



Oregon

Kate Brown, Governor

Department of Human Services
Office of Developmental Disabilities Services
500 Summer St. NE E-09
Salem, OR 97301-1073
Voice: 503-945-5811
Fax: 503-373-7274
TTY: 800-282-8096

January 12, 2016

To Our Valued Providers:

The Office of Developmental Disabilities Services (ODDS) would like to inform you of the next phase of the transition plan to comply with the new Home and Community-Based Services (HCBS) regulations issued by Medicaid.

As part of our transition efforts to demonstrate to Medicaid that Oregon is making progress towards complying with the HCBS expectations, an on-site visit will be conducted this year to at least one site operated by each provider of services in licensed, certified, or endorsed residential, employment, or day service settings.

What this means is that all of our DD licensed Foster Care, 24- Hour Residential Service Setting, and provider owned, controlled, or operated employment and Day Services providers will receive a visit in 2016 during which an assessment will be completed. The assessment will evaluate the current status of programs in regards to compliance with the new HCBS rules.

The tool being used for residential service settings (including Foster Care and 24-hour Residential) to measure provider compliance is the "HCBS On-Site Compliance Assessment for Residential Service Settings". The tool functions as a checklist in which the new HCBS rule language is cited and the person conducting the review will indicate areas where a provider is not yet compliant with the new HCBS rules. There are two different versions of this tool: one for providers of services in residential settings for adults; and one for children.

The forms, instructions, a Q & A document, and a PowerPoint about the assessments can be found on the ODDS tools webpage at: <http://www.dhs.state.or.us/spd/tools/dd/index.htm> . You are encouraged to use the assessment form to do a self-evaluation before your on-site visit to identify areas you may need to work on.

A similar "HCBS On-Site Assessment for Non-Residential Service Settings" will also be available on the ODDS tools website found here:
<http://www.dhs.state.or.us/spd/tools/dd/index.htm>.

For Foster Care settings, a licenser, certifier, or services coordinator will conduct a visit to the home sites to complete the assessments. This may be done as part of license or certificate renewal, but also may be done during a site or service monitoring visit to the homes.

"Assisting People to Become Independent, Healthy and Safe"

For 24-Hour Residential Services settings, a licensor from the Office of Licensing and Regulatory Oversight (OLRO) will be conducting a visit to the home sites. Often, the assessment will occur in conjunction with the licensing renewal process, however, the assessment may also occur at a separate time.

For non-residential settings an ODDS Regional Employment Specialist will visit the site to complete the assessment. If your non-residential setting is due for a licensing review, it will be done instead as part of the regular licensing review.

Following the on-site visit and assessment, you will receive a report that indicates areas of the new rules in which you are not yet in compliance. Please be assured that ODDS anticipates that there may be many areas specific to the new HCBS rules in which providers are not yet in compliance. The entire state at all levels is in the middle of the process to transition to compliance with the new rules. Many of the components needed for residential service settings to fully comply with the new rules have not been identified or created. You should not receive any punitive action such as a sanction or penalty for being found out of compliance with the new HCBS rules at this time. The other previously existing service and setting rules will continue to be applied consistent with established practice and non-compliance with these rules may result in sanctions, citations, penalties, or other actions.

You will be asked to create a plan which identifies the steps you will take to come into full compliance with the new HCBS rules by September 1, 2018. Providers who receive an On-Site Compliance Assessment between now and June 30, 2016 will not be required to create and submit a plan until August 31, 2016. Those providers who receive an On-Site Assessment on July 1, 2016 or after will have 60 days to complete a plan.

We are currently working on developing additional communications, tools, and training for providers to support you in creating your plans for coming into compliance with the new rules. More information and training opportunities will be communicated soon. Additional information regarding nonresidential service setting classifications and initial HCBS compliance information will be sent shortly to all non-residential providers.

Please visit Oregon's HCBS webpage at: <http://www.oregon.gov/DHS/SENIORS-DISABILITIES/HCBS/Pages/index.aspx> for additional information about the new HCBS rules.

We appreciate your patience and cooperation with our efforts in creating the most inclusive and empowering system of supports possible for the citizens we serve. Thank you for all you do.

Sincerely,

Rose Herrera- ODDS Policy Team Home and Community-Based Services Specialist
email: Rose.K.Herrera@state.or.us

cc: Lilia Teninty
Anna Lansky
Chelas Kronenberg