



# EXIT

## EXITS IN RESIDENTIAL SETTINGS



Process

Notices

Roles and Responsibilities



# What is an exit?

When a person lives in a residential setting, an exit means the person is either:

choosing to move

OR

being asked to move out of a home

“Exit” means termination or discontinuation of a Department-funded developmental disabilities service.

OAR 411-317-000(77)

# A residential setting “exit” includes any time an individual moves from a residential setting, including :

An individual moving from one home to another operated by the same provider (sometimes called a transfer)

A provider operated home moving to a new physical location

Leaving the home for a long-term or permanent basis due to hospitalization or incarceration

An individual choosing to live in another residence



# What is a residential setting?

Residential  
Settings include:

Foster Homes

24-Hour Group  
Homes

Host Homes

Assisted Living  
Facilities



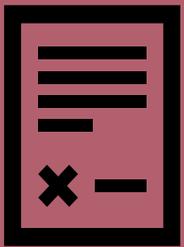
# Supported Living



Supported Living provides supports 24 hours per day to individuals in their own privately arranged homes.



The Supported Living model has housing arranged separately from services, therefore, residential exit policy does not apply.



Individuals using Supported Living should have a rental or lease agreement for a residence that the individual does not own. State and local landlord tenant law applies for evictions and tenant rights.

Lease Agreement  
A lease agreement is a  
lessee to pay the lessor for  
term rental agreement is  
identifies the leased as



# There are rules for each setting that must be followed when there is an exit:

## 24-Hour Residential Settings

- OAR 411-325-0390

## Foster Homes for Adults

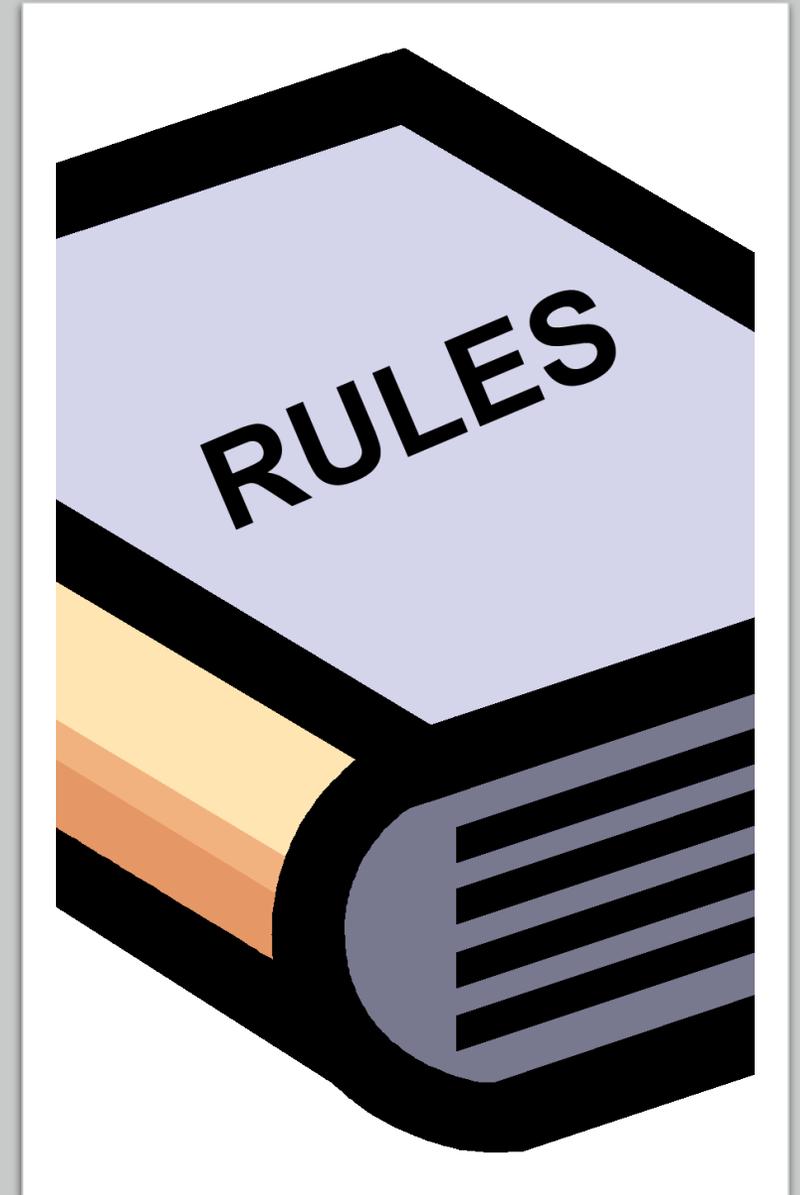
- OAR 411-360-0170

## Foster Homes for Children

- OAR 411-346-0240

## Host Homes

- OAR 411-348-0390



# Voluntary Exits

An exit is “voluntary” when it is the individual (or their guardian) that chooses for the individual to move out of a home.

An individual is not required to give an advanced notice if they choose to move out.

*Letting a provider know about plans to move out, when possible, is a highly encouraged courtesy.*





## Involuntary Exits

An involuntary exit is when a provider is telling the individual that the individual must move out of the home.

# A provider may only ask an individual to move out for certain reasons



The behavior of the individual poses a risk of imminent danger to themselves or others

The individual experiences a medical emergency that results in substantially increased ongoing support that the provider is unable to meet

The service needs of the individual exceed the ability of the provider

The individual fails to pay for room and board or services, and payment is not available from another resource

The provider's certification, endorsement, or home license is suspended, revoked, not renewed, or voluntarily surrendered

The provider's Medicaid contract has been terminated

## 30-Day Notice Required

A provider must give at least 30 days notice in most situations to an individual when the individual is being asked to move out



A provider can only give an individual less than 30 days notice for the following reasons:

There is a medical emergency

OR

The individual is engaging in behavior that poses an imminent risk of danger to themselves or others



# Mandatory Written Notice of Involuntary Reduction of Service, Transfer, or Exit



**A 30-day written notice of involuntary reduction, transfer or exit from services is required from a Medicaid agency provider when a provider requests that an individual change service location, or reduces or terminates services. In a case of imminent danger to the individual or others due to a medical emergency or behavior, notice may be less than 30 days. Written notice must be provided as soon as possible and the services kept available to the individual until a final order should the individual request an administrative hearing to appeal the exit notification.**

Notice issued to (*name of individual*):  Date:

From (*name of provider*):

Residence/service address:

City, state, ZIP:  Email:

The provider must give the notice in writing on the Department-approved form

“Mandatory Written Notice of Involuntary Reduction of Service, Transfer, or Exit”

Form SDS 0719DD

The provider must save a person's room and provide services until the effective date of the notice



INDIVIDUALS  
HAVE A RIGHT  
TO RECEIVE  
SERVICES



IF AN INDIVIDUAL CHOOSES TO  
REQUEST A HEARING,  
THE INDIVIDUAL HAS A RIGHT TO  
SERVICES UNTIL THE FINAL ORDER  
FROM THE HEARING IS ISSUED

▶ Continue

# If an individual doesn't agree with the exit notice, they have the right to ask for a hearing:

With the exit notice, there is a hearing request form that the individual can use to ask for a hearing

## Administrative Hearing Request for Notice of Involuntary Reduction of Service, Transfer or Exit



If you want a hearing regarding a Notice of Involuntary Reduction of Service, Transfer or Exit from your residential home for individuals with developmental disabilities, you or your legal representative (guardian) must fill out this **form within 90 days of the date the notice is issued**. You may also get assistance to complete the form from your services coordinator, personal agent, or another representative such as an advocate or other legal counsel.

### Claimant or claimant's representative completes this part

Name of claimant (*individual receiving notice*): \_\_\_\_\_

Date of birth: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

Name of provider issuing notice: \_\_\_\_\_

I did not receive written notice       I received written notice      Date of notice: \_\_\_\_\_

### I am asking for a hearing because I do not agree with the decision to:

Exit       Transfer       Relocate with provider       Reduction of service

Briefly explain why you disagree with the Notice of Involuntary Reduction of Service, Transfer or Exit (attach additional sheets as needed): \_\_\_\_\_

The individual may have help from their Services Coordinator or others to complete the form

# A hearing may not be needed if the exit notice is due to the home closing

A home might close if the provider:

Sells the home or moves location

Has the license for the home suspended, revoked, not renewed, or surrendered

Agency has their certification or endorsement suspended, revoked, not renewed, or surrendered

Has their Medicaid provider number terminated



**LIMITED  
TIME OFFER**

If the individual is requesting a hearing, timelines are important!

An individual who receives a 30-day notice must request the hearing and indicate they would like services to continue within 15 days of the notice



An individual has a maximum of 90 days to request a hearing

# New Timelines in Oregon Administrative Rule (OAR)



# 15 DAYS

Effective 11/1/2019:

“If an individual requests a hearing within 15 calendar days after the date of the notice and request continuation of services, the individual must receive the same services until the hearing is resolved”

OAR 411-325-0390(6)(b); OAR 411-346-0240(6)(b); OAR 411-348-0390(6)(b); OAR 411-360-0190(6)(b)

If the individual would like to continue services and they are making the hearing request more than 15 days after the date of notice...



The individual may request an expedited hearing.

An expedited hearing is a hearing that is held within 5 business days of the Office of Administrative Hearings receiving a request

The Services Coordinator should be meeting with the individual as soon as they are aware of the notice of exit to:

Help the individual understand the reason the notice of exit was given

Pull together the individual's ISP team to discuss the situation

Explore options with individual, their team, and the provider to eliminate the reason for the exit, if possible

Help the individual understand the next steps involved



What's Next?

# Next steps include...

The Services Coordinator providing the individual with choice advising to help the individual understand options for where to live next.

The  
Services  
Coordinator  
will be:

- Finding available placement options
- Putting together referrals
- Getting releases from the individual
- Supporting the individual to arrange tours
- Helping the individual sign up for resources, such as housing waiting lists (if applicable)

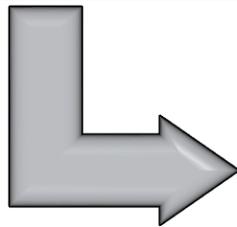


An individual may not agree with the notice to move, but...

Even if an individual chooses to have a hearing to fight the notice of exit, the individual needs to plan for a new place to live in case the hearing upholds the notice of exit.

There is not a lot of time

The individual may not be able to find their ideal living situation



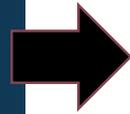
But it is important that the individual has somewhere to go once the notice time is up



# Once the notice of exit date has arrived...

(and there has not been a request for a hearing)

The individual is expected to leave the home



If an individual does not have a designated placement to go to, the Services Coordinator may need to help the individual plan on places to stay such as with family or friends, temporary housing, or a shelter until a placement or housing can be located

*Sometimes a provider may be willing to amend the notice to allow a few more days in the home if there is another placement lined up*



# When the decision to let the individual stay in the home longer is made...

## After the effective date of the notice

- The provider must issue a new notice and the timelines are re-started, including the 30-day notice period

## Before the effective date of the notice

- The provider may amend the notice to allow the effective date to be later- a new notice is not required if the notice is amended



If the situation changes...



And a notice of exit is no longer needed



The provider may rescind the notice of exit

# Case Management Responsibilities

Verify the individual received a notice

Help the individual to understand the notice

Assist the individual and the provider in exploring remediation

Provide choice advising to identify other service and placement options

Contact the local DRC (Designated Referral Contact) to start the referral process

Put together referral information

Obtain ROIs (Release of Information) as needed

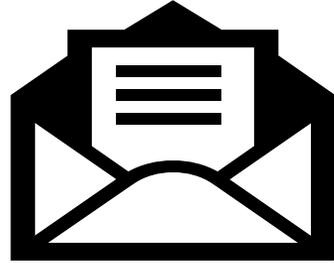
Service planning for new placement

Facilitate the exit meeting from the current placement

# Provider Responsibilities



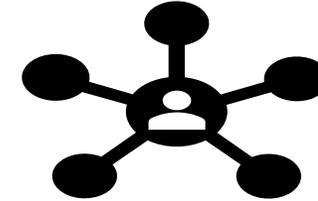
Communicate intent to exit as early as possible



Provide a Notice of Exit on the department designated form



Good faith effort to remediate the situation contributing to the exit



Continue to provide services to the individual until the date of notice (or Final Order if there is a hearing requested)



Maintain the individual's room



Ongoing open communication with the Services Coordinator



Share information needed for referral and support planning for a new placement



Support the individual in identifying and understanding their options



Participate in the exit meeting

# Individual Responsibilities

Communication  
with the Services  
Coordinator

Submit a hearing  
request (on time) if  
the individual does  
not agree that the  
provider has  
reason to exit them

Sign ROIs (Release  
of Information) as  
needed to identify  
new placements

Move by or on the  
date of exit in the  
notice (or the  
effective date of  
the Final Order if  
there is a hearing)

Be willing to work  
on remediation if  
there is a desire to  
stay in the home

Meet with Services  
Coordinator to  
discuss service and  
placement options

Plan for a new  
place to live,  
including a plan to  
take personal  
property

# When there is a hearing to appeal the exit notice and...



STAY

GO



OUT

The Judge agrees with the provider's notice of exit

- The individual must move out effective the date in the Final Order



IN

The Judge agrees with the individual and overturns the notice of exit

- The notice of exit is voided and the individual has the right to remain in the home



# Individual Personal Property

Personal property of the individual must be released to the individual

Including equipment or assistive devices or technology that were purchased using resources directly designated for the individual (such as waiver, state plan, grant, or health plan)

A provider is not required to store property of the individual following the date of exit in the notice or the effective date of the Final Order (whichever is later)



# If an individual leaves property behind...

The provider needs to make reasonable efforts to reach the individual (and their Services Coordinator or Personal Agent) to inform them of the property left behind

The provider shall give written notice to the individual, specifying that the property shall be considered abandoned if the individual does not make arrangements to collect the personal property

The individual must be given at least 15 days to collect their property

If the individual fails to respond to the notice or does not collect their property by the date specified in the notice, the provider shall dispose of the property



In accordance with ORS 90.425

# Disposal of Property

A provider may not profit from the disposal of individual property left behind

The property may be donated to a non-profit or a person not related to the provider

The property may be thrown away, if appropriate

The provider may not retain the property for personal use or benefit



In accordance with ORS 90.425

# Room and Board

The provider may charge for room and board while the room is being held for the individual



Room and Board is to be pro-rated based on actual move out date, with left over funds refunded to the individual



# More about money...

Provider cannot charge for damage or fees related to moving

Provider is not responsible for relocation costs of the individual



# When an individual is away from the home due to:



Hospitalization

Hospital  
State Hospital



Nursing Care



Incarceration

Jail  
Prison

And the provider wants to give the individual a notice of exit,  
the criteria for notice of exit still applies

# A provider may only ask an individual to move out for certain reasons



The behavior of the individual poses a risk of imminent danger to themselves or others

The individual experiences a medical emergency that results in substantially increased ongoing support that the provider is unable to meet

The service needs of the individual exceed the ability of the provider

The individual fails to pay for room and board or services, and payment is not available from another resource

The provider's certification, endorsement, or home license is suspended, revoked, not renewed, or voluntarily surrendered

The provider's Medicaid contract has been terminated

## If a provider is giving a notice of exit to an individual who is hospitalized or incarcerated...

The provider must be able to present that the individual's support needs:

Have significantly increased (due to a medical issue or a challenging behavior);

Are reasonably expected to be increased for a long term or permanent basis; and

Cannot be safely supported by the provider

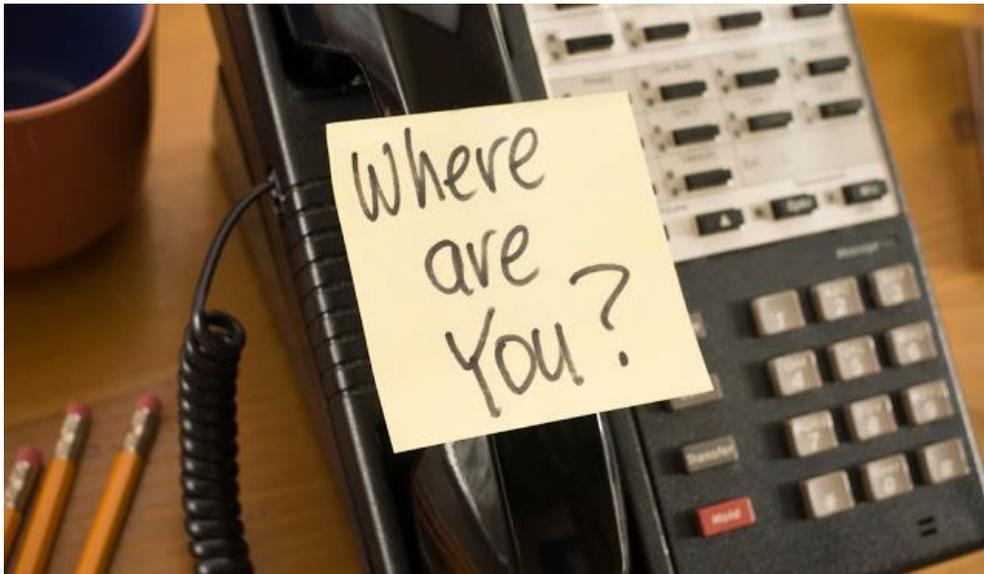


# Long-Term versus Short-Term Absence from the Home

An individual's absence from the home may not be enough of a reason for a provider to issue a notice of exit

The provider needs to consider whether the individual's absence is short-term or if the individual is expected to be out of the home for a long period of time

Think about the reason the individual is away from the home and where they may be staying while away:



A medical hospital?- likely short term

An arrest?- usually short term (unless a serious crime)

Serving a prison sentence?- long term

State Hospital?- It depends (Type of hold & whether related to a serious crime)

Jail?- Depends on the nature of the crime and the length of sentence

When an individual is anticipated to be away from the home for an extended period of time

A provider may choose to issue a notice of exit

The provider must determine if they have the resources and desire to hold the individual's placement or if the provider would like to issue a notice of exit



# Providers may not issue a notice of exit due to an individual choosing to spend time away from the home

Individuals have the right to full access to community living opportunities and self-direction in their daily lives

This includes visiting friends and family and going on vacations



Providers may work with an individual and ISP team to anticipate the individual's support needs and routine around the choice to be away from the home

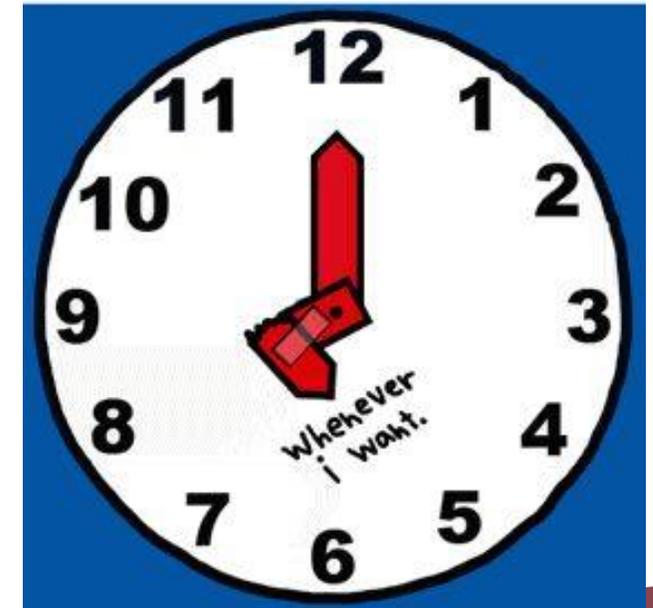
Providers can adjust staffing patterns when the time away is routine or predictable

Providers may bill for a day of service when the individual receives support from the provider while away from the home\*

The individual is responsible for paying room and board, even if they are away from the home



## WILL RETURN



\*see OAR criteria for details

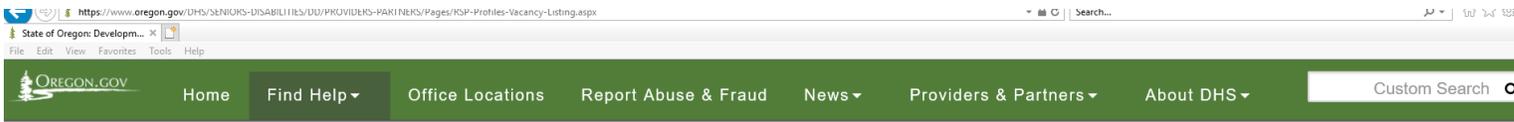
# Relief Care

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A notice of exit is not required for  
Relief Care

Relief Care is a time-limited service



Oregon Department of Human Services / Seniors & People with Disabilities / Intellectual and Developmental Disabilities / Developmental Disabilities Provider and Partner Resources

## Residential Services Provider Profiles and Vacancy Listing

- ▶ DD PROVIDER AND PARTNER RESOURCES
- ELECTRONIC VISIT VERIFICATION PROJECT
- ODDS ENGAGEMENT AND INNOVATION
- DD FOSTER CARE PROVIDER RESOURCES
- DD HCBS RESOURCES
- BEHAVIOR PROFESSIONAL RESOURCES
- ☑ CERTIFICATION, ENDORSEMENT & LICENSING
- PERSONAL SUPPORT WORKER RESOURCES
- EMPLOYMENT PARTNER

 [E-Subscribe](#) to receive Residential Services Provider Profiles and Vacancy Listing

### About the Residential Services Provider Profiles and Vacancy Listing

This is a collaborative effort with Community Developmental Disabilities Programs (CDDPs) and Residential Services Providers to assist service coordinators and personal agents locate residential vacancies. This will allow for providers to directly receive referrals from service coordinators and personal agents serving individuals who are looking for a new or different placement option.

### Residential Services Provider Profile

Residential Services providers, including 24-Hour Residential, Adult Foster Homes, and Supported Living, can complete this form to have your agency or home vacancy to this page.

[Statewide Site/Vacancy Information Reporting Form](#)

[Statewide Site/Vacancy Information Reporting Form Instructions](#)

Providers must submit their profiles to the CDDP where the home is located and allow CDDPs the opportunity to review the Provider Profile prior to submission to ODDS. The CDDP will submit all Provider Profiles to ODDS.

[CDDP DRC Contact Information](#)

Case managers can help individuals and teams to access information such as the ODDS webpage which includes a listing of provider profiles and vacancy information about settings.

<https://www.oregon.gov/DHS/SENIORS-DISABILITIES/DD/PROVIDERS-PARTNERS/Pages/RSP-Profiles-Vacancy-Listing.aspx>

This webpage is called the “Residential Services Provider Profiles and Vacancy Listing”

ODDS has a resource for finding residential placement options

# Additional Resources for Individuals Related to Notice of Exit

## Residential Facilities Ombudsman

- <https://www.oltco.org/>
- [rfo.info@oregon.gov](mailto:rfo.info@oregon.gov)
- 1-844-674-4567

## Disability Rights Oregon

- <https://droregon.org/>
- 1-800-452-1694



Residential  
Facilities  
Ombudsman  
Program



DISABILITY RIGHTS OREGON