

# Policy Transmittal Aging and People with Disabilities



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**Authorized signature**

**Number:** APD-PT-18-022

**Issue date:** 5/22/2018

**Topic:** APD Long Term Care

**Due date:**

**Transmitting (check the box that best applies):**

- New policy   
  Policy change   
  Policy clarification   
  Executive letter  
 Administrative Rule   
  Manual update   
  Other:

**Applies to (check all that apply):**

- |   |   |
|---|---|
| <input type="checkbox"/> All DHS employees                                | <input type="checkbox"/> County Mental Health Directors                       |
| <input checked="" type="checkbox"/> Area Agencies on Aging: Types A and B | <input type="checkbox"/> Health Services                                      |
| <input checked="" type="checkbox"/> Aging and People with Disabilities    | <input type="checkbox"/> Office of Developmental Disabilities Services (ODDS) |
| <input type="checkbox"/> Self Sufficiency Programs                        | <input type="checkbox"/> ODDS Children’s Intensive In Home Services           |
| <input type="checkbox"/> County DD program managers                       | <input type="checkbox"/> Stabilization and Crisis Unit (SACU)                 |
| <input type="checkbox"/> ODDS Children’s Residential Services             | <input type="checkbox"/> Other (please specify):                              |
| <input type="checkbox"/> Child Welfare Programs                           |   |

<b>Policy/rule title:</b>	LONG-TERM CARE SERVICE PRIORITIES FOR INDIVIDUALS SERVED		
<b>Policy/rule number(s):</b>	Chapter 411; Division 015	<b>Release number:</b>	
<b>Effective date:</b>	5/21/2018	<b>Expiration date:</b>	
<b>References:</b>			
<b>Web address:</b>			

**Discussion/interpretation:**

Per an agreement made between Aging and People with Disabilities and legal advocates (see [APD-PT-18-005](#)), Oregon Administrative Rule (OAR) [411-015](#) is being amended effective May 21, 2018. The rule amendments incorporate the following changes:

1. 411-015-0006 Activities of Daily Living is amended to add additional details about the tasks or subtasks within the following ADLs:
  - a. Bathing now includes, “This includes, but is not limited to, sponge bathes, bed bathes, bathing in a tub or showering.”

- b. Personal hygiene language now includes, “This includes shaving the face, legs or other desired areas, brushing teeth or maintaining dentures, and using tampons or pads to address menstrual needs.”
- c. Dressing now includes, “This includes, but is not limited to, the consideration of a consumer’s ability to use clothing with buttons, zippers, and snaps, and reflects the consumer's choice and reasonable preferences.”
- d. Grooming now includes, “This includes clipping and filing both toe nails and finger nails and includes brushing, combing, braiding, or otherwise maintaining one’s hair.”
- e. Transfers now includes, “This includes assessing one’s ability to transfer from areas used on a daily or regular basis such as sofas, chairs, recliners, bed, and other areas based on their reasonable personal preferences. When individuals are confined to their bed or a wheelchair repositioning is also a task included in transfers.”

***These changes are intended to provide additional guidance and specific examples for case managers when assessing individuals. They do not change frequency or assistance type requirements.***

- 2. 411-015-0008(1)(a)(A) has been updated to better define how to assess individuals. The language now reads, “A) Identifies an individual's ability to fully perform, in a safe and dignified manner comparable with how tasks would be performed by an individual not receiving Medicaid Long Term Services and Supports (MLTSS), the tasks described within activities of daily living in OAR 411-015-0006 and instrumental activities of daily living in OAR 411-015-0007;”

***The goal of this language is to address concerns raised by the legal advocates that in some cases, the assessment criteria was being interpreted too strictly thereby assessing consumers as independent when the way the consumer was having to perform the ADL was unsafe, undignified or inhumane.***

- 3. 411-015-0006 Cognition has been changed. We have deleted any requirement that we assess based upon how the individual functions on prescribed medications. This means that individuals are now assessed on how they present at the time of their assessment (with appropriate assessment time periods). For individuals under age 65 whose needs appears to driven by mental illness, emotional disorder, or substance abuse disorder, please follow the MED process.
- 4. There are other minor changes to meet rule formatting requirements.

**Implementation/transition instructions:**

Case managers should review the new language in the rules prior to completing assessments or reassessments. Oregon Access (OA) has not been updated since these changes do not change the assessment results in OA. These language changes should guide the assessment process rather change eligibility or service authorization.

**Training/communication plan:**

A webinar will be scheduled to review these materials.

Tools on the “Assessment, Service Planning, & CAPS” page on APD CM Tools will be updated by June 30, 2018.

**Local/branch action required:**

- Attend Webinar
- Review rules once posted

**Central office action required:** Schedule webinar and update tools.

**Field/stakeholder review:**  Yes  No

**If yes, reviewed by:** Policy and Ops

**Filing instructions:**

*If you have any questions about this policy, contact:*

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