurance need to have employees delivering this support complete the “Third Party Certification” from Oregon’s Employment Department. The certification form can be found here:

<https://www.oregon.gov/dhs/EMPLOYMENT/EMPLOYMENT-FIRST/Documents/Third-Party-Certification-Filing-Initial-Unemployment-Insurance-Claim-Applications-ODDS.docx>

Each person delivering this support only needs to complete the certification once, regardless of the number of people they are supporting. One point of contact from each provider agency should submit all certifications for an agency within one email to the Employment Department contact at: eric.l.villegas@oregon.gov (please do not email this contact with questions about unemployment insurance). Please also cc: allison.enriquez@dhsosha.state.or.us.

What is the liability for a provider?

Providers may be liable for overpayments if the provider or its employee *knowingly* submits false information to obtain benefits that an individual is not entitled to receive. Speak with your agency's attorney if you have more questions about this.

Where can I go for more information?

- To learn more about Unemployment Insurance benefits: <https://bit.ly/2AEsaMV>
- A person can apply online for unemployment insurance benefits at: <https://secure.emp.state.or.us/ocs4/index.cfm?u=F20200324A152211B60880938.0174&lang=E> or call 1-877-FILE-4-UI.
- Here is a website with more information and videos about applying: <https://bit.ly/2Yncaag>
- Cornell University developed guidance on how the receipt of CARES payments impact benefits programs. See the Cornell guidance here: <https://yti.cornell.edu/images/COVID-19-Benefits.pdf>

8) DSA

Remote DSA services may occur (i.e. phone, telehealth, email, or virtual meetings to provide opportunities for individuals to connect with others during this time).

Any remote DSA services including online classes, meet-ups, social skill building, connections, etc., may be billed as DSA Community. Remote services should continue to help meet an individual's goal or outcome. It may include social interactions (for example, support to continue personal connections, communication activities to work on communication skills, participate in games, etc.). Staffing ratios for classes should not exceed a ratio of 1 staff to 12 individuals, as outlined in current Oregon Administrative Rule for classes.

- i) DSA may be utilized to help a person learn or manage IT such as zoom, teams, facetime, etc.

b) DSA Solo (OR 542-R1)

If DSA in-person service is requested by the individual and outlined in the ISP or Service Agreement as DSA Solo (OR 542-R1), this service may be billed using OR 542-R1.

As has always been required, 1:1 DSA should have a specific outcome associated with the service and the service should continue to be in alignment with this outcome.

If a 1:1 DSA service is being delivered remotely, in order to bill OR 542-R1, it must still carefully align with the individual's outcome or goal. If it cannot meet the desired outcome for the individual, but connections are still being made, this may be billed as DSA Community.

c) Camps

The service to participate in a camp is DSA if it is delivered in a setting that congregates individuals with intellectual and developmental disabilities. This is true even if it is 1:1 staffing delivered in a group or congregate setting. If the provider has historically utilized respite care for a camp, the camp must still follow the guidance in this transmittal for any group services. Therefore, masks must be used when individuals are using services for support to participate in group activities at a camp. Contact ODDS through your Regional Employment Specialist for further guidance regarding overnight camps.

Federal, State, and local guidance must be followed regarding camps. ODDS may require safety measures above and beyond what is outlined in the Governor's requirements for overnight camps in order to access ODDS funding for a service.

9) Community Transportation

ODDS Community Transportation may be used so long as the destination is permissible under federal, state, and local guidance, and so long as federal, state, and local requirements are followed. The individual must have an opportunity to make an informed choice about using community transportation services, and develop a plan to mitigate the risk. [See the sample tools for facilitating and documenting this discussion.](#)

The following precautions must continue:

- Physical distancing to the extent possible and reasonable.
- Wearing a mask when in a group, on public transportation, as requested by an individual, etc.
- Ensuring other health and safety precautions continue including (but not limited to): hand washing and sanitizing, ensuring individuals and staff stay home when sick, remind individuals to cover cough, sanitizing vehicle before and after use, etc.

10) Services for students and transition age youth

Long-standing guidance regarding ODDS employment services for youth and transition students can be found here: <https://www.oregon.gov/dhs/EMPLOYMENT/EMPLOYMENT-FIRST/Policy/WorkersGuide-ODDS-Employment-Services-Transition-age-Individuals-Youth-03.08.19.pdf>

Additional temporary emergency guidance for the COVID-19 pandemic:

- Temporary / emergency COVID-19 guidance regarding student access to attendant care during the school day can be found here: <https://www.oregon.gov/dhs/SENIORS-DISABILITIES/DD/DirectorMessages/ODDS-Director-School-Guidance.pdf>
- Summary hours may be used for attendant care during the 2020-2021 school year as outlined in PT 20-092: <http://www.dhs.state.or.us/policy/spd/transmit/pt/2020/pt20092.pdf>

Attendant care may be used for activities of daily living (ADL), instrumental activities of daily living (IADL), health-related, or behavior support tasks identified in the child's Individual Support Plan (ISP). This includes cueing, monitoring, reassurance,

redirection, set-up, hands-on, standby assistance, and reminding. Attendant care cannot be used solely for the purpose of educational activities or homeschooling.

For example, attendant care might be use for support to set up virtual learning and if hand or hand assistance is needed. Support, however, is not for direct instruction with class work.

- Employment Path services and DSA may not be used without an ODDS-approved exception (except for Employment Path - Benefits Counseling). DSA for youth and transition-age students cannot be facility-based.
- Schools are encouraged to contract with ODDS-providers for Employment Path and/or DSA services.
- Education Assistants (EA) and Instructional Assistants (IAs) are encouraged to become an ODDS Personal Support Worker (PSW) to deliver ODDS services, particularly to support functional goals in the home and community that complement the educational goals of the school. An IA or EA from a school may also work as an ODDS-funded job coach for individuals working in competitive integrated employment. Find more information on how to enroll as a PSW here:
<https://www.oregon.gov/dhs/EMPLOYMENT/EMPLOYMENT-FIRST/Policy/How-to-Become-PSW-Job-Coach-Tool.pdf>

11) Provider Agency Requirements

An agency certified under 411-323 (including employment providers endorsed under 411-345) may deliver Community Living Supports without an endorsement under 411-450. The provider number attached to the provider record can be used for authorization in Plan of Care.

1. Changes to ISPs and Service Authorizations

At this time, CMS has approved retroactive waiver service authorizations (employment) or k-plan services (DSA) if required due to COVID-19. For this reason, services may be authorized back to the start date. As an example of this, if an individual lost their job and worked with their employment provider to file for unemployment / report unemployment, employment path may be authorized from the date the individual lost their job.

Additionally, written signatures are preferred. However, ISPs and Service agreements do not need to be signed by any member of the ISP team in order to be valid. When signatures aren't being gathered, an agency should expect to give prior verbal agreement to deliver services based on information given by the case manager that includes effective dates, service limits and relevant known risks.

Providers are expected to ensure current and relevant risk mitigation strategies are always in place, including if the service is being delivered remotely. Providers delivering remote services may need to update risk mitigation strategies to ensure they outline strategies that address the known relevant risks.

2. Written Emergency Plan or Policies & Procedures to Address Health and Safety

A provider agency must have an emergency plan or health and safety policies and procedures in place related to the protection of health and safety. Note, this was a pre-existing requirement. However, additional technical assistance and support was provided during the COVID-19 response. All Employment and DSA providers must submit their plans to ODDS for review.

Providers that temporarily closed must submit their emergency plans to ODDS for review before reopening. Provider agencies that have not submitted their emergency plan to ODDS will have their certification suspended. The suspension may be removed upon review and approval of the provider's reopening plan and/or emergency plan.

With respect to infectious disease and the COVID-19 virus, a provider's policies and procedures or emergency plan must assure the following:

- a. A plan for preventing spread & treatment for infectious disease.
- b. A plan that addresses systems and staff training on the following: handwashing, coughing into elbow, sanitizing, screening staff and individuals, limiting group events, limiting non-essential appointments, etc.
- c. For community employment, plan to ensure provider and individual are trained on employer's emergency plans and policies for handwashing, screening, cleaning, responding to infectious disease (e.g. social distancing, masks/PPE, etc.), sick leave, etc.
- d. Addressing individual need during pandemic (continued access to medical treatment, medical supplies/equipment, additional behavioral supports, food, sanitation supplies).
 - i. Documentation that written safety supports (provider risk mitigation strategies, safety plans, etc.) are in place and that they have been reviewed to confirm they sufficiently address increased risks resulting from the outbreak or pandemic of an infectious disease including COVID-19.
 - ii. DSA and Employment provider sites: should have food, water, sanitation supplies on hand in case of emergency where individuals are stuck and cannot safely return home. A plan if DSA/Employment is able to continue providing services if changes/emergency result if need for additional support services (including behavioral supports, etc.).
 - iii. DSA and Employment community: Have emergency food, equipment, medical supplies, sanitation supplies when out in community. (e.g. water, food, back up medical supplies (e.g. second epi-pen, inhaler, hand sanitizer). Plan for coordinating with other supports.
- e. Plan for adequate staffing to safety needs of individuals (including back up planning).
- f. System for identifying, reporting, monitoring, and treating symptoms.
- g. Ensuring staff are trained on standard precautions, infection control, and hand washing.
- h. System for responding to isolation and quarantine (at the direction of a public health entity).
- i. Strategies for coordinating with and following direction of federal, state, and local health officials.

- j. Policies to ensure individuals and staff remain home when sick.
- k. Coordination with other residential, employment and/or day program providers.
- l. Ensuring providers and employers have correct emergency contact information on file.
- m. Any other health and safety policies and procedures needed related to the spread of infectious disease and COVID-19.

3. Handwashing and Infection Control

Employees who provide direct care must use good infection control practices. Upon entering a building, wash hands with soap and water for 20 seconds, or clean hands with alcohol-based hand sanitizer, and avoid touching the face. Employees must also use good respiratory etiquette: cover cough or sneeze into elbow.

Providers must be aware of new OSHA regulations, including requirements related to infection control training requirements, and an infection control plan. This information should also be addressed in the section of the provider emergency plan related to infection control.

OSHA OARs can be found here: <https://osha.oregon.gov/OSHARules/div1/437-001-0744.pdf>

Additional OSHA guidance can be found here:
<https://osha.oregon.gov/covid19/Pages/default.aspx>

4. Using face masks

Effective 08/24/2021, **Masks are required** for all individuals and employment professionals (or direct support professionals) **when using employment or DSA services in a group, even outdoors**, or if required based on the state, county or private business requirements. Wearing a mask is also required for individuals and staff when using employment or DSA services 1:1 (the only exception to this is when a person needs an accommodation for wearing a mask in which case the 1:1 service is the accommodation).

These requirements are in addition to the following scenarios where previously required:

Group-based services at a provider site;

- Indoor settings;
- If preferred or requested by an individual using services in the setting, particularly if a person has a compromised immune system and has not been able to take the vaccine;
- An individual, their ISP team, or provider agency can continue to require agency staff to wear a mask;
- If required by the operator of the setting;
- If required under other federal, state, or local guidance.

Masks Accommodations

The accommodation for this includes using an alternative service or setting that is not in a group. If using services in an individualized setting, or only with others from the same household:

- (1) Accommodation does not include simply exempting individuals from the requirement to wear masks, face coverings, or face shields. Other accommodations must be considered first.
- (2) It is strongly recommended, but not required, that individuals wear a mask rather than using a face shield alone.

Some individuals may not be able to wear a mask due to a medical condition, or because it causes them distress. If that is the case, this must be documented in the individual's file or provider's progress notes. All efforts to offer accommodations such as providing face shields, masks made of different material, masks that have a screen and allow individuals to still see lips/mouths must be provided and documented.

It is also required that there are on-going conversations as needed with individuals about the reason why a mask is required, how a mask may contribute to their immediate health and safety, as well as the health and safety of others. These conversations should be documented if an individual is not willing to wear a mask but does not have a medical reason or it does not cause them distress. It should also be documented if a person cannot wear a mask due to a medical reason or due to the person's disability.

Guidance from federal, state, and local guidance must also be followed.

5. Screening Employees for COVID-19 Symptoms

Providers are encouraged but no longer required to use the COVID-19 specific questions to screen staff before each shift. However, staff should not go to work when sick, and employers should encourage employees to stay home when sick.

6. Notification and Closure Required when an Individual or Employee has COVID-19

The actions an agency must take when an individual, direct support staff, or employment professional have or may have COVID-19 are found in this [scenarios document](#). Send notification to ODDS at: ODDS.FieldLiaison@dhsosha.state.or.us. Make the required reports as soon as possible, but within 24 hours. Utilized the required reporting form, which can be found here: <https://www.oregon.gov/dhs/SENIORS-DISABILITIES/DD/ODDS%20Resource%20Library/ODDS-COVID-Reporting-Form.docx>.

If staff or an individual tests positive, then the following information must be submitted to ODDS at: ODDS.FieldLiaison@dhsosha.state.or.us.

- Name of the Provider Agency;
- Provider Endorsement Type applicable to the report (Employment or DSA). If provider agency has several endorsements, only identify the one where the staff person was working;
- Address of the service locations where the exposure occurred;
- Case Management Entity or Entities for individuals served;
- Provider contact information;
- Date tested or told by a physician that they likely have COVID-19;
- Test result (if tested);
- Date of test result;
- Confirmation that LPHA was notified;
- Confirmation that case management entities notified;

- Confirmation that others who use services in the setting were notified regarding the potential exposure, and given provider closure information;
- The plan for isolation or to be away from supported individuals;
- Last date for which the provider last had contact with the supported individual;
- Is the provider in need of PPE, Staffing Support, Epidemiology Support or Infection Control or supplies; and
- Is LPHA doing contact tracing.

Closure for Services in a Group or at a Provider Site

If an individual or staff who uses Employment or DSA services, in a group setting or at a provider site/facility, has a positive \ COVID-19 case, then all group services or services at a provider site must stop immediately and remain closed for fourteen days, or until Local Public Health Authority (LPHA) and ODDS say they may reopen. Also, if the facility has more than one cohort of individuals, their entire facility must be closed for two weeks or until LPHA and ODDS say they may re open – even if the cohorts are separated.

Small group service settings may reopen earlier upon approval from Local Public Health Officials and ODDS.

The Employment or DSA provider must give notification of the exposure to those who have used services in the group or facility.

7. Licensing

ODDS has resumed in-person licensing reviews for Employment and DSA settings

Remote reviews will occur as needed. For more information, see the COVID-19 Licensing Worker’s Guide: <https://www.oregon.gov/DHS/SENIORS-DISABILITIES/DD/ODDS%20Resource%20Library/Licensors-Reopening-Worker-Guide.pdf>

120 day reviews will also resume.

8. Staffing Support

ODDS is no longer collecting information regarding Staffing Support from Employment and DSA provider agencies. Staffing Support continues to be available as needed through internal contracts. If you have a Staffing Support need, please follow [AR-20-037](#).

9. PEAA

Between March 1, 2020 and May 31, 2020 expiring agency PEAA’s were extended by 90 days. PEAA extension will not be further extended.

10. Criminal History Checks

- a. A new employee may work unsupervised on a preliminary basis pending a final fitness determination from BCU for up to 90 days. The agency should determine if working unsupervised is appropriate on a case by case basis.

- b. Beginning March 1, 2020, expiring criminal history checks have been extended for one year. A new extension recently took place and will be in effect from March 1, 2021, for one year.
- c. The need for fingerprint based background checks is postponed. They will be required later for those that were postponed.

11. Training Requirements

- a. Employment Specialist Training Requirements remain in place. ODDS may grant variances for training and certification requirements:
 - i. Please submit a variance request to ODDS if a job coach is not available to support a person with competitive integrated employment who needs a temporary exception for a suitable job coach. Send the request to: Employmenttraining.review@dhsosha.state.or.us.
 - ii. ODDS may also permit PSW job coaches to support individuals who live in 24 hour residential, foster care, or supported living, with an ODDS-approved exception. These exceptions will be granted based on several factors including a demonstration that: the PSW is the best fit; whether Job Coach capacity can reasonably be identified; the person has a file open with VR and support from a VRC; the job meets requirements for CIE. Send the request to: odds.fundingreview@dhsosha.state.or.us.
- b. DSP requirements (for DSA only)
 - i. The requirement for 12 hours of annual training is waived until further notice.
- c. Training and Certification Requirements for Both Employment and DSA
 - i. CPR/First Aid renewals can be postponed until further notice.
 - ii. New hires may work, assisted by a fully trained DSP, without CPR/First Aid certification until further notice.
 - iii. New hires may work, assisted by a fully trained DSP, without six hours of pre-service training until further notice. The six hours may occur as on-the-job training.

12. Mandatory Abuse Reporting

As a reminder, all employees of the agency are mandatory reporters of abuse and must continue to report all suspected abuse.

13. Exceptions

As a reminder, employment, DSA and transportation exceptions continue to be required, they are not subject to automatic renewals. Exceptions can be requested as outlined here: <https://apps.state.or.us/Forms/Served/se0514dd.pdf>.

14. Due to COVID-19, for the year of 2020 (January 1, 2020 – December 31, 2020), ODDS will waive the audit requirement for a Medicaid Agency certified and endorsed to provide program services, receiving less than \$750,000 in revenue per fiscal year as outlined in OAR 411-323-0030(5). This must resume for 2021 (January 1, 2021 – December 31, 2021).

Please note the above requirements are subject to change based on the COVID-19 virus and direction from federal, state, and local public health officials. Provider agencies must remain up to date on policy changes.

Resources:

- **ODDS Reopening Video:** https://youtu.be/Aqp_3naDe64
- **ODDS Reopening Fact Sheet:** <https://www.oregon.gov/DHS/SENIORS-DISABILITIES/DD/ODDS%20Resource%20Library/ODDS-Phase-1-Reopening-Safety-Individuals.pdf>
- **Tools for Developing a Plan for Returning to Work or Activities in the Community:** <https://www.oregon.gov/DHS/SENIORS-DISABILITIES/DD/ODDS%20Resource%20Library/Developing-Plan-Return-Work-Activities.pdf>
- **Applying for VR services COVID-19:** <https://www.oregon.gov/DHS/EMPLOYMENT/VR/Documents/Applying%20for%20VR%20during%20COVID-19.pdf>
- **ODDS Infographic on Mask Wearing:** <https://www.oregon.gov/DHS/SENIORS-DISABILITIES/DD/ODDS%20Resource%20Library/COVID-ODDS-Mask-Infographic-Final.pdf>
- **ODDS Infographic on Obtaining Personal Protective Equipment (PPE):** <https://www.oregon.gov/DHS/SENIORS-DISABILITIES/DD/ODDS%20Resource%20Library/COVID-PPE-ODDS-Infographic.pdf>
- **ODDS COVID-19 Website:** <https://www.oregon.gov/DHS/SENIORS-DISABILITIES/DD/Pages/ODDS-COVID-19-Information.aspx>
- **OHA COVID-19 Website:** <https://govstatus.egov.com/OR-OHA-COVID-19>

Frequently Asked Questions:

- **ODDS and VR FAQs:** <https://www.oregon.gov/DHS/EMPLOYMENT/EMPLOYMENT-FIRST/Documents/ODDS-COVID-Employment-First-FAQ.pdf>
- **Provider FAQs:** <https://www.oregon.gov/DHS/SENIORS-DISABILITIES/DD/ODDS%20Resource%20Library/ODDS-COVID-Provider-FAQs.pdf>

Contact(s):

Contact(s): Regional Employment Specialist:

<https://www.oregon.gov/DHS/EMPLOYMENT/EMPLOYMENT-FIRST/Documents/Map-ODDS-Regional-Employment-Specialists.pdf>