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Department of Human Services

Office of Developmental Disabilities Services (ODDS)
ORS 430.216 Legislative Report
2019 Regular Session

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In accordance with ORS 430.216 (Section 4 of House Bill 2442), as enacted effective June 12, 2009, this document is the report on the safety of individuals receiving developmental disability services. This report follows the format of requested information as outlined in the bill.

(A) The average turnover of direct care workers in service settings.

In 2016, ODDS started to participate in the National Core Indicators (NCI) Staff Stability Survey. NCI is a collaboration of participating states, Human Services Research Institute (HSRI), and the National Association of State Directors of Developmental Disabilities Services (NASDDDS). Agency providers were asked to complete the survey using calendar year 2017 data. In addition to other valuable information, the survey provides data on average staff wages and turnover rates and allows for comparable analysis across the participating states. The Staff Stability Survey is conducted each year.

Based on the survey data, average annual turnover among direct support professionals (DSPs) in Oregon in 2017 was 47.4% percent a year. It is important to note that calculations of the turnover rates used a different methodology for this report than in previous years. According to the previous year's methodology Oregon turnover rate in 2017 is 56.6%.

There are no central data sources for determining the average turnover rates for Personal Support Workers (PSWs) in self-directed in-home services provided through Support Service Brokerages or Community Developmental Disability Programs. Therefore, turnover information on this particular group of direct care workers is not available.

(B) A Summary of the training provided by the Department or its

"Assisting People to Become Independent, Healthy and Safe"

contractors to direct- care workers in service settings. –

The Department, through the Office of Developmental Disabilities Services, has contracts with Oregon Technical Assistance Corporation (OTAC) to provide mentoring and training to workers. This training is intended to increase understanding of diverse behavioral challenges and teach proactive strategies to minimize behaviors, develop individual support plans, and implement person-centered support strategies. These contracts are the major source of training the Department provides to direct care staff.

Oregon developed a standardized Individual Support Plan (ISP) for use in all settings. This ISP took the place of 11 unique ISPs which were designed based on the service setting. Extensive training occurred throughout the state in 2015 – 2016 to residential and employment service providers, foster care providers, family members and Services Coordinators and Personal Agents, providing case management services.

Further details on training and technical assistance activities are available in **Appendix A** and include location of training and the numbers of those participating.

Trainings regarding the Oregon Intervention System (OIS) were also conducted via a contract with Alternative Services Inc. (ASI). In 2017 and 2018, the Office of Training, Investigation and Safety (OTIS) conducted trainings on mandatory abuse reporting and abuse prevention to participants.

(C) A summary of the core competencies required of direct care workers in service settings by the state for licensing or certification.

Adult Foster Care for Individuals with Developmental Disabilities –

Oregon Administrative Rule Chapter 411 Division 360, section 120, Adult Foster Care Home for Individuals with Developmental Disabilities, describes the Department's training requirements for Adult Foster Care providers of individuals with developmental disabilities. Refer to **Appendix B** for specific OAR language.

The Department has developed a standardized training curriculum that all adult foster care providers for individuals with developmental disabilities are required to complete prior to working unassisted. Additionally, provider competencies are monitored during site visits by Community Developmental Disability Program staff and during Department licensing visits. Refer to page 2 of Appendix B for details on the Basic Training Course. Training opportunities for Adult Foster Care Providers are listed online at http://www.oregon.gov/DHS/SENIORS-DISABILITIES/PROVIDERS-PARTNERS/Pages/afh-training.aspx

As a part of the collective bargaining agreement between the State and Adult Foster Care providers, there are efforts to improve the availability of training opportunities for providers. Also included in Appendix B, is the statement of intent on training included in that agreement. The total collective bargaining agreement can be viewed at:
http://www.oregon.gov/das/HR/CBA/SEIU%20Non%20State%20Adult%20Foster%20Care%2 0Home%20Providers%2015-19.pdf

24-Hour Residential Services for Children and Adults with Developmental Disabilities –

Oregon Administrative Rule Chapter 411, Division 323 section 0050, Agency Certification and Endorsement to Provide Developmental Disabilities Services in Community-Based Settings, describes the Department's general qualifications, including training requirements, for staff delivering services to individuals with intellectual or developmental disabilities.

Providers are required by Oregon Administrative Rule Chapter 411, Division 325 section 0025, 24-Hour Residential Programs and Settings for Children and Adults with Intellectual or Developmental Disabilities to develop and maintain a core competency training plan consistent with the Department's Oregon Core Competencies. Staff are required to meet the qualifications and demonstrate competency in the areas identified by the competency-based training plan.

The Core Competencies are currently formatted into two tiers: Tier 1 and Tier 2. Tier 1 consists of 27 modules which must be completed within two months a staff's start date and before the staff works unassisted. Tier 2 consists of 18 modules and must be completed within three months of the staff's start date.

Refer to **Appendix C** for specific rule language and detailed description of the core competencies.

(D) A summary of the average wages of direct care workers in service, presented by type of services provided.

Data for the average wage of direct support professionals (DSPs) in service settings is derived from the NCI Staff Stability Survey, containing input of agency providers reflecting calendar year 2017 information.

Based on the NCI report the average wage for DSPs for agency providers across all services for calendar year 2017 was $13.86.

Direct care to individuals with developmental disabilities can also be provided through the Medicaid State Plan personal care program and K-Plan state plan

option. Providers paid for this service are Personal Support Workers (PSWs) and are paid a rate established through the Collective Bargaining Agreement with SEIU.

There are no central data sources for determining the average rates paid to Personal Support Workers in self-directed in-home services authorized through Support Service Brokerages or Community Developmental Disability Programs. The pay rate ranges from $14.00 to $49.49 per hour and is a part of the Collective Bargaining Agreement with SEIU.

An example of the full array rate ranges for in-home services can be found at: http://www.dhs.state.or.us/spd/tools/dd/cm/ODDS-Expenditure-Guidelines.pdf

(E) The number of complaints of abuse filed as required by ORS 430.765 and received by the Department under ORS 430.743, reported by type of allegation.

Refer to **Appendix D** for specific details on complaints of abuse by type of allegation and service setting.

(F) The number of direct care workers in service setting who were subject to criminal or civil action involving an individual with a developmental disability.

Refer to Appendix D for specific details on complaints of abuse by type of allegation and service setting that were referred to law enforcement.

(G) The number of deaths, serious injuries, sexual assaults and rapes alleged to have occurred in service settings.

Refer to Appendix D for specific details of complaints of abuse by service setting.

(H) A schedule of all license fees and civil penalties established by rule pursuant to ORS 441.995, 443.455 and 443.790

Adult foster care for individuals with developmental disabilities – Oregon Administrative Rule Chapter 411 division 360 Section 0050, Adult Foster Home for Individuals with Developmental Disabilities, describes the license application and fees. Licensing fees are **Currently $50.00 per bed,** for each individual service recipient. Refer to **Appendix E** for specific OAR language.

Oregon Administrative Rules Chapters 411 division 360 Section 0260 reflect the conditions under which a provider may be subject to civil penalty, including the parameters of the financial limits a provider may be assessed. Refer to **Appendix E** for specific OAR language.

24-hour residential services for children and adults with developmental disabilities –

The Department complies with the licensing fee schedule currently identified in ORS 443.415 (2)(a) and (b) for residential training homes and residential training facilities. Fees are currently $50.00 for a residential training home, which is a 24-hour residential program serving five or fewer individuals in the same residence, and $60.00 for a residential training home, which is a 24-hour residential program serving six or more individuals in the same residence.

Oregon Administrative Rules Chapter 411, Division 325 section 0460 reflects the conditions under which a provider may be subject to a civil penalty. Refer to Appendix F for specific OAR language.

Appendix A: Training

2017-2018 Trainings provided by OTAC with funding provided through DHS|ODDS

Event Date	Time	Event Title	Location	# of Attendees
Jan 13, 2017	12:30 pm - 4:00 pm	Oregon ISP for Foster Providers (Adults and Children)	Portland	29
Jan 19, 2017	9:30 am - 11:00 am	Introduction to Individually-based Limitations in the Oregon ISP	WEBINAR	170
Jan 19, 2017	10:00 am - 5:00 pm	Oregon Intervention System: OIS-P "P is for Parent"	Portland	3
Jan 23, 2017	8:15 am - 12:00 pm	Oregon ISP for Provider Organizations	Hillsboro	52
Jan 25-26, 2017	9:00 am - 4:30 pm each day	Person Centered Thinking for Services Coordinators/Personal Agents	Hillsboro	7
Jan 27, 2017	8:30 am - 4:30 pm	Regional ISP Workshop: A deeper dive into the Oregon ISP process	Portland	26
Feb 21-22, 2017	9:00 am - 5:00 pm each day	Oregon Intervention System (OIS) - General Level Workshop	Oregon City	12
Mar 9, 2017	9:00 am - 5:00 pm	Oregon Intervention System: OIS-P "P is for Parent"	Portland	4
Mar 14, 2017	9:00 am - 4:30 pm	Behavior Specialist Network Event - A full day of learning and collaboration!	Eugene	39
Mar 29-30, 2017	9:00 am - 5:00 pm each day	Oregon Intervention System (OIS) - General Level Workshop	Portland	8
Apr 13, 2017	9:00 am - 12:30 pm	Oregon ISP for Foster Providers (Adults and Children)	Eugene	42
Apr 20, 2017	9:00 am - 12:30 pm	Oregon ISP for Foster Providers (Adults and Children)	Salem	45
Apr 27, 2017	9:30 am - 11:00 am	Introduction to new Oregon ISP forms	WEBINAR	587
May 19, 2017	8:30 am - 4:30 pm	Oregon ISP for Services Coordinators & Personal Agents	Salem	31
May 23, 2017	9:30 am - 10:30 am	Introduction to new Support Documents	WEBINAR	198
May 24, 2017	8:30 am - 4:30 pm	Oregon ISP for Services Coordinators & Personal Agents	Portland	49
May 25, 2017	8:30 am - 4:30 pm	Regional ISP Workshop: A deeper dive into the Oregon ISP process	Salem	20
Jun 6, 2017	8:30 am - 12:30 pm	Oregon ISP for Provider Organizations & Foster Providers	Salem	33
Jun 8, 2017	1:00 pm - 5:00 pm	Oregon ISP for Provider Organizations & Foster Providers	Portland	28
Aug 29, 2017	1:00 pm - 5:00	Oregon ISP for Provider Organizations &	Medford	42

Event Date	Time	Event Title	Location	# of Attendees
	pm	Foster Providers		
Aug 30, 2017	8:30 am - 4:30 pm	Oregon ISP for Services Coordinators & Personal Agents	Medford	36
Aug 31, 2017	11:00 am - 2:30 pm	Oregon ISP for Provider Organizations & Foster Providers	Roseburg	56
Sep 5, 2017	1:00 pm - 5:00 pm	Oregon ISP for Provider Organizations & Foster Providers	Portland	30
Sep 7, 2017	1:00 pm - 5:00 pm	Oregon ISP for Provider Organizations & Foster Providers	Salem	38
Sep 12, 2017	8:30 am - 4:30 pm	Oregon ISP for Services Coordinators & Personal Agents	Portland	48
Sep 19-20, 2017	9:00 am - 4:30 pm each day	Person Centered Thinking for Services Coordinators/Personal Agents	Medford	13
Sep 22, 2017	8:30 am - 4:30 pm	Oregon ISP for Services Coordinators & Personal Agents	Salem	23
Sep 26, 2017	8:30 am - 4:30 pm	Regional ISP Workshop: A deeper dive into the Oregon ISP process	Portland	34
Sep 29, 2017	8:30 am - 4:30 pm	Regional ISP Workshop: A deeper dive into the Oregon ISP process	Salem	32
Oct 4, 2017	9:00 am - 1:00 pm	Oregon ISP for Provider Organizations & Foster Providers	Ontario	15
Oct 5, 2017	8:30 am - 4:30 pm	Regional ISP Workshop: A deeper dive into the Oregon ISP process	John Day	11
Oct 6, 2017	8:30 am - 12:30 pm	Oregon ISP for Provider Organizations & Foster Providers	La Grande	33
Oct 9, 2017	8:30 am - 4:30 pm	Regional ISP Workshop: A deeper dive into the Oregon ISP process	Astoria	12
Oct 11-12, 2017	9:00 am - 4:30 pm each day	Person Centered Thinking for Services Coordinators/Personal Agents	Portland	22
Oct 17, 2017	8:30 am - 4:30 pm	Oregon ISP for Services Coordinators & Personal Agents	Redmond	25
Oct 18, 2017	8:30 am - 12:30 pm	Oregon ISP for Provider Organizations & Foster Providers	Redmond	40
Nov 6, 2017	8:30 am - 4:30 pm	Oregon ISP for Services Coordinators & Personal Agents	Wilsonville	32
Nov 8, 2017	12:30 pm - 4:30 pm	Oregon ISP for Provider Organizations & Foster Providers	McMinnville	22
Nov 13, 2017	8:30 am - 4:30 pm	Regional ISP Workshop: A deeper dive into the Oregon ISP process	Wilsonville	20
Nov 14-15, 2017	8:30 am - 4:30 pm each day	Person Centered Thinking for Services Coordinators/Personal Agents	Woodburn	22
Nov 28, 2017	9:30 am - 11:00 am	Intro to new Protocols and ISP Q & A	WEBINAR	334
Feb 6, 2018	8:30 am - 4:30 pm	Oregon ISP for Services Coordinators & Personal Agents	Portland	35

Event Date	Time	Event Title	Location	# of Attendees
Feb 7, 2018	8:30 am - 4:30 pm	Oregon ISP for Services Coordinators & Personal Agents	Salem	35
Feb 14, 2018	1:00 pm - 5:00 pm	Oregon ISP for Provider Organizations & Foster Providers	Portland	29
Mar 21-22, 2018	9:00 am - 5:00 pm each day	Person Centered Thinking - The foundation that underlies all person centered approaches	Redmond	13
Mar 21, 2018	8:30 am - 4:30 pm	Regional ISP Workshop: A deeper dive into the Oregon ISP process	Salem	18
Mar 27, 2018	1:00 pm - 5:00 pm	Oregon ISP for Provider Organizations & Foster Providers	Salem	32
Mar 29, 2018	8:30 am - 4:30 pm	Regional ISP Workshop: A deeper dive into the Oregon ISP process	Hillsboro	13
Apr 5, 2018	1:00 pm - 5:00 pm	Oregon ISP for Provider Organizations & Foster Providers	Eugene	27
Apr 24, 2018	8:30 am - 4:30 pm	Oregon ISP for Services Coordinators & Personal Agents	Eugene	23
Apr 25, 2018	10:00 am - 11:30 am	Risk Management Strategies	WEBINAR	110
May 9, 2018	8:30 am - 4:30 pm	Oregon ISP for Services Coordinators & Personal Agents	Portland	34
May 15, 2018	1:00 pm - 5:00 pm	Oregon ISP for Provider Organizations & Foster Providers	Hillsboro	29
May 16, 2018	9:00 am - 4:30 pm	Regional ISP Workshop: A deeper dive into the Oregon ISP process	Medford	40
May 23, 2018	2:00 pm - 3:30 pm	Chasing Dreams - How to develop and monitor great outcomes together	WEBINAR	89
May 29, 2018	8:30 am - 4:30 pm	Oregon ISP for Services Coordinators & Personal Agents	Salem	25
Jun 5, 2018	8:30 am - 4:30 pm	Regional ISP Workshop: A deeper dive into the Oregon ISP process	Eugene	19
Jun 13, 2018	10:00 am - 11:30 am	Strategies For a Successful ISP	WEBINAR	66
Sep 11, 2018	1:00 pm - 5:00 pm	Oregon ISP for Provider Organizations & Foster Providers	Aloha	16
Sep 13, 2018	8:30 am - 4:30 pm	Oregon ISP for Services Coordinators & Personal Agents	Portland	14
Sep 18, 2018	8:30 am - 4:30 pm	Oregon ISP for Services Coordinators & Personal Agents	Redmond	8
Sep 19, 2018	8:30 am - 12:30 pm	Oregon ISP for Provider Organizations & Foster Providers	Redmond	14
Sep 24, 2018	1:00 pm - 5:00 pm	Oregon ISP for Provider Organizations & Foster Providers	Pendleton	25
Sep 25, 2018	9:00 am - 1:00 pm	Oregon ISP for Provider Organizations & Foster Providers	Baker City	20

Event Date	Time	Event Title	Location	# of Attendees
Sep 26-27, 2018	9:00 am - 4:30 pm each day	Person Centered Thinking for Services Coordinators/Personal Agents	Aloha	15
Oct 3, 2018	9:00 am - 1:00 pm	Oregon ISP for Provider Organizations & Foster Providers	Portland	30
Oct 5, 2018	9:00 am - 1:00 pm	Oregon ISP for Provider Organizations & Foster Providers	Salem	27
Oct 10, 2018	9:30 am - 1:30 pm	Oregon ISP for Provider Organizations & Foster Providers	Tillamook	25
Oct 11, 2018	9:00 am - 4:30 pm	Oregon ISP for Services Coordinators & Personal Agents	Salem	27
Oct 17, 2018	9:00 am - 4:30 pm	Oregon ISP for Services Coordinators & Personal Agents	Medford	28
Oct 18, 2018	9:00 am - 1:00 pm	Oregon ISP for Provider Organizations & Foster Providers	Medford	29
Oct 30, 2018	10:00 am - 11:00 am	Oregon ISP - Questions & Answers	WEBINAR	77
Nov 27, 2018	12:30 pm - 4:30 pm	Oregon ISP for Provider Organizations & Foster Providers	Salem	18
Dec 4, 2018	12:30 pm - 4:30 pm	Oregon ISP for Provider Organizations & Foster Providers	Eugene	28
Dec 5, 2018	12:30 pm - 4:30 pm	Oregon ISP for Provider Organizations & Foster Providers	Portland	31

Total number of attendees in this reporting period: **3,392**

These training opportunities were delivered under two DHS|ODDS-funded contracts:

- **Contract #140761 – Person-centered Planning and Individual Support Plan**
  - o Active during this entire reporting period

- **Contract #148348 – Community Supports and Crisis**
  - o Active through 3/1/2017

Appendix B

ADULT FOSTER HOMES FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES

411-360-0120 Training Requirements

(Amended 9/27/2013)

(1) A provider must complete the Department's Basic Training Course that includes but is not limited to taking and passing an examination on course work and necessary skills. Failure to obtain a passing score on the Basic Training Examination may result in the denial or non-renewal of a license pursuant to OAR 411-360-0270. If an applicant fails the first Examination, a second Examination may be taken. If the applicant fails the second Examination, the application may be denied.

(2) All resident manager applicants must complete the Department's Basic Training Course and pass the Basic Training Examination prior to becoming a resident manager. If the applicant fails the first Examination, a second Examination may be taken. If the applicant fails the second Examination, the application may be denied.

(3) All substitute caregivers must complete the Department's Basic Training Course and pass the Basic Training Examination prior to providing care and services. If a substitute caregiver fails the first Examination, a second Examination may be taken. If the substitute caregiver fails the second Examination, the substitute caregiver must wait 14 days to retake the Examination. Each subsequent test failure requires a 14-day waiting period until the substitute caregiver passes the Examination.

(4) The provider or resident manager must keep documentation of the completion of the Department's Basic Training Course and annual training of substitute caregivers including the date of the training, subject content, name of the agency or organization providing the training, and the number of training hours.

(5) Prior to placement of individuals in an AFH-DD, the provider must complete an AFH-DD orientation provided by the local CDDP that at a minimum covers the requirements of the rules governing AFH-DD services.

(6) Prior to providing care and services to any individual, a resident manager and substitute caregiver must be oriented to the AFH-DD and to the individuals by the provider. Orientation must be clearly documented in the AFH-DD records.

Orientation includes but is not limited to:

(a) The location of the fire extinguishers;

(b) Demonstration of evacuation procedures;

(c) Instruction on the emergency preparedness plan;

(d) Location of the individuals' records;

(e) Location of telephone numbers for the individuals' physicians, the provider, and other emergency contacts;

(f) Location of medication and key for medication cabinet;

(g) Introduction to individuals;

(h) Instructions for caring for each individual;

(i) Delegation by a registered nurse for nursing tasks if applicable; and

(j) Instructions related to any Advance Directives.

(7) All provider and resident manager applicants must have current certification in first aid and CPR by a training agency approved by the Department.

(a) Accepted CPR and First Aid courses must be provided or endorsed by the American Heart Association, the American Red Cross, the American Safety and Health Institute, or MEDIC First Aid.

(b) CPR or First Aid courses conducted online are only accepted by the Department when an in-person skills competency check is conducted by a qualified instructor endorsed by the American Heart Association, the American Red Cross, the American Safety and Health Institute, or MEDIC First Aid.

(8) The Department requires at least 12 hours of Department-approved training annually for the provider, resident manager, and substitute caregivers. Training must be documented in the records of the AFH-DD.

(9) If a provider, resident manager, or substitute caregiver is not in compliance with these rules, the Department may require additional training in the deficient area, whether or not the 12-hour approved annual training requirement has already been met.

(10) Providers, resident managers, or substitute caregivers who perform tasks of care that are delegated by a registered nurse or taught by a physician must receive appropriate training and monitoring from a registered nurse or physician on

performance and implementation of the task of care. The delegated tasks of care must be addressed as part of an individual's ISP.

Statutory/Other Authority: ORS 409.050, 410.070, 443.725, 443.730, 443.735, 443.738, 443.742, 443.760, 443.765, 443.767, 443.775 & 443.790
Statutes/Other Implemented: ORS 443.705 - 443.825

Note: The full text of the administrative rule can be found at:

http://www.dhs.state.or.us/policy/spd/rules/411_360.pdf

The Basic Training Course for Adult Foster Care providers for individuals with developmental disabilities is comprised of the following modules:

- Module 1 – Introduction to Foster Care

- Module 2 – Hiring Staff and being an Employer

- Module 3 – Facility Standards Module 4 – Medication Management

- Module 5 – Medication Management Fatal Four (Aspiration, Dehydration, Constipation, Seizures)

- Module 6 – Documentation

- Module 7 – Individual Support Plans

- Module 8 – Working with Challenging

- Behaviors Module 9 – Abuse Reporting and Investigations

- Module 10 – Safety

The full training manual can be viewed at:

http://www.oregon.gov/DHS/PROVIDERS-PARTNERS/LICENSING/IDD-FOSTER-HOMES/Pages/Training.aspx

LETTER OF AGREEMENT - JOINT CONTRACT TRAINING

The Parties have a mutual interest to ensure that key staff and partners with AFH program responsibility share mutual knowledge and perspectives on the terms of the Collective Bargaining Agreement. To that end, after the Collective Bargaining Agreement is ratified, the intent of the Parties is to collaborate to present training to the key staff and partners.

STATEMENT OF INTENT – TRAINING

Section 1. Training Initiative.

A. It is the intent of the Parties to the Collective Bargaining Agreement to continue the Adult Foster Home (AFH) Training Committee with goals and responsibilities outlined below. The Training Committee shall continue a subcommittee for OHA with a minimum of three (3) OHA providers to address specific areas of concern. The training committee may appoint additional subcommittees for other specific program areas. The Training Committee may disband subcommittees by consensus decision. The AFH Training Committee shall consist of the following members:

1. A minimum of five (5), and up to ten (10) with mutual agreement, representatives from DHS/OHA Central and field offices, who bring specific program knowledge and expertise related to the services provided by Foster Care Providers covered under this Collective Bargaining Agreement (CBA).

2. A minimum of five (5), and up to ten (10) with mutual agreement, representatives from SEIU/AFH.

3. Two (2) representatives from other community-based care Provider groups, e.g. ALF's, RCF's, group homes, homecare, residential treatment facilities, or private pay adult foster homes, not already represented by SEIU/AFH.

B. Based on a shared understanding that quality training enhances skills and improves services provided to residents, the Committee shall have the following broad training goals:

1. Continue to improve and streamline the process for approval of AFH training and/or continuing education unit requirements, including identifying categories of qualified community partners pre- approved to provide training.

2. Continue to explore opportunities to work with agencies and community partners to provide more comprehensive training and alternative methods to deliver training to AFH Providers.

3. Continue to explore methods to make training opportunities to AFH Providers more accessible, such as on-line course study, CD/video/audio curriculum and in-classroom settings.

4. Communicate approved training opportunities through multiple methods, including an identified DHS/OHA website.

5. Continue to invite other appropriate partners, as necessary or as requested by the committee members, to attend the meeting(s) to provide their expertise on training-related topics/issues.

6. Explore free and low-cost on-line training options that meet mandated annual continuing education (training) requirements. Within twelve (12) months of implementation of this Agreement the Committee shall work to achieve the following goals and outcomes:

a) Maintain the minimum number of required hours/courses available for free on-line (twelve (12) hours for APD, DD and twelve (12) hours for OHA (including the eight (8) required areas). Some courses may meet the requirements for all three (3) program areas.

b) Evaluate the options for converting current non-digital training to an on-line format. The Agency will convert the current Agency self-study modules to an on-line format within this twelve (12) month period. The Agency will review and update the self-study content as needed during this process.

c) Discuss appropriate disclaimers to post on the DHS/OHA website to ensure Providers understand that repeat classes may not meet requirements and that the posted 'approved' classes meet the minimum requirements only and may not reflect Agency endorsement.

d) Discuss and make recommendations regarding the frequency in which certain courses may be repeated.

e) Develop a plan to keep at least the minimum amount (as referenced in 6(a) above) of free on-line training opportunities posted on the DHS/OHA website.

f) Will condenser developing online or self-study training related to the most common licensing deficiencies.

C. The results of the committee's work, including recommendations, shall be sent to the Department of Human Services (DHS) Administrators and Oregon Health Authority Administrators (OHA). If DHS or OHA decides to implement any portion of the committee's recommendations, it will strive to give prior

notice to the committee members.

D. DHS/OHA, in coordination with the Training Committee, shall complete the following:

1. Develop criteria and implement a form for Providers to record training that does not need prior approval;

2. DHS/OHA will keep the Training Committee informed on its progress to implement the Training program.

E. DHS/OHA and SEIU Local 503 may jointly participate in developing grant opportunities, including any funds available through federal programs.

Appendix C

24-hour residential services for children and adults with developmental disabilities

411-325-0020 Definitions

(Amended 02/15/2019)

(20) "Oregon Core Competencies" means:

(a) The list of skills and knowledge required for newly hired staff in the areas of health, safety, rights, values and personal regard, and the mission of the provider.

(b) The associated timelines in which newly hired staff must demonstrate the competencies.

411-325-0025 Program Management

(Amended 02/15/2019)

(5) COMPETENCY BASED TRAINING PLAN. A provider must have and implement a Competency Based Training Plan that meets, at a minimum, the competencies and timelines set forth in the Department's Oregon Core Competencies. At a minimum, the Competency Based Training Plan must:

(a) Address health, safety, rights, values, personal regard, and the mission of the provider.

(b) Describe competencies, training methods, timelines, how competencies of staff are determined and documented, including steps for remediation, and when a competency may be waived by the provider to accommodate the specific circumstances of a staff member.

(6) GENERAL STAFF QUALIFICATIONS. Each staff member providing direct assistance to individuals must:

(a) Have knowledge of the ISPs for all individuals and all medical, behavioral, and additional supports required by the individuals; and

(b) Have met the basic qualifications in the Competency Based Training Plan. The provider must maintain and keep current written documentation that the staff member has demonstrated competency in areas identified by the Competency Based Training Plan as required by section (5) of this rule, and that is appropriate to their job description.

Note: The full text of the administrative rule can be found at:
http://www.dhs.state.or.us/policy/spd/rules/411_325.pdf

2016 Core Competency Requirements for SCs/PAs

Module	Competency Statement & Learning Objectives	Instructional & Assessment Expectation(s)
101. Introduction to Tier 1 **Online course #____**	Begin Tier 1 by launching this online module. It will introduce you to the core competencies expectations. When you finish all of the online and local requirements for Tier 1, return to this module to acknowledge that you have completed all of the training requirements of Tier 1.	**Online course only**

Module	Competency Statement & Learning Objectives	Instructional & Assessment Expectation(s)
102. What It Means to Provide Good Case Management (Part 1) **Online course #____** **103. What It Means to Provide Good Case Management (Part 2)** **Online course #____**	Introduction to the role of case management. Understand the basics of effective communication skills including active listening and conveying accurate information in a manner that can be understood by the person receiving services, families, and others. Understand basic professionalism and courtesy. This includes timeliness, respectful communication, returning phone calls and emails in a timely manner, and providing good customer service. Understand how to maintain an impartial point of view when giving options, explaining services, etc. This includes having an awareness of when your own personal values may be influencing your capacity to act impartially. Understand that case management provides information and referral. Develop an awareness of available resources (including services offered by the local CDDP and/or brokerage(s)) and be able to connect people to resources as needed. This may also include awareness of local organization database or other information and referral tools, awareness of other service agencies including DSO, SSA, VR, schools, etc., and awareness of DHS Staff Tools website. Understand that case management requires long-term vision combined with the ability to focus on immediate needs of the person. Understand the concept of "nothing about me without me" and the importance of including the person in planning. Understand basic team facilitation skills, including problem solving, action planning, and leading a meeting. Understand basic conflict resolution. Understand the importance of time management and prioritization within your job. Understand that case management must maintain professional boundaries. Understand your organization's policies regarding accepting gifts, relationships, and use of social media. Understand your organization's policies addressing your personal safety while on the job. Understand your role within the scope of your organization's policies addressing your personal safety while on the job. Understanding your role within the scope of your organization's when confronted with illegal activity.	**Online course** **Local training:** Training on your organization's expectations; policies, and procedures; personal safety on the job. **Reading:** Tip sheet on stress and burnout

Module	Competency Statement & Learning Objectives	Instructional & Assessment Expectation(s)
104. Rights, Complaints, and Being a Proponent **Online course #____**	**Rights**: Understand that basic civil and human rights are extended equally to persons served within the Oregon I/DD system. 　1.　Understand that the people you support have the same civil and human rights as all citizens unless restricted through court action (such as guardianship). 　2.　Be aware that other circumstances may limit an person's rights such as ISP team decisions, civil court commitment, parole or probation, and Psychiatric Security Review Board (PSRB) decisions.	**Online course** **Reading:** Oregon Administrative Rules related to Individual Rights, Complaints, Notification of Planned Action, and Contested Case Hearings for Developmental Disability Services
	Rights: Able to identify rights possessed by persons in service beyond basic human and civil rights, including but not limited to the choice of residence and place of employment, freedom of movement, and freedom of communication and association. 　1.　Understand and be able to explain rights people have, including the ability to choose/change case management, choose where to live, where to work, refuse services, refuse medications or treatments, choose health care and other professional service providers, confidentiality of personal information, and private communication (including personal mail and access to a telephone). 　2.　Understand and be able to explain that utilizing publicly funded services includes cooperating with certain monitoring requirements. 　3.　Understand the case management role in informing of rights and obtaining required documentation.	**Online course only**

Module	Competency Statement & Learning Objectives	Instructional & Assessment Expectation(s)
	Complaints and Being a Proponent: Understand the resources a person has when rights are violated, services are denied, or when a person is dissatisfied with the quality of services. This includes the policies and processes for complaints and appeals. 1. Understand and be able to explain the complaints and appeals processes of the Oregon I/DD system. 2. Awareness that provider organizations have their own complaint policies in place. 3. Understand the case management role to assist the person in addressing an issue as needed. 4. Understand and be able to explain the complaints and appeals processes of your organization.	**Online course** **Local training:** Training on your organization's complaint policies. **Oral demonstration:** Demonstrate understanding of your organization's complaint policies.
105. Person Centered Language **Online course #____**	Understand and use person centered language in all interactions. 1. Understand how to speak of the person first, then the disability only when necessary. 2. Understand how to emphasize abilities, not limitations. 3. Understand that defining a person by his/her disability can contribute toward incorrect perceptions and create additional barriers to overcome.	**Online course only**
106. Case Management and Provider Qualifications **Online course #____**	**Case Management Qualifications**: Understand the need to meet the qualification requirements for providing case management services, including acquiring necessary training as needed. 1. Understand the qualification requirements for providing case management services. 2. Understand the initial and ongoing training requirements for case management per Oregon Administrative Rule (OAR). 3. Understand the initial and ongoing training requirements for case management per your organization's policy.	**Online course** **Local training:** Learn your organization's expectations for initial and ongoing training. **Reading**: Oregon Administrative Rules: Community Developmental Disability Programs; Support Services For Adults With Intellectual Or Developmental Disabilities

Module	Competency Statement & Learning Objectives	Instructional & Assessment Expectation(s)
	Qualified Providers: Be able to explain the types of service providers in Oregon and understand the qualifications required of each. 1. Understand and be able to explain various types of providers of service, including in-home services, employment and residential provider organizations, foster homes, personal support workers, independent contractors, general business providers, and others. 2. Understand that there are rules that govern providers of service. 3. Know where to locate the most current OARs and rule interpretation guidelines.	**Online course** **Reading**: DHS Criminal Records and Abuse Check Rules

Module	Competency Statement & Learning Objectives	Instructional & Assessment Expectation(s)
107. Introduction to Person Centered Practices **Online course #____**	Understand the principles of person centered practices and how they are used by case management. 1. Understand the importance of using person centered practices to gather meaningful information about a person's needs, preferences, and goals. 2. Have a basic awareness of person centered thinking skills, including understanding the importance of digging deeper to learn more meaningful details about the person's preferences and support needs, problem solving, learning about relationships in the person's life, and ways of recording learning. 3. Have a basic awareness of person centered planning and how it can be used to identify what's happening in a person's life, the person's goals and dreams, as well as make long and short-term plans for the future. This may include exposure to processes such as Essential Lifestyle Planning (ELP), Discovery processes used in career development, PATH/MAPs, etc. 4. Understand the concept of identifying what is important to (dreams and personal preferences) and what is important for (health and safety needs) a person and the value of striving toward a balance between them. 5. Know how to gather detailed information from various perspectives including the person, guardian, family, paid providers, and others that the person identifies. Understand tools that can help gather detailed information and record various perspectives. 6. Able to recognize and look past barriers or constraints when listening to what is important to the person. 7. Understand that services and supports are flexible and responsive to a person's identified needs and preferences.	**Online course** **Reading:** Handout of various available person centered planning approaches

Module	Competency Statement & Learning Objectives	Instructional & Assessment Expectation(s)
108. Seeking the Person's Perspective **Online course #**	Understand case management's role to ensure the person's perspective is sought and know that it is critical in planning. 1. Learn how to identify needs, strengths, and interests using open ended questions. 2. Recognize dignity of the person and family first and foremost. 3. Recognize situations where it may be necessary to ask questions in different ways to get more information, even after someone has indicated a reluctance to share information. 4. Understand that case management is a "proponent:" one who does not serve as an advocate for the person, but rather as one who ensures the person's perspective is sought and used to direct planning.	**Online course only**
109. Conflict of Interest **Online course #____**	Able to recognize conflict of interest, explain it to others, and take action when necessary. 1. Understand the definition of conflict of interest provided by ODDS. 2. Able to explain the definition and examples of conflict of interest to others. 3. Understand the case management role in addressing conflict of interest with the ISP team when it is present.	**Online course only**
110. Reporting Serious Events **Online course #____**	Understand case management's role in completing or reviewing documentation for serious events, including incident reports, death notifications, and SERT reporting. 1. Able to identify serious events that trigger the need to complete additional documentation and follow-up. 2. Able to locate and complete the required documentation for identified serious events within expected timelines.	**Online course** **Local training:** Learn how to complete required forms. **Physical demonstration**: Demonstrate ability to successfully complete required forms.

Module	Competency Statement & Learning Objectives	Instructional & Assessment Expectation(s)
111. Oregon ISP Process (Part 1): Planning Overview and Natural Supports **Online course #____**	**Purpose of the ISP:** Understand the purpose of the Individual Support Planning (ISP) process. 1. Understand the purpose and importance of planning and how it relates to the person directing his/her own life. 2. Understand that the ISP is crafted following a person centered process. Information is gathered about what is important to the person (preferences and goals) and what is important for the person (support needs) and that information is used to drive all services that are provided under the plan. 3. Understand the importance of keeping the plan current throughout the year by making changes as directed by the person or the ISP team. 4. Understand a person's rights when it comes to his/her ISP, as well as the case management's role in ensuring a person has been informed of those rights in a way that can be understood.	**Online course only**
	Role of Identified ADL/IADL Needs in Planning: Understand how Activities of Daily Living (ADL) and Instrumental Activities of Daily Living (IADL) support needs are identified and how this directly informs planning. 1. Understand what ADL and IADL support needs are and how they are identified. 2. Understand how the person's preference, or what is important to the person, informs how ADL and IADL support needs are addressed. 3. Understand the case management role of addressing support needs and incorporating them into the ISP. 4. Understand the importance of considering ADL and IADL support needs necessary for the person to accomplish goals that are important to him/her.	**Online course only**

Module	Competency Statement & Learning Objectives	Instructional & Assessment Expectation(s)
	Natural Supports: Understand the definition and importance of natural supports, how they are considered when planning, and the role case management can play in promoting development of natural supports. 1. Understand that "Natural Supports" or "Natural Support System" is defined as the resources available to a person from the person's relatives, friends, significant others, neighbors, roommates, and the community. Services provided by natural supports are resources that are not paid for by the Department. 2. Understand the importance of natural supports and their role in improving the quality of a person's life. 3. Understand the importance of identifying and strengthening natural supports that are available to a person. 4. Understand tools and resources that can help expand a person's available natural supports (e.g. Relationship map).	**Online course only**
112. Oregon ISP Process (Part 2): ISP Team, Values, and Self Determination **Online course #____**	**ISP Team:** Understand the definition of an ISP team and the role the team plays in planning with the person and delivery of services. Understand the role that each member of the team plays within the ISP team. 1. Understand the makeup of the ISP team according to Oregon Administrative Rule (OAR). 2. Understand the role of the person receiving services and other members within the ISP team. 3. Understand the role of case management on the team, including as team facilitator and the authorizing authority for funded services.	**Online course** **Reading:** Oregon Administrative Rules related to Individual Support Planning

Module	Competency Statement & Learning Objectives	Instructional & Assessment Expectation(s)
	ISP Values & Self Determination: Understand the values that drive the Individual Support Planning (ISP) process. 1. Understand the concept of self-determination and be able to facilitate the ISP process to ensure the person is the leader of his/her plan. Demonstrate ability to identify and support a person's choice preferences. 2. Understand the concept of self-direction and how it relates to the person exercising self-determination in terms of directing his/her own services. 3. Understand the importance of supporting people to be productive through engaging in income-producing work or contributing to their household and community. Recognize how the Employment First policy influences planning. 4. Understand the importance of supporting people to be as independent as possible, considering cultural and family dynamics, the person's preferences, goals, strengths, and needs. 5. Understand the importance of supporting people to be actively involved members in their communities, while having access to the same services and resources as people without disabilities. 6. Understand the importance of active engagement to the community as a whole and the role of case management. Consider the benefits of active engagement, combating loneliness, developing a strong social network, and recognizing the person's own definition of active involvement.	**Online course only**

Module	Competency Statement & Learning Objectives	Instructional & Assessment Expectation(s)
113. Choice Advising **Online course #____**	Understand the case management role in choice advising. 1. Understand the definition and importance of choice advising, including deciding who provides case management services. 2. Understand the importance of providing information about the array of options available to a person in a manner that is impartial, and as such that the person will not be compelled to elect services offered through any particular agency. 3. Understand case management's role in informing a person (and guardian/designated representative, if applicable) of available services, including but not limited to in-home supports, comprehensive service settings, family support, employment/pre-vocational supports, waiver supports, and state plan services. 4. Understand and able to fulfill case management's role in informing a person (and guardian/designated representative, if applicable) of the risks and appropriateness of service options chosen. 5. Understand and able to fulfill case management's role in choice advising for transition-age adolescents and families, including but not limited to employment options, rights and risks associated with decision making as an adult, state plan services, as well as guardianship/alternative, service setting, and case management options.	**Online course** **Reading:** DHS Policy Transmittals related to Choice Advising

Module	Competency Statement & Learning Objectives	Instructional & Assessment Expectation(s)

114. CMS and Stewardship of Public Funds
 	
Online course #____
	CMS Funds: Have a basic understanding of the system of delivering services funded by the Centers for Medicare & Medicaid Services (CMS).
	  1. Understand that Oregon Health Authority (OHA) is the designated Medicaid authority in Oregon and oversees waiver and state plan operations.
	  2. Understand ODDS' responsibility in assuring compliance to waiver and state plan operations.
	  3. Understand case management responsibility in delivery and oversight of waiver and state plan services.
	  4. Understand the purpose of the K Plan.
	  5. Understand the purpose of the Home and Community Based waivers.
	  6. Understand and be able to explain to people and family members the basic concepts of funding of I/DD services in Oregon.
		Online course only

Module	Competency Statement & Learning Objectives	Instructional & Assessment Expectation(s)

	Stewardship: Understand resourceful stewardship of public funds, and how case management must ultimately answer to the taxpayer.
	  1. Understand the case management role in promoting resourceful stewardship of public funds.
	  2. Awareness of other public funded agencies, community organizations, family networks, and other generic programs that offer services to people with I/DD.
	  3. Understand the importance of strengthening a person's natural networks to reduce reliance on waiver or state plan funded services.
	  4. Understand that services cannot be paid for with waiver, K Plan or state plan funds when a different department or agency has responsibility to provide it. Waiver and state plan funds are the "last dollar" used.
	  5. Able to explain that being eligible for case management services does not automatically make someone eligible for other I/DD services.
	  6. Able to identify specific services which may be purchased with waiver or state plan funds when other agencies also have an involvement in providing services.
		Online course only

115. Values and History **Online course #____**	**DHS Core Values:** Be familiar with the Core Values of Oregon Department of Human Services. 1. Know the DHS Core Values of Integrity, Stewardship, Responsibility, Respect and Professionalism.	**Online course** **Reading:** DHS Core Values

Module	Competency Statement & Learning Objectives	Instructional & Assessment Expectation(s)
	Values & History: Understand other values within the Oregon I/DD system. 1. Understand that state and federal regulations and programs for people with I/DD are based upon universal human rights and constitutional liberties granted to all. 2. Understand the principles of Self-Determination and the importance of seeking the person's choice in guiding the planning process. 3. Understand that the least restrictive environment is preferred for both children and adults. 4. Understand that systems exists to support people with behavior challenges (Oregon Intervention System (OIS) and Positive Behavior Intervention and Support) which values positive approaches and prohibits punitive actions in behavioral strategies. 5. Awareness of historic lawsuits and settlement agreements that have impacted services in Oregon, including the Staley agreement. 6. Awareness of the historical use and closure of institutions in Oregon.	**Online course only**
116. Confidentiality **Online course #____**	**Confidentiality**: Understand the case management responsibility to follow confidentiality standards and be able to cite specific examples of situations that are deemed confidentiality violations. 1. Demonstrate ability to prevent breaches in confidentiality. 2. Understand case management's role in maintaining strict confidentiality standards and complying with HIPAA requirements. 3. Demonstrate understanding confidentiality expectations through completing a scenario-based assessment. 4. Understand your organization's policies and participate in training on confidentiality and HIPAA.	**Online course** **Local training:** Learn your organization's confidentiality expectations; training on confidentiality offered by ODDS to foster providers. **Reading:** Oregon Administrative Rules related to Confidentiality; DHS Privacy Practices

Module	Competency Statement & Learning Objectives	Instructional & Assessment Expectation(s)
117. Qualifying Encounters and Professional Documentation **Online course #____**	**Qualifying Encounters:** Understand requirements for documented, qualifying encounters for people receiving state plan or waiver services. Understand case management's role in delivering and documenting required qualifying encounters. 1. Understand what is meant by "qualifying encounters." 2. Understand the minimum contact requirements (qualifying encounters) for case management, in terms of content and timeliness. 3. Know that some contacts occur that are not considered qualifying encounters. 4. Understand the requirements for documenting qualifying encounters. 5. Be able to complete qualifying encounters accurately.	**Online course** **Local training:** Guidance on completing qualifying encounters. **Physical demonstration**: Demonstrate ability to complete qualifying encounters accurately. **Reading**: ODDS Technical Guide
	Professional Documentation: Be able to use basic professional writing skills in all documentation. 1. Understand professional documentation principles including accuracy, objectivity, brevity, and clarity. 2. Demonstrate use of person-centered language when writing and ensure the person's voice is represented accurately and clearly. 6. Be able to effectively complete required written documentation per your organization's documentation practices.	**Online course** **Local training:** Organization's documentation practices. **Physical demonstration:** Demonstrate ability to effectively complete required written documentation.
	Record Keeping Systems: Know the specific forms and/or electronic record-keeping systems that are necessary to complete required documentation. 1. Be familiar with the DHS forms website. 7. Receive training and demonstrate competency in completing documentation according to your organization's policies and/or procedures. Know the key forms required for use by case management at your organization and how to locate guidance for completing and submitting them. Specific forms include 0337, Level of Care, and others needed for your specific job responsibilities.	**Online course** **Local training:** Training on completing required forms; organization's policies and/or procedures around documentation. **Physical demonstration:** Demonstrate ability to complete required forms and documentation.

Module	Competency Statement & Learning Objectives	Instructional & Assessment Expectation(s)
118. Oregon's Employment First Policy **Online course #____**	Understand the case management role in carrying out Oregon's Employment First policy. 1. Understand Oregon's Employment First policy, including the Executive Order and Employment First team at DHS, and that your role is to promote Employment First. 2. Understand the case management role in completing the Career Development Plan within the ISP. 3. Awareness of the Discovery process for someone on a path to employment. 4. Awareness that conversations about planning toward employment begin in childhood. 5. Awareness of other employment-related agencies (including VR) and the case management role in coordinating with them.	**Online course** **Reading:** Oregon's Employment First Policy
119. Eligibility **Online course #____**	Understand basic eligibility standards for services funded through the Office of Developmental Disability Services (ODDS). 1. Understand the relationship between eligibility determination and Level of Care. 2. Understand what case management needs to know about how someone is determined eligible. 3. Understand case management's role when someone is determined ineligible. Understand and be able to identify how eligibility is determined following your organization's process.	**Online course** **Local training:** Understand your organization's process for determining eligibility (including working with a local eligibility specialist, if applicable). **Oral demonstration:** Able to successfully identify how eligibility is determined following your organization's process.
120. Record Keeping *Local only*	Understand case management's role in adhering to the organization's record keeping requirements. 1. Understand the organization's record keeping requirements and know what you are expected to do to implement them.	**Local training:** Learn your organization's expectations for record keeping. **Physical demonstration:** Demonstrate understanding of your organization's record keeping requirements.

Module	Competency Statement & Learning Objectives	Instructional & Assessment Expectation(s)
121. Emergency Response *Local only*	Understand your organization's plans in place to mitigate risk and be able to respond as required in case of emergency. 2. Awareness of types of natural disasters that may occur in your area and how to connect people with appropriate resources to help them in an emergency. Understand your personal responsibility within your organization is if a disaster occurs, including understanding emergency procedures, where to report, and who to call. Awareness of OARs regarding emergency preparedness per service element. Awareness of specific emergency plans for service providers in your area. Awareness of emergency procedures and/or preparedness plans for each person served. Be able to ask "do you have a plan?" or "do you want a plan?" when needed.	**Local training:** Awareness of your organization's disaster and emergency preparedness plans and your role. **Oral demonstration:** Demonstrate understanding of your organization's plans. **Reading:** Oregon Administrative Rules regarding emergency preparedness
122. Abuse Reporting *Local only*	Demonstrate knowledge of and ability to follow the mandatory abuse reporting process. Understand the case management role in providing protective services and assisting with abuse investigations as directed by ODDS. 3. Able to identify examples of abuse, neglect, and exploitation. Able to explain the mandatory reporting requirements and process for reporting. Complete required training for case management produced by the Office of Adult Abuse Prevention and Investigation (OAAPI).	**Local training:** Complete training module and quiz published by OAAPI or follow your organization's expectations. **Reading:** Oregon Administrative Rules regarding abuse reporting

Module	Competency Statement & Learning Objectives	Instructional & Assessment Expectation(s)
123. Level of Care *Local only*	Understand Level of Care (LOC), why it is completed, and the case management responsibilities related to it. 　　4. Able to describe significance of Level of Care (LOC), the relationship of LOC to accessing services, and its link to plan development. Understand expectations for who is responsible to complete LOC and when. Understand expectations to review LOC and responsibilities for assuring that a person's LOC remains accurate and current.	***Other training provided by DHS/ODDS*** **Local training:** Hands on training completing the Level of Care form. **Physical demonstration**: Able to successfully complete the Level of Care. **Reading**: Level of Care Assessment Technical Guide (available in the Resources tab of module 119)
124. Needs Assessment *Local only*	Able to objectively complete a Needs Assessment. 　　5. Understand that remaining objective is essential while completing an assessment that is specific to the eligible person's support needs. Able to complete a needs assessment that is specific to the person's support needs.	***Other training provided by DHS/ODDS*** **Physical demonstration:** Able to successfully complete a Needs Assessment.
125. Basic High Risk Issues *Local only*	Awareness of basic serious, high-risk issues that are commonly encountered in this field. 　　6. Awareness of the "fatal four" risks, including aspiration/choking, dehydration, constipation, and seizures.	***Other training provided by DHS/ODDS***
201. Introduction to Tier 2 **Online course #____**	Begin Tier 2 by launching this online module. When you finish all of the online and local requirements for Tier 2, return to this module to acknowledge that you have completed all of the training requirements of Tier 2.	**Online course only**

Module	Competency Statement & Learning Objectives	Instructional & Assessment Expectation(s)
202. Individual Support Planning: Services, Desired Outcomes, Risks, and Ancillary Supports **Online course #____**	**Services:** Understand that a plan must include the types of services to be furnished, the amount, frequency and duration of each service, and the type of provider to furnish each service. 1. Understand that the plan must itemize specific services to be delivered, including frequency, timelines and the chosen provider. 2. Understand that the plan must identify the funding source for all supports provided, including Activities of Daily Living (ADL) and Instrumental Activities of Daily Living (IADL) supports. 3. Understand Oregon's ISP process. 4. A person's ISP must be revised at least annually. It is case management's role to ensure that planning happens in accordance with required timelines. 5. Understand how Level of Care and the needs assessment lead to the ISP. 6. Understand the case management role in ensuring that the ISP meets any requirements defined by the funding source(s). Example: K plan services provided must meet requirements as approved by CMS for Oregon's 1915 (k) plan. 7. Be able to complete an ISP according to the requirements of Oregon's ISP process.	**Online course** **Local training**: Training on completing an ISP. **Physical demonstration:** Demonstrate ability to complete an ISP.

Module	Competency Statement & Learning Objectives	Instructional & Assessment Expectation(s)
	Desired Outcomes: Understand and be able to fulfill the case management role in facilitating the development of meaningful and measurable outcomes within a person's Individual Support Plan (ISP). 1. Able to facilitate conversations that result in meaningful outcomes driven by the balance between what is important to and for a person. 2. Able to identify what is important to and for the person regarding independence, dignity and well-being so that plans can focus on the person getting the life he/she chooses. 3. Recognize the importance of thinking about long-term goals as well as short-term planning needs. 4. Understand the importance of including a plan for evaluating progress toward accomplishing the identified meaningful and measurable outcomes. 5. Awareness of person centered tools that can help identify goals, dreams, or things to work on (e.g. PATHs, MAPs, relationship maps, etc.). 6. Able to use information gathered while planning with the ISP team to write meaningful, measurable outcomes into the ISP.	**Online course** **Physical demonstration:** Demonstrate ability to complete action plans with meaningful, measurable outcomes.

Module	Competency Statement & Learning Objectives	Instructional & Assessment Expectation(s)
	Risks: Understand the case management role of identifying risks and following through to ensure that appropriate supports are offered. 1. Understand the risk assessment tool used in Oregon's ISP and the case management role in completing it. 2. Understand the importance of having a plan and a back- up plan to address identified risks present in the person's life. 3. Be familiar with various types of support documents, including protocols, safety plans, behavior support plans, staff interaction guidelines, procedures, and more. 4. Understand the person's right to direct how risks are addressed. Ensure the person and families are offered information about risks and choices in an accessible and meaningful way. 5. Understand case management's requirement to meet reporting standards: identified individual risk and safety considerations are addressed taking into account the person's informed and expressed choices. 6. Know when to ask for help from your supervisor or from ODDS. Be able to complete the ISP showing identification of risks and plans in place to address risks.	**Online course** **Physical demonstration:** Able to complete ISP showing identification of risks and plans in place to address the risk.

Module	Competency Statement & Learning Objectives	Instructional & Assessment Expectation(s)
	Ancillary Supports: Able to connect people to various ancillary supports that may be useful when planning and include in the ISP when necessary. 1. Awareness of common mental health issues and basic understanding of indicators that further evaluation may be needed. 2. Awareness of various identified ancillary services (below) and when they may be beneficial to people. 3. Able to connect people to ancillary services as needed. • Speech pathology, OT/PT, nursing services • Mental Health support services such as counseling, psychiatric services, substance abuse treatment and prevention, trauma-informed services • Positive Behavior Intervention and Supports and the role of a behavior specialist or behavior consultant • ODDS' Assistive Technology Discussion Tool and resource guide 7. Be able to discuss scenarios when ancillary supports may be effective.	**Online course** **Oral demonstration:** Discussion with colleague about scenarios when ancillary supports may be effective.

Module	Competency Statement & Learning Objectives	Instructional & Assessment Expectation(s)
203. Guardianships and Informed Consent **Online course #**	**Guardianships:** Demonstrate an understanding of the key differences between various types of legal guardianships and their specific scopes of authority over a person's choice. 1. Have a basic understanding of guardianship proceedings and how a guardianship is assigned. 2. Understand the legal definition of "incapacitated person." ORS 125.060 through ORS 125.080. 3. Have a basic understanding of the key differences between various types of legal guardianships, their scopes and limitations of authority over a person's choice. 4. Have an awareness of what a health care representative is, when it can be helpful, how one can be appointed, and how to connect with the required training provided by DHS. 5. Have an awareness of what a representative payee is, when it can be helpful and how one can be appointed (Link to SSA). 6. Understand that conflicts sometimes arise between what the person wants and what the guardian directs. When this happens, it may be helpful to discuss the issue with your supervisor for guidance.	**Online course** **Reading:** Guardianship handbook from Disability Rights Oregon.
	Informed Consent: Understand what informed consent means and case management's role in obtaining it. 1. Understand the definition of informed consent as it pertains to ODDS. 2. Understand case management's role in obtaining and documenting informed consent from the person around matters of choosing services, planning, and other situations where informed consent is required. 3. Understand options available if a person is determined unable to give informed consent. 8. Able to help assess whether a person's ability to give informed consent needs to be adjudicated.	**Online course** **Oral demonstration:** Demonstrate ability to help assess whether a person's ability to give informed consent needs to be adjudicated.

Module	Competency Statement & Learning Objectives	Instructional & Assessment Expectation(s)

204. Balancing Risks and Choice
 	
Online course #____
	Understand the importance of respecting a person's choice and offering alternatives to risky behavior.
	  1. Have a basic understanding of person centered approaches to risk (article provided).
	  2. Understand the importance of having a plan in place for checking in when a person is engaging in risky behavior.
	  3. Be able to explain options and offer to connect the person with alternatives to risky behavior.
	  4. Awareness of other agencies that offer services that the person may choose to access.
	Understand your core responsibilities in addressing risk and where case management may exercise judgment or creativity in providing options or recommending action.
		Online course
		
		Local training: Conversation with supervisor about responsibilities to address risk.
		
		Reading: Thinking about Risk by Michael Smull

205. Monitoring, Follow up, and Ensuring Honesty
 	
Online course #____
	Monitoring: Understand the case management responsibilities associated with monitoring, including routine monitoring tasks, frequency, documentation requirements, triggers for increased monitoring, and the importance of following up when action is necessary.
	  1. Understand the purpose of monitoring and the required tasks associated with it, including monitoring progress toward outcomes of ISPs and services being delivered.
	  2. Understand the required minimum monitoring frequencies.
	  3. Understand concept of "closing the loop" and the importance of following up to seek improvement and resolution of identified issues.
	  4. Understand tools that can be used to assist with monitoring.
	  5. Demonstrate ability to identify, communicate, document, and follow-up on issues found during monitoring.
	  6. Understand the responsibilities for monitoring of individual finances.
	  9. Understand expectations when monitoring and able to demonstrate monitoring with supervisor or colleague.
		Online course
		
		Local training: Local conversation about expectations when monitoring.
		
		Physical demonstration: Participate in monitoring visits with supervisor or colleague and receive feedback.

Module	Competency Statement & Learning Objectives	Instructional & Assessment Expectation(s)
	Following Up with Providers: Understand case management responsibilities when providers are not meeting expectations. 1. Understand the role of case management as it relates to licensing and regulatory oversight of providers. 2. Understand the role of case management in following up on provider licensing citations when required. 3. Be familiar with situations when observations must be reported to the Office of Licensing and Regulatory Oversight. 4. Understand the case management role in seeking improvement and resolution of identified areas of concern. 10. Be able to demonstrate understanding of how to respond when providers are not meeting expectations.	**Online course** **Local training:** Conversation with supervisor about situations where supervisor wishes to be notified. **Oral demonstration:** Demonstrate understanding of how to respond when providers are not meeting expectations.
	Ensuring Honesty and Integrity: Understand the responsibilities inherent in ensuring honesty and integrity from assessment through planning and delivery of services. 1. Understand what constitutes Medicaid fraud. 2. Understand the importance of honesty and integrity in all case management tasks. 3. Understand the case management role when fraud or unethical behavior is suspected or observed.	**Online course only**

Module	Competency Statement & Learning Objectives	Instructional & Assessment Expectation(s)
206. Transitions **Online course #____**	Understand case management's role in facilitating various types of transitions. 1. Understand the case management role in ensuring continuity of care when facilitating transitions. • Transition point: Starting school. Specific issues to be aware of, typical timelines, etc. • Transition point: Preparing for future employment. Know that planning toward employment begins in childhood. Additional planning continues around age 14. Discovery processes and gathering information about the person's abilities and choices. • Transition point: Leaving school. Specific issues to be aware of, typical timelines, etc. Diploma, alternative diplomas or certificates, etc. Transitioning to work or life after school. Using information gathered through a discovery process to find a job. • Transition point: Changing providers. Specific issues to be aware of, typical timelines, etc. • Transition point: Moving between CDDP and Brokerage services. Specific issues to be aware of, typical timelines, etc. • Transition point: Changing counties. Specific issues to be aware of, typical timelines, referral process, transition checklist, etc. • Transition point: Retirement, leaving work. Specific issues to be aware of, typical timelines, how to plan, etc. 11. Understand your organization's transition checklist or procedures, if applicable.	**Online course** **Local training**: Training on your organization's transition checklist or procedures, if applicable.

Module	Competency Statement & Learning Objectives	Instructional & Assessment Expectation(s)

207. Cultural Sensitivity
 	
Online course #____
	Understand basic cultural sensitivity as it applies to the role of case management.
	    1. Awareness that case management will interact with a diverse population.
	    12. Know what training your organization provides in cultural competency and complete this.
		Online course
		
		Local training: Your organization's cultural competency training.
		
		Oral demonstration: Conversation with supervisor or colleague about specific cultural considerations at your organization.

208. eXPRS Plan of Care *Local only*	Knowledge of the case management role in eXPRS Plan of Care. 13. Understand the case management role in eXPRS Plan of Care. Understand your organization's procedure for inputting information into eXPRS Plan of Care.	**Local training:** Learn your organization's procedure for inputting information to eXPRS Plan of Care. Learn ODDS expectations for information inputted to eXPRS Plan of Care. **Physical demonstration:** Demonstrate understanding of procedures for inputting information into eXPRS Plan of Care.

2016 Core Competency Requirements for DSPs

Module	Competency Statement & Learning Objective	Instructional & Assessment Expectation(s)
TIER 1		
DSP 101: **Introduction to Core Competencies** *On-line Course*	Launch of the on-line training module. Introduction to the on-line core competency training structure and timelines for completion of training tiers.	On-line course. Participants will return to the DSP 101 module to verify completion of Tier 1 trainings.
DSP 102: **Rights: Mandatory Abuse Reporting** *Local training or OTIS on-line course-* **DHSOHA – OTIS-Mandatory Abuse Reporting**	Complete mandatory abuse training prior to providing any direct support supervision. Understand role as a mandatory abuse reporter. Following course completion, staff will be able to: • Explain mandated reporting requirements • State examples of abuse, neglect, and exploitation • Describe ways to protect a person's rights • Described actions to take when someone's rights are being violated.	Local training or may be completed as an on-line module (available from OTIS beginning in 2018).
DSP 103: **Basic Civil and Human Rights** *On-line Course*	This course covers: • Basic rights • The rights of individuals with I/DD • Circumstances which may limit a person's rights	On-line course
DSP 104: **Confidentiality Standards** *On-line Course*	• Direct Support Professionals' (DSP) responsibility to follow confidentiality standards. • Type of information that must be kept confidential. • HIPAA requirements regarding Protected Health Information (PHI) • Ways to prevent the release of confidential information.	On-line course Local training on organization confidentiality policy and procedures Demonstrate ability to follow organization's confidentiality procedures
DSP 105:	• Complaint processes used in the	On-line course

Complaints *On-line Course*	I/DD system. • DSP role in assisting a person to make a complaint.	Local training on organization complaint policy and procedures Demonstrate ability to follow organization's complaint procedures
DSP 106: **Dignity, Respect, and Person-Centered Language** *On-line Course*	The importance of: • Treating people with respect regardless of disability. • Talking about people and their abilities rather than disabilities. • Using positive techniques while communicating. • Not labeling people as part of a disability group. • Understanding how mood, attitude, and actions affect people supported. • Encouraging supported people to speak for themselves.	On-line course Demonstrate ability to interact with people with dignity and respect while listening and responding with empathy. Demonstrate ability to use person-centered language in all interactions.
DSP 107: **Medical Information** *Local Training Only*	Be aware of basic medical information for each supported person: • Know the location of medical information for each supported person. • Become familiar with basic medical information for each supported person, including information about allergies, diagnoses, treatments, and medications.	Local training on how to locate medical information for supported persons. Demonstrate ability to locate medical information for supported persons.
DSP 108: **Understanding Common, Serious Health Risks** *On-line Course*	• Serious, high-risk issues that are common in the I/DD field, including aspiration/choking, constipation, dehydration, seizures, diabetes, pica, and other issues • General preventative measures for high-risk issues • How to respond when a serious high-risk issue occurs	On-line course
DSP 109:	• What adaptive equipment is and	On-line course

Adaptive Equipment *On-line Course*	how it may benefit a person • Examples of adaptive equipment • How to use and maintain equipment	Local training on responsibilities related to any adaptive equipment used by supported persons. Demonstrate understanding of responsibilities related to any adaptive equipment present for each supported person.
DSP 110: Infection Control Techniques *On-line Course*	• When to use bloodborne pathogen procedures • Proper techniques and procedures when dealing with blood or other bodily fluids • Reporting and addressing exposure incidents	On-line course Local training on bloodborne pathogens, including locating and using equipment. Demonstrate ability to locate and properly use equipment in the workplace. Optional reading includes Oregon OSHA materials.
DSP 111: Medication Administration and Documentation *On-line Course*	Basic information about: • Administering medications; and • Recording medication administration	On-line course Local training with hands-on practice administering medication and documenting administration. Demonstrate ability to appropriately and accurately administer medications and document administration.
DSP 112: First Aid and CPR *Local Training Only*	Staff must complete training and skill demonstration to obtain a First Aid and CPR certification. Staff must: • Be certified by a qualified instructor • Be able to identify emergency situations that would require the use of information learned in a First Aid and CPR class.	Local training Demonstrate abilities and successfully complete First Aid and CPR training from a qualified instructor and obtaining certification.

DSP 113: Methods of Support and Non-Physical Intervention *On-line Course*	• Staff responsibility to follow proactive procedures as instructed • Environmental behavior supports • Recognizing and responding to signs of distress • Identifying situations as potentially harmful	On-line course only
DSP 114: Safe Body Mechanics *Local Training Only*	Demonstrate ability to use recognized safe body mechanics throughout the workday: • Know when and how to use proper lifting techniques • Know when and how to use assistive lifting devices • Demonstrate a variety of appropriate body mechanics in a variety of situations • Complete training on assistive lifting devices prior to use (when needed)	Local training on safe body mechanics while lifting along with any specific lifting devices within job duties. Reading includes Safe Body Mechanics tip sheet.
DSP 115: Safely Handling, Preparing, and Storing Food *On-line Course*	• Safe food handling procedures • Food storage techniques • Safe food preparation techniques • When and how to dispose of food	On-line course Recommended reading includes Oregon Health Authority, "Public Health: Food Safety Tips for the Public"
DSP 116: Safety Equipment *Local Training Only*	Locate and understand how to use safety equipment in the work environment. • Locate first aid kits, fire extinguishers, and other emergency equipment. Additional items may include OSHA clean up kits, emergency telephone numbers, program emergency preparedness plan, fire safety evacuation plans, and assistive devices use for evacuation. • Understand how to use emergency equipment in the workplace	Local training includes physical tour of site and demonstration of proper equipment use. Physical demonstration of identification and proper use of safety equipment and person protective equipment in the workplace.

	• Identify and use personal protective equipment	
DSP 117: Safe Equipment Operation *Local Training Only*	Demonstrate ability to safely operate any equipment or machinery expected to be used to perform job duties: • Know which equipment to use • Receive training on how to use equipment • Demonstrate ability to safely operate equipment	Local training on equipment or machinery in the workplace. Demonstrate ability to safely operate equipment or machinery.
DSP 118: Managing Hazardous Chemicals Safely in the Work Environment *On-line Course*	Basic information about environmental modifications for safety: • Importance of a safe working environment • Handling chemicals and cleaners safely and storing them properly	On-line course Local training on specific environmental modifications in place for safety. Demonstrate knowledge of specific environmental modifications in place for safety.
DSP 119: Responding to Emergency Situations *On-line Course*	• Who to call for help in an emergency, including where to find contact information • Evacuating and "shelter-in-place" • Emergency exits and staging areas • Emergency notification information	On-line course Local training on specific emergency situations for each supported person, local emergency plans, and emergency preparedness plans. Demonstrate understanding of emergency situations for each supported person, local emergency plans, and emergency preparedness plans.
DSP 120: Basic Components of an ISP *On-line Course*	• Basic components of the ISP • Staff role in gathering information and implementing an ISP • Basic documentation requirements • The role of an ISP team • The importance of including people in decision about their life	On-line course

	and providing information to supported persons.	
DSP 121: Becoming Familiar with each ISP *Local Training Only*	Become familiar with the ISP for each supported person.	Local training includes basic awareness of the contents of the ISP for each supported person. Oral demonstration of basic awareness of the contents of the ISP for each supported person.
DSP 122: Support Documents *Local Training Only*	Demonstrate understanding of responsibility to follow all support documents in place for each supported person: • Identify and follow all support documents for supported persons • Understand the basic types and contents of each support document • Know when and where to document information or changes related to support documents	Local training on specific support documents in place for each supported person. Demonstrate ability to follow support documents in place for each supported person.
DSP 123: Guardianship and Health Care Representatives *On-line Course*	• The role of a DSP in interacting and communicating with guardians (with consideration for organizational policies and procedures) • What is a health care representative • The scope of a health care representative's authority • DSP responsibilities when interacting with a person's health care representative	On-line course Local training on any specific guardianship and/or health care representative appointments in place for supported persons. Demonstrate understanding of guardianship appointments in place (if any) and DSP responsibilities for interacting with guardians. Demonstrate understanding of the purpose of the health care representative's role.
DSP 124: Court	Identify any court restrictions in place for supported persons and know the extent	Local training on DSP role relating to any court-

Restrictions *Local Training Only*	of restrictions. • Know any court-mandated conditions in place for supported persons • Know staff role in interactions and communication in regards to the conditions or restrictions	mandated conditions or restrictions on supported persons. Demonstrate understanding of DSP role relating to court-mandated conditions on supported persons.
DSP 125: Organizational Mission and Values *Local Training Only*	Locate the mission and values statement of the organization • Know that the organization has a mission statement • Locate the organization's mission and values statement	Local training on how to locate the organization's mission and values statements. Demonstrate ability to locate mission and values statements.
DSP 126: Policies and Procedures *Local Training Only*	Locate organization policies and procedures • Know the policies and procedures that directly relate to people with I/DD who receive services and supports • Identify policies and procedures that relate to rights, complaints, etc. • Identify situations when a DSP would need to refer to these policies	Local training to locate policies and procedures. Demonstrate ability to locate organization policies and procedures.
DSP 127: Incident Report Requirements *On-line Course*	• What an incident report it • How to identify situations that require an incident report • How to respond to incidents and document information	On-line course Local training includes practice completing required incident report documentation and notifying others as needed.
TIER 2		
DSP 201: Introduction to Tier 2 *On-line Course*	Launches Tier 2 training module	On-line course Once all Tier 2 training has been completed, DSPs will return to the DSP 201 course to acknowledge all training

		requirements have been met.
DSP 202: Preventing Abuse, Neglect, and Exploitation *On-line Course*	Strategies to: • Prevent exploitation • Prevent abuse and neglect • Understand the difference between putting a person at risk and the person putting themselves at risk	On-line course
DSP 203: Legal Guardianships *On-line Course*	• Different types of legal guardianships • Decisions guardians can and cannot make, depending on the type of guardianship appointment	On-line course
DSP 204: Supporting Personal Preferences *Local Training Only*	Demonstrate knowledge of personal preferences of each supported person: • Know where to locate information about a person's preferences • Know how to effectively communicate with supported people to get to know them	Local training learning where to locate information about each supported person's preferences. Demonstrate knowledge of personal preferences of supported persons.
DSP 205: Self-Determination and Making Choices *On-line Course*	Supporting people to: • Make decisions about their own lives and the responsibilities that accompany choices • Make meaningful choice and understand the consequences of choices • Have opportunities for choice in daily activities • How to best communicate choices • Balancing what is important to and for a person	On-line course Demonstration through discussion about the importance of supporting people to make decisions about their own lives. Discussion about ways of offering choice specific to people in a way that works for each supported person.
DSP 206: Supporting People to Increase Independence	• The importance of independence • How to provide information for a person's ISP in regards to independence • The use of person-centered skills to assist people to be as	On-line course Local training on specific support needs towards increasing a person's independence based on

On-line Course	independent as possible	preferences, skills, and abilities. Demonstrate ability to support people to be independent according to the strategies in the person's ISP.
DSP 207: Supporting People to be Productive Citizens *On-line Course*	• The value of people being productive, contributing members of their community • A person's disability does not define ability • DSP role in identifying ISP outcome that promote productivity • Oregon's Employment First Policy • Career development and the DSP's role • Skills that encourage people to be involved in working, their household, and community activities • Person-centered skills to discover what a person wants to do	On-line training Local training on specific support needs and ISP goals that promote productivity for each supported person. Demonstrate ability to support people to be productive according to support strategies and the person's preferences.

DSP 208: Supporting People to be Active Members of Their Communities
 	
On-line Course
	• The importance of integration
	• DSP role in implementing integration goals
	• How to support people:
	  ○ In preferred and typical activities
	  ○ To succeed in jobs
		On-line course
		
		Local training about specific support needs for each supported person to be active members of their community.
		
		Demonstrate ability to support people to be active members of their community in accordance with the supported person's ISP and preferences.

DSP 209: Effective Communication Skills and	Methods for communicating with supported persons, including: • Active listening skills • The difference between	On-line course. Local training about specific communication support

Strategies *On-line Course*	expressive and receptive language • Unspoken communication The importance of communication preferences, teamwork, forms of expression, and communication devices.	needs and strategies for supported persons and general communication techniques. Demonstrate ability to effectively communicate with supported persons and co-workers.
DSP 210: Introduction to Employment Services in Oregon *On-line Course*	All people, regardless of ability, can work, if they choose to and can achieve integrated employment. • DSP role in supporting a person to get or keep a job • Terms related to employment services	On-line course only
DSP 211: MARs and Medication Side Effects *On-line Course*	Understand the physician's order generates information for the Medication Administration Record (MAR) and the importance of being aware of medication side effects.	On-line course Local training practice looking up side effects. Demonstrate ability to locate side effect information.
DSP 212: Responding to Non-Emergency Changes in Health *On-line Course*	• Recognizing how to implement appropriate action when responding to a non-emergency change in health • When to record non-emergency changes in health and how to report • When to communicate potential health concerns	On-line course Local training on how to respond to non-emergency health issues. Demonstrate ability to respond to general non-emergency health issues.
DSP 213: Responding to Person-to-Person or Person-to-Property Incidents *On-line Course*	• Information about understanding emergency safety situations • What is a reasonable response in emergency situations • Considerations when it comes to safety and asking for help • Information about notification requirements	On-line course Local training on supports necessary for each supported person as outlined in specific support documents. Demonstrate understanding of supports necessary for

		each supported person.
DSP 214: Supporting Relationships and Other Actions Directed by an ISP *On-line Course*	The importance of: • Relationships • Using a relationship map • Following supports and desired outcomes in each person's ISP	On-line course Reading: "Importance of Belonging" by David Pitonyak Local training on specific strategies in place to support building and maintaining positive relationships in the lives of supported persons. Demonstrate ability to follow specific strategies in place to support building and maintaining positive relationships in the lives of each supported person.
DSP 215: Basic Principles of Person-Centered Practices and Planning *On-line Course*	• Person-centered practices and skills used regularly • Concepts to be familiar with while working as a DSP • Skills used to problem solve and assist in developing desired outcomes • Identify situations that can include supported persons to use preferred communication methods • Supports that focus on needs, preferences, and are personalized	On-line course
DSP 216: Supporting the Mission and Values of the Organization *Local Training Only*	Describe the mission and value statements of the organization. Identify how daily work supports the organization's mission and values.	Local training about the organization's mission statement and values and how the daily work of DSPs supports these statements. Demonstrate by describing the organization's mission statement and values and how the DSP's daily work supports them.
DSP 217:	Basic documentation skills	On-line course

Documentation Standards *On-line Course*		Local training on local organization documentation practices and procedures. Demonstrate ability to follow organization's documentation practices and procedures.
DSP 218: Intent of Oregon Administrative Rules (OARs) *Local Training Only*	Understand the intent of applicable OARs and how to access them. Understand the connection between OARs and the organization's policies and procedures.	Local training on how to access OARs and the intent of the application of OARs in the organization's practices and procedures. Demonstrate ability to locate applicable OARs. Reading: Applicable OARs based on the services and supports provided.

Appendix D

2017 Abuse Allegation by Service Received

HB 2442 Reporting Requirements: Section 4 (1) (a) (E) Complaints of abuse filed:

2017 Allegations Closed		Abuse Type								
Service Type	Results	Abandonment	Financial Exploitation	Neglect	Physical Abuse	Involuntary Seclusion	Wrongful Restriction	Sexual Abuse	Verbal Abuse	Grand Total
Adult Foster Care	Substantiated	0	7	24	4	9	1	2	25	72
	Inconclusive	0	1	3	12	3	1	6	18	44
	Not Substantiated	1	6	9	21	3	5	3	36	84
Adult Foster Care Totals		1	14	36	37	15	7	11	79	200
Brokerage	Substantiated	0	29	15	61	1	4	8	61	179
	Inconclusive	0	18	6	31	0	3	15	32	105
	Not Substantiated	0	18	14	27	0	1	5	26	91
Brokerage Total		0	65	35	119	1	8	28	119	375
Group Home	Substantiated	0	53	142	9	29	8	3	48	292
	Inconclusive	0	2	49	24	12	4	8	27	126
	Not Substantiated	1	21	81	23	11	13	5	26	181
Group Home Total		1	76	272	56	52	25	16	101	599
Supported Living	Substantiated	0	16	9	4	0	0	1	8	38
	Inconclusive	0	4	1	5	0	0	1	8	19
	Not Substantiated	0	3	5	5	0	0	4	10	27
Supported Living Total		0	23	15	14	0	0	6	26	84
Other	Substantiated	0	50	38	39	7	2	14	41	191
	Inconclusive	0	16	12	26	0	4	14	28	100
	Not Substantiated	0	10	27	24	4	5	14	18	102
Other Total		0	76	77	89	11	11	42	87	393
Grand Total		2	254	435	315	79	51	103	412	1651
Total Substantiated		0	155	228	117	46	15	28	183	772
Substantiation Rate		0.0%	61.0%	52.4%	37.1%	58.2%	29.4%	27.2%	44.4%	46.8%

All Substantiated Results Involving Direct Care Workers in a Service Setting

Service Type	Total Substantiated Allegations	Named Staff Perpetrator Unduplicated Count	Named Staff Perpetrator Duplicated Count	Named Staff Perpetrator Referred to LEA Unduplicated Count
Brokerage	179	17	19	2
DD Adult Foster Care	72	34	61	5
Group Home	292	165	233	2
Supported Living	38	11	13	2
Vocational	37	15	17	0
Other	154	15	20	0
Grand Total	772	257	363	11

Section 4 (1) (a) (G) Serious Injuries, Sexual Assault/Rape and Deaths
The data below reflect the number substantiated allegations that involved a serious injury either through physical abuse or neglect; any sexual abuse where a sexual assault or rape of a consumer may have occurred; and neglect investigations in which a consumer died.

Substantiated Allegations

Service Type	Injury	Sexual Abuse	Death
Brokerage Client	3	4	0
DD Adult Foster Care	8	2	0
Group Home	20	2	0
Supported Living	1	1	0
Other	10	11	0
Grand Total	42	20	0

2018 Abuse Allegation by Service Received

HB 2442 Reporting Requirements: Section 4 (1) (a) (E) Complaints of abuse filed:

2018 Allegations Closed		Abuse Type									
Service Type	Results	Abandonment	Death	Financial	Involuntary Seclusion	Neglect	Physical Abuse	Sexual Abuse	Verbal Abuse	Wrongful Restraint	Grand Total
Adult Foster Care	Substantiated	0	0	12	4	26	14	4	16	1	76
	Inconclusive	0	0	3	0	1	1	2	0	1	8
	Closed without abuse determination	0	0	4	0	8	9	5	7	0	33
	Not Substantiated	0	0	4	3	47	31	4	54	6	149
Adult Foster Care Total		0	0	23	7	81	55	15	77	8	266
Brokerage Client	Substantiated	0	0	14	6	10	34	3	48	4	119
	Inconclusive	0	0	9	0	0	6	3	6	0	24
	Closed without abuse determination	0	1	9	2	0	21	6	16	0	55
	Not Substantiated	0	0	15	0	3	23	16	31	1	89
Brokerage Client Total		0	1	47	8	13	84	28	101	5	287
Group Home	Substantiated	1	0	28	2	71	15	0	25	12	154
	Inconclusive	0	0	0	0	3	3	3	1	5	15
	Closed without abuse determination	0	0	4	0	7	4	2	3	0	20
	Not Substantiated	0	0	7	14	76	30	5	35	9	176
Group Home Total		1	0	39	16	157	52	10	64	26	365
Supported Living	Substantiated	0	0	3	0	3	1	0	9	0	16
	Inconclusive	0	0	0	0	0	0	0	1	0	1
	Closed without abuse determination	0	0	2	0	0	1	1	1	0	5
	Not Substantiated	0	0	8	0	2	5	2	9	2	28
Supported Living Total		0	0	13	0	5	7	3	20	2	50
Other	Substantiated	0	0	23	0	8	30	3	19	0	83
	Inconclusive	0	0	2	0	0	3	2	5	0	12
	Closed without abuse determination	0	0	4	1	1	8	6	8	0	28
	Not Substantiated	1	0	17	4	22	12	9	17	3	85
Other Total		1	0	46	5	31	53	20	49	3	208
Grand Total		2	1	168	36	287	251	76	311	44	1176
Total Substantiated		1	0	80	12	118	94	10	117	17	448
Substantiation Rate		50.0%	0.0%	47.6%	33.3%	41.1%	37.5%	13.2%	37.6%	38.6%	38.1%

All Substantiated Results Involving Direct Care Workers in a Service Setting

Service Type	Total Substantiated Allegations	Named Staff Perpetrator Unduplicated Count	Named Staff Perpetrator Duplicated Count	Referred to LEA
Brokerage	119	11	16	2
DD Adult Foster Care	77	32	48	2
Group Home	154	84	112	9
Supported Living	16	5	5	1
Vocational	14	9	12	0
Other	69	11	13	1
Grand Total	449	152	206	15

Section 4 (1) (a) (G) Serious Injuries, Sexual Assault/Rape and Deaths
The data below reflect the number substantiated allegations that involved a serious injury either through physical abuse or neglect; any sexual abuse where a sexual assault or rape of a consumer may have occurred; and neglect investigations in which a consumer died.

Service Type	Injury	Sexual Abuse	Death
Brokerage Client	5	1	0
DD Adult Foster Care	2	2	0
Group Home	11	0	0
Supported Living	0	0	0
Other	1	2	0
Grand Total	19	5	0

APPENDIX D

ADULT FOSTER HOMES FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES

411-360-0050

License Application and Fees

(Amended 08/10/2018)

(1) An applicant for an AFH-DD license must complete a written application on the applicable Department forms and submit the application to the Department with a non-refundable fee of $50 per bed for each service recipient. Service recipients include private pay and publicly funded individuals. Service recipients do not include family members or recipients of day care services.

(a) An application is not complete until the Department receives the information and non-refundable fee described in this rule.

(b) An incomplete application is void 60 calendar days from the date the Department receives the application.

(c) Failure to provide accurate information may result in the denial of an application.

(2) An applicant applying to operate more than one AFH-DD must complete a separate application for each home.

(3) An application for an AFH-DD with a resident manager must include a completed application for the resident manager on the applicable Department forms.

(4) An application for an AFH-DD license must include the following:

(a) The applicant's mailing address, if different from the address of the AFH-DD, and a business address for electronic mail.

(b) The maximum capacity in accordance with OAR 411-360-0060.

(c) Identification of the following:

(A) Each person that resides in the home and receives care, including family members that require care and recipients of respite, relief care, or day care services; and

(B) All other occupants that reside in the home or on the property of the home,

including family members, friends, and room and board tenants.

(d) The classification being requested in accordance with OAR 411-360-0070, including information and supporting documentation regarding qualifications, relevant work experience, and training of caregivers as required by the Department.

(e) The statement of a health care provider, on the applicable Department form, regarding the ability of the applicant to deliver services.

(f) Financial information, including the following:

(A) A completed Financial Information Sheet on the applicable Department form.

(i) An applicant must demonstrate the financial ability and maintain sufficient liquid resources to pay the operating costs of an AFH-DD for at least two months without solely relying on potential income from individuals and room and board payments.

(ii) An applicant applying to operate more than one AFH-DD must demonstrate the financial ability and maintain sufficient liquid resources to pay the operating costs of all the homes for at least two months without solely relying on potential income from individuals and room and board payments.

(iii) If an applicant is unable to demonstrate the financial ability and resources required by this rule, the Department may require the applicant to furnish a financial guarantee, such as a line of credit or guaranteed loan.

(B) Copies of bank statements from the last three months demonstrating banking activity in both checking and savings accounts, as applicable, or demonstration of cash on hand, if requested.

(C) Documentation of the following, if applicable:

(i) Unsatisfied judgments, liens, and pending lawsuits where a claim for money or property is made against the applicant.

(ii) Bankruptcy filings by the applicant.

(iii) Unpaid taxes due from the applicant including, but not limited to, property taxes, employment taxes, and state and federal income taxes.

(D) A copy of a complete and current credit report for the applicant, if requested.

(g) If an applicant is leasing or rents the home, a copy of the lease or rental agreement. The agreement must be a standard lease or rental agreement for

residential use and include the following:

(A) Name of the owner and landlord;

(B) Verification the rent is a flat rate; and

(C) Signatures of the landlord and applicant and date signed.

(h) If an applicant is purchasing or owns the home, verification of purchase or ownership.

(i) A current and accurate floor plan for the home that indicates the following:

(A) Size of each room;

(B) Size of each window;

(C) Bedrooms to be used by individuals, the provider, and as applicable, caregivers, room and board tenants, and recipients of day care, relief care, or respite services;

(D) Each exit on each level of the home, including emergency exits such as windows;

(E) Wheelchair ramps, if applicable;

(F) Each fire extinguisher, smoke alarm, carbon monoxide alarm, and sprinkler if the home has an interior sprinkler system;

(G) Planned evacuation routes; and

(H) Designated smoking areas in or on the premises of the home, if applicable.

(j) The non-refundable fee for each individual service recipient as described in section (1) of this rule.

(k) Three personal references for the applicant. The personal references may not be family members, current or potential licensees, or co-workers of current or potential licensees.

(l) If applying to operate more than one AFH-DD, a plan covering administrative responsibilities and staffing qualifications for each home.

(m) A written description of the daily operation of the AFH-DD, including the following:

(A) The use of a resident manager and substitute caregivers, as applicable.

(B) The schedule of the provider, resident manager, and substitute caregivers, as applicable.

(C) The plan for coverage in the absence of the provider, resident manager, or substitute caregivers, as applicable.

(n) Documentation of the following for each subject individual as defined in OAR 411-360-0020:

(A) Signed background check, and if needed, the mitigating information and fitness determination form;

(B) Signed consent form for a background check with regards to abuse of children; and

(C) Founded reports of child abuse or substantiated adult abuse allegations, including the dates, locations, and resolutions.

(o) A copy of the Residency Agreement for the AFH-DD.

(5) After receipt of the completed application materials, including the non-refundable fee, the Department shall investigate the information submitted and inspect the home. Compliance is determined upon submission and completion of the application and the process described in these rules.

(a) An applicant shall receive a copy of the Department's inspection form citing any deficiencies and specifying a time frame for correction, no later than 60 calendar days from the date of inspection.

(b) Deficiencies noted during an inspection of the home must be corrected in the time frame specified by the Department.

(6) An applicant must comply with these rules before the Department issues a license. An application is denied if cited deficiencies are not corrected within the time frames specified by the Department.

(7) Prior to being licensed, an applicant must attend the orientation offered by the local CDDP.

(8) An applicant may withdraw an application at any time during the application process by notifying the Department in writing.

(9) An applicant whose application has been denied or whose license has been revoked, non-renewed, or voluntarily surrendered during a revocation or non-renewal process, may not submit a new application for at least one year from the

date the action is final, or for a longer period of time if specified in a final order.

(10) All monies collected under these rules are paid to the Quality of Care Fund.

Statutory/Other Authority: ORS 409.050, 443.001, 443.004, 443.725, 443.730, 443.735, 443.738, 443.742, 443.760, 443.765, 443.767, 443.775 & 443.790
Statutes/Other Implemented: ORS 443.001-443.004, 443.705-443.825, 443.875 & 443.991

411-360-0260

Civil Penalties

(Amended 06/29/2016)

(1) A civil penalty of not less than $100 and not more than $250 per violation, except as otherwise provided in this rule, is imposed on a licensee for a general violation of these rules.

(2) A civil penalty of up to $500, unless otherwise required by law, is imposed for falsifying individual or AFH-DD records or causing another to falsify individual or AFH-DD records.

(3) A civil penalty of $250 is imposed on a licensee for failure to have either the provider, resident manager, or other qualified caregiver on duty 24 hours per day in the AFH-DD per ORS 443.725(3), unless permitted under OAR 411-360-0180(7).

(4) A civil penalty of $250 is imposed for dismantling or removing the battery from any required smoke alarm or failing to install any required smoke alarm.

(5) A civil penalty of not less than $250 and not more than $500, unless otherwise required by law, is imposed on a licensee who admits knowing that the care or service needs of an individual exceed the license classification of the AFH-DD if the admission places the individual or other individuals at grave risk of harm.

(6) Civil penalties of up to $1,000 per occurrence may be assessed for substantiated abuse.

(7) If the Department conducts an abuse investigation and the substantiated abuse resulted in the death, serious injury, rape, or sexual abuse of an individual, a civil penalty of not less than $2,500 is imposed for each violation.

(a) To impose the civil penalty in section (7) of this rule, the Department must

establish that:

(A) The abuse arose from deliberate or other than accidental action or inaction;

(B) The conduct resulting in the abuse was likely to cause death, serious injury, rape, or sexual abuse of an individual; and

(C) The person with the substantiated finding of abuse had a duty of care and services toward the individual.

(b) For the purpose of the civil penalty in section (7) of this rule, the following definitions apply:

(A) "Serious injury" means a physical injury that creates a substantial risk of death or that causes serious disfigurement, prolonged impairment of health, or prolonged loss or impairment of the function of any bodily organ.

(B) "Rape" means rape in the first, second, or third degree as described in ORS 163.355, 163.365, and 163.375.

(C) "Sexual abuse" means any form of nonconsensual sexual contact including, but not limited to, unwanted or inappropriate touching, sodomy, sexual coercion, sexually explicit photographing, or sexual harassment. The sexual contact must be in the form of any touching of the sexual or other intimate parts of a person or causing such person to touch the sexual or other intimate parts of the actor for the purpose of arousing or gratifying the sexual desire of either party.

(D) "Other than accidental" means failure on the part of the licensee, employees, agents, or volunteers for whose conduct licensee is responsible, to comply with applicable Oregon Administrative Rules.

(8) In addition to any other liability or penalty, the Department may impose a civil penalty for any of the following:

(a) Operating the AFH-DD without a license;

(b) The number of individuals exceeds the licensed capacity for the AFH-DD;

(c) The licensee fails to achieve satisfactory compliance with the requirements of these rules within the time specified or fails to maintain such compliance;

(d) The AFH-DD is unable to provide an adequate level of care and services to support individuals in the AFH-DD;

(e) There is retaliation or discrimination against an individual, family member, employee, or any other person for making a complaint against the AFH-DD;

(f) The licensee fails to cooperate with the Department, physician, registered nurse, or other health care provider in carrying out the ISP or Service Agreement for an individual;

(g) The licensee fails to obtain an approved background check from the Department on a subject individual as defined in OAR 411-360-0020 prior to the subject individual operating, working, training in, or residing in an AFH-DD;

(h) Violations are found on two consecutive inspections of an AFH-DD after a reasonable amount of time prescribed for elimination of the violations has passed; or

(i) Violations other than those involving the health, safety, or welfare of an individual if the licensee fails to correct the violation as required when a reasonable timeframe for correction was given.

(9) In imposing a civil penalty pursuant to this rule, except for a civil penalty imposed pursuant to section (7) of this rule, the following factors are considered by the Department:

(a) The past history of the licensee incurring a civil penalty in taking all feasible steps or procedures necessary or appropriate to correct any violation;

(b) Any prior violations of statutes or rules pertaining to AFH-DD;

(c) The economic and financial conditions of the licensee incurring the civil penalty; and

(d) The immediacy and extent to which the violation threatens or threatened the health, safety, and welfare of the individuals.

(10) The notice of civil penalty is delivered in person or sent by registered or certified mail and includes:

(a) A reference to the particular sections of the statute, rule, standard, or order involved;

(b) A short and plain statement of the matter asserted or charged;

(c) A statement of the amount of the civil penalty or penalties imposed; and

(d) A statement of the right of the licensee to request a contested case hearing.

(11) The licensee has 10 calendar days after the receipt of the notice of civil penalty in which to make a written application for a contested case hearing before

the Department. A final order by default is issued by the Department if a written request for a contested case hearing is not timely received.

(12)   All contested case hearings are conducted pursuant to the applicable provisions of ORS chapter 183.

(13)   Except as may be prohibited by state law, a civil penalty imposed under ORS 443.455 or 441.710 may be remitted or reduced upon such terms and conditions as the Director of the Department considers proper and consistent with individual health and safety.

(14)   If a final order is not appealed, the amount of the civil penalty is payable within 10 days after the final order is entered. If the final order is appealed and is sustained, the amount of the civil penalty is payable within 10 days after the court decision. The final order, if not appealed or sustained on appeal, constitutes a judgment and may be filed in accordance with provisions of ORS chapter 18. Execution may be issued upon the order in the same manner as execution upon a judgment of a court of record.

(15)   A violation of any general order or final order pertaining to an AFH-DD issued by the Department is subject to a civil penalty in the amount of not less than $5 and not more than $500 for each and every violation.

(16)   Judicial review of civil penalties imposed under ORS 441.710 is provided under ORS 183.480, except that the court may, in its discretion, reduce the amount of the penalty.

(17)   All penalties recovered under ORS 443.455 and 441.710 to 441.740 are to be paid into the Quality Care Fund.

Stat. Auth.: ORS 409.050, 410.070, 443.725, 443.730, 443.735, 443.738, 443.742, 443.760,

443.765, 443.767, 443.775, 443.790

Stats. Implemented: ORS 443.705-443.825

Note: The full text of the administrative rule can be found at: http://www.dhs.state.or.us/policy/spd/rules/411_360.pdf

Appendix E

24 HOUR RESIDENTIAL SETTINGS FEES

411-325-0040 Application for Initial License

(Amended 06/29/2016)

(1) At least 30 days prior to anticipated licensure, an applicant must submit an application and required non-refundable fee. The application is provided by the Department and must include all information requested by the Department.

(2) The application must identify the number of beds the 24-hour residential setting is presently capable of operating at the time of application, considering existing equipment, ancillary service capability, and the physical requirements as specified by these rules. For purposes of license renewal, the number of beds to be licensed may not exceed the number identified on the license to be renewed unless approved by the Department.

(3) The initial application must include --

(a) A copy of any lease agreements or contracts, management agreements or contracts, and sales agreements or contracts, relative to the operation and ownership of the home;

(b) A floor plan of the home showing the location and size of rooms, exits, smoke alarms, and extinguishers; and

(c) A copy of the Residency Agreement as described in OAR 411-325-0300.

(4) If a scheduled, onsite licensing inspection reveals that an applicant is not in compliance with these rules as attested to on the Licensing Onsite Inspection Checklist, the onsite licensing inspection may be rescheduled at the convenience of the Department.

(5) Applicants may not admit any individual to the home prior to receiving a written confirmation of licensure from the Department.

(6) If an applicant fails to provide complete, accurate, and truthful information during the application and licensing process, the Department may cause initial licensure to be delayed or may deny or revoke the license.

(7) Any applicant or person with a controlling interest in an agency is considered responsible for acts occurring during, and relating to, the operation of such home for the purpose of licensing.

(8) The Department may consider the background and operating history of each applicant and each person with a controlling ownership interest when determining whether to issue a license.

(9) When an application for initial licensure is made by an applicant who owns or operates other licensed homes or facilities in Oregon, the Department may deny the license if the applicant's existing home or facility is not, or has not been, in substantial compliance with the Oregon Administrative Rules.

(10) Separate licenses are not required for separate buildings located contiguously and operated as an integrated unit by the same management.

(11) A provider may not admit an individual whose service needs exceed the classification on the license of the home without prior written consent of the Department.

Stat. Auth.: ORS 409.050, 443.450, 443.455 Stats. Implemented: ORS 443.400 - 443.455

24 HOUR RESIDENTIAL CIVIL PENALTIES

411-325-0460

Civil Penalties

(Amended 02/15/2019)

(1) For purposes of imposing civil penalties, a 24-hour residential setting licensed under ORS 443.400 to 443.455 and ORS 443.991(2) is considered to be a long-term care facility subject to ORS 441.705 to 441.745.

(2) The Department issues the following schedule of penalties applicable to 24-hour residential settings as provided for under ORS 441.705 to 441.745:

(a) Violations of any requirement within any part of the following rules may result in a civil penalty up to $500 per day for each violation not to exceed $6,000 for all violations for any licensed 24-hour residential setting within a 90-day period:

(A) 411-325-0025(3), (4), (5), (6), (7), or (8);

(B) 411-325-0120(2) or (4);

(C) 411-325-0130;

(D) 411-325-0140;

(E) 411-325-0150;

(F) 411-325-0170;

(G) 411-325-0190;

(H) 411-325-0200;

(I) 411-325-0220(1) or (3);

(J) 411-325-0230;

(K) 411-325-0240, 411-325-0250, 411-325-0260, 411-325-0270, 411-325-0280, and 411-325-0290;

(L) 411-325-0300 and 411-325-0350;

(M) 411-325-0360;

(N) 411-325-0380; and

(O) 411-004-0020, 411-004-0030, and 411-004-0040.

(b) Civil penalties of up to $300 per day per violation may be imposed for violations of any section of these rules not listed in subsection (a)(A) to (a)(O) of this section if a violation has been cited on two consecutive inspections or surveys of a 24-hour residential setting where such surveys are conducted by an employee of the Department. Penalties assessed under this section of this rule may not exceed $6,000 within a 90-day period.

(3) Monitoring occurs when a 24-hour residential setting is surveyed, inspected, or investigated by an employee or designee of the Department or an employee or designee of the Office of State Fire Marshal.

(4) In imposing a civil penalty pursuant to the schedule published in section (2) of this rule, the Department considers the following factors:

(a) The past history of the provider incurring a penalty in taking all feasible steps or procedures necessary or appropriate to correct any violation;

(b) Any prior violations of statutes or rules pertaining to 24-hour residential settings;

(c) The economic and financial conditions of the provider incurring the penalty; and

(d) The immediacy and extent to which the violation threatens or threatened the health, safety, or well-being of individuals.

(5) When a provider receives notification from the Department of a violation for which a penalty or other liability may be imposed, the provider must take action to eliminate the violation in a reasonable time:

(a) Not to exceed 30 calendar days after the first notice of a violation; or

(b) In cases where a violation requires more than 30 calendar days to correct, such time as is specified in a plan of correction found acceptable by the Department.

(6) Any civil penalty imposed under ORS 443.455 and 441.710 becomes due and payable when the provider incurring the penalty receives a notice in writing from the Director of the Department. The notice referred to in this section of this rule is sent by registered or certified mail and includes:

(a) A reference to the particular sections of the statute, rule, standard, or order involved;

(b) A short and plain statement of the matters asserted or charged;

(c) A statement of the amount of the penalty or penalties imposed; and

(d) A statement of the right of the provider to request a hearing.

(7) The person representing the provider to whom the notice is addressed has 20 calendar days from the date of mailing of the notice in which to make a written application for a hearing before the Department.

(8) All hearings are conducted pursuant to the applicable provisions of ORS chapter 183.

(9) If the provider notified fails to request a hearing within 20 calendar days, an order may be entered by the Department assessing a civil penalty.

(10) If, after a hearing, the provider is found to be in violation of a license, rule, or order listed in ORS 441.710(1), an order may be entered by the Department assessing a civil penalty.

(11) A civil penalty imposed under ORS 443.455 or 441.710 may be remitted or reduced upon such terms and conditions as the Director of the Department considers proper and consistent with individual health and safety.

(12) If the order is not appealed, the amount of the penalty is payable within 10 calendar days after the order is entered. If the order is appealed and is sustained, the amount of the penalty is payable within 10 calendar days after the court decision. The order, if not appealed or sustained on appeal, constitutes a judgment

and may be filed in accordance with the provisions of ORS 183.745. Execution may be issued upon the order in the same manner as execution upon a judgment of a court of record.

(13) A violation of any general order or Final Order pertaining to a 24-hour residential setting issued by the Department is subject to a civil penalty in the amount of not less than $5 and not more than $500 for each and every violation.

(14) Judicial review of civil penalties imposed under ORS 441.710 are provided under ORS 183.480, except that the court may, in its discretion, reduce the amount of the penalty.

(15) All penalties recovered under ORS 443.455 and 441.710 to 441.740 are paid into the State Treasury and shall be deposited in the Long-Term Care Ombudsman account established in ORS 441.419.

Stat. Auth.: ORS 409.050, 441.715, 443.450, 443.455 Stats. Implemented: ORS 441.705-441.720, 441.740, 441.745, 443.384, 443.392, 443.400-443.445, 443.450, 443.455, 443.880, 443.881, 443.991

The full text of the administrative rule can be found at: http://www.dhs.state.or.us/policy/spd/rules/411_325.pdf