



**Oregon Administrative Rule changes related to
ODDS Employment and DSA services
Effective 11/01/19**

Changes to Employment and DSA provider requirements regarding notice of service reduction, transfer, or exit

Overview:

- Provider notice of involuntary service reduction, transfer, or exit, during ISP year or service agreement: the person has a right to submit a complaint and have Department review. Complaint and Department review process must be exhausted before right to request a hearing
- Provider notification of non-renewal that will not continue services after end of ISP or service agreement.

Provider Notice of Involuntary Reduction, Exit, or Transfer during ISP year or SA

- Involuntarily reducing or ending services during ISP year or before service agreement ends.
- Person must be offered an ISP exit meeting before issuing notice.

Provider Notice of Involuntary Reduction, Exit, or Transfer, cont.

ISP Exit Meeting

- *New*: Must occur within 10 days if notice due to emergency health and safety issue. Otherwise, must occur within reasonable timeframe upon request of any member of ISP team.
- Findings of the exit meeting must be recorded in the individual's file and include, at a minimum, all of the following:
 - Name
 - Date
 - Participants in meeting
 - Circumstances leading to proposed exist
 - Strategies to prevent exit (unless the person is requesting the exit)
 - Decision
 - Documentation of proposed plan after exit

Provider Notice of Involuntary Reduction, Exit, or Transfer, cont.

- New provider notice form #0719E (effective 11/01/19):
 - New provider notice for specific for Employment and DSA service
 - State the reason for the reduction
 - Outline right to submit complaint & have Department review
 - Outline right to request a hearing if not satisfied with outcome of complaint and Department review process

Provider Notice of Involuntary Reduction, Exit, or Transfer, cont.

New: Changes to due process protections for involuntary notice, effective 11/01/19:

- Person has right to submit a complaint with the Department.
- Department will conduct administrative review (i.e. review to make sure rules followed & provide TA to support person to continue with current provider or find a new provider).
- Person has right to request a hearing if not satisfied with outcome of complaint and Department review of the complaint.

When notice is not required

- An individual requests the reduction or exit.
- A general community employer terminates the employment relationship with the individual.
- The end date of ISP or service agreement date is reached;
 - However, the provider must provide written notification regarding non-renewal of services.

New: notification of non-renewal

- If the end date of the service identified on the ISP or service agreement is reached, and the provider gives at least 30 days written notification to the individual and individuals case manager of their intent to reduce or not continue services under a new ISP or service agreement.
- This may be done via email, written letter, etc. It must be written. Does not have to be on a Department approved form.



Administrative Rule Changes to OAR 411-345

Employment Services funded through Oregon's Office of Developmental Disabilities Services (ODDS)

Overview of Changes for Employment Services (under 411-345)

- Staffing Ratio Requirements
- Provider Risk Mitigation Strategies in place before services start for ISP year.*
- Abuse / Incident Reporting to implement the Centralized Abuse Management (CAM) system, now addressed under OAR 411-323 (provider agency certification rule).*
- Notice (See previous slides regarding changes to both Employment and DSA).*
- Timeline for Exit meeting.

*Same changes for Employment & DSA

Changes to Employment Services Under 411-345

Staffing Requirement

- Requirement before 11/01/19
 - Must meet staffing requirements specified in ISP; and staffing in present number to meet health, safety, and service needs.
- Additional requirement after 11/01/19
 - Employment Path and Small Group Services may not be delivered at the same time to more than eight individuals per employment professional or direct service staff.

Changes to Employment Services Under 411-345

Written provider strategies for service implementation and risk mitigation:

- Service implementation strategies must be given to individual and case manager within 60 calendar days of providing services for the ISP year.
- Risk mitigation strategies or protocols must be in place for each identified relevant risk. Risk mitigation strategies or protocols must be given to an individual and individual's case manager **before** services begin for the ISP year.

Changes to Employment Services Under 411-345

Abuse/Incident Reporting (CAM)

Changes to implement the Centralized Abuse Management (CAM) system are addressed under OAR 411-323 (provider agency certification rule).

See separate slides for specific changes related to Abuse and Incident Reporting.



Administrative Rule Changes to OAR 411-450

**Day Support Activities (DSA) funded through Oregon's
Office of Developmental Disabilities Services (ODDS)**

Overview of Changes for DSA (under 411-450)

- Outcomes for DSA
- DSA availability for students eligible for IDEA school or transition services
- Staffing*
- Provider Risk Mitigation Strategies in place before services start for ISP year*
- Abuse / Incident Reporting to implement the Centralized Abuse Management (CAM) system, addressed under OAR 411-323 (provider agency certification rule).*
- Notice (See slides regarding changes to both Employment and DSA)*

*Same changes for Employment & DSA

Changes to DSA Under 411-450

Outcomes for DSA

Consistent with existing guidance outlined in expenditure guidelines:

- DSA must include a focus on competencies related to participation in the community, or be a class.
- DSA requires that an individual have a measurable goal documented in the individual's ISP that is related to developing or maintaining skills for participating in the community.

Changes to DSA Under 411-450

DSA availability for students eligible for IDEA school or transition services

- Department approval required to authorize DSA for individuals under age 18.
- Only available when IDEA services are not available.

Changes to DSA Under 411-450

Written provider strategies for service implementation and risk mitigation:

- Service implementation strategies must be given to individual and case manager within 60 calendar days of providing services for the ISP year.
- Risk mitigation strategies or protocols must be in place for each identified relevant risk. Risk mitigation strategies or protocols must be given to an individual and individual's case manager **before** services begin for the ISP year.

Changes to DSA Under 411-450

Staffing Requirement

- Requirement before 11/01/19
 - Must meet staffing requirements specified in ISP; and staffing in present number to meet health, safety, and service needs.
- Additional requirement after 11/01/19
 - DSA may not be delivered at the same time to more than eight individuals per agency staff member.