

<b>Topic:</b>	Employment and Day Support Activities (DSA) – COVID-19 Guidance (Temporary Emergency Policies and Plans for Reopening, with Phase Two Update)
<b>Date Issued/Updated:</b>	06/01/2020; Updated 06/05/2020; Updated 07/07/2020; Updated 07/20/2020; Updated 09/14/20; <b>Updated 09/29/2020</b>

**Overview**

**Description:** This Worker’s Guide outlines temporary emergency policies related to the delivery of Employment Services and Day Support Activities (DSA) during the COVID-19 pandemic. Many of the temporary emergency policies remain in place until they are lifted, as outlined below. This Worker’s Guide will be updated as needed.

**Purpose/Rationale:** ODDS responded rapidly to the COVID-19 pandemic and state of emergency by rapidly releasing a series of transmittals. This guide replaces many of those transmittals and consolidates the information. This guide will be updated as Oregon begins to reopen through a phased process established by the Governor.

**Procedure(s) that apply:**

**ODDS asks people to continue to stay home and stay safe as much as possible even as Oregon begins the phased reopening county by county.** Individuals getting services from ODDS are considered at high risk of long-term adverse consequences from COVID-19. If individuals who use ODDS services go out (for work, essential services, recreation, etc.), they must have an opportunity to make an informed choice about the risk. Work with the individual’s services coordinator as needed. Individuals must be given information regarding:

- Alternative options available to meet their needs and interests.
- The benefit of staying home.
- Encouragement to wear a mask and maintain physical distancing if they can’t be persuaded to stay home and to thoroughly wash their hands when they return. The individual’s case management entity can get masks for them.
- An opportunity to develop a plan to reduce related risks for both themselves and others.

If the person has made an informed choice about participating in an activity that is permissible under federal, state, and local guidance, then precautions must continue to remain in place. To ensure the virus does not continue to spread, the State’s plan to reopen will happen in phases, depending on how well each county is doing in slowing the disease and how well it is prepared to handle the risks (meaning, the region’s ability to treat the people who get sick). If the virus starts to spread quickly, then businesses and public settings may start to close again.

Each temporary emergency policy ODDS has issued related to COVID-19 will remain in place until ODDS rescinds it. Many of the temporary emergency COVID-19 policies will remain in effect through Phase One. Some ODDS policies and recommended practices may remain in place until Phase Three when there is a vaccine or effective treatment for COVID-19. Below is more specific guidance for ODDS employment, day, and other non-residential services during each phase of Oregon’s reopening.

**It is required that in addition to this guidance, no matter the re-opening phase, providers must follow all updates to state and local guidance.**

New updates incorporated 07/20/2020:

- As of July 15, 2020, ODDS providers delivering Employment or DSA services in congregate settings must follow State guidance for “indoor social get-togethers.” As of July 15, 2020, gatherings are limited to 10 or fewer inside a building or facility. This limit includes both individuals served as well as provider staff. This requirement applies to any employment or day services at a provider site. Exceptions may be made for business settings, and will be approved as part of a provider’s reopening plan. As outlined in this guide, providers must also continue to follow direction from federal, state, and local public health officials. This includes the new State guidance on gatherings found here:  
<https://sharesystems.dhsoha.state.or.us/DHSForms/Served/le2351g.pdf>
- Additionally, unless an individual is not able to wear a mask and requires an accommodation per the ADA, masks must be worn inside building or facilities and outside when physical distancing is not possible. Some individuals may not be able to wear a mask due to a medical condition, or because it causes them distress.
- Explicitly state that Camps, which congregate two or more individuals with intellectual and developmental disabilities (who do not already reside together) must have a reopening plan. This is applicable even if the service being utilized for a Camp is Respite Care. The service may only be delivered in a congregate setting if the county is in Phase Two, to individuals who reside in the same or nearby county that is also in Phase Two.

Updates incorporated 09/14/2020:

- Specify that masks cannot include a spit guard.

Updates incorporated 09/29/2020:

- **Provider Reopening:**
  - ODDS is encouraging providers in Phase One to submit reopening plans to prepare for Phase Two.
  - Discovery is permitted during Phase One if the provider has an ODDS-approved reopening plan that addresses the service.
  - Employment and DSA services may be delivered 1:1 at a provider site during Phase One if the provider has an ODDS-approved reopening plan for the service.
- ODDS services for support during school and transition.
- Additional information regarding use of ODDS services for support to pursue claim for Unemployment Insurance.
- Risk Mitigation Strategies must be relevant for remote services (if applicable), and must be updated if it is necessary for the strategy to be effectively implemented.

## I. Phase One of Oregon's Plan to Reopen

In general, counties are able to start Phase One of reopening upon approval by the State upon confirmation that the medical system can treat the number of people who are sick. If the virus starts to spread quickly, then businesses and public settings may start to close again.

### **A. Documentation of Informed Choice and Developing a Plan to Mitigate Risks when going to work and accessing services in the community**

Individuals must have an opportunity to make an informed choice about using employment or day services in the community. This includes holding a team discussion to evaluate the pros and cons of continuing or returning to work or accessing services in the community (whether the work experience is supported by ODDS-funded job coaching, small group, employment path, natural supports, or the person is using DSA for support to access the community, etc). The person and his or her ISP team must also develop a plan to mitigate any risks related to COVID-19 and accessing work, essential services, and the community. See the sample tools for facilitating and documenting this discussion: <https://www.oregon.gov/DHS/SENIORS-DISABILITIES/DD/ODDS%20Resource%20Library/Developing-Plan-Return-Work-Activities.pdf>

### **B. Employment and DSA services in congregate (group) settings or at a provider site**

ODDS employment and non-residential day services in a congregate (group) setting or at a provider site will continue to be prohibited during Baseline and Phase One of Oregon's plan for reopening. Congregate and site-based Employment and DSA service settings may reopen if the county in which services are located is in at least Phase Two of Oregon's plan for reopening. This also includes camps. Effective July 15, 2020, no more than 10 people may be in a DSA or Employment Service setting. This limit includes both individuals served as well as provider staff. This requirement applies to any employment or day services at a provider site.

Statewide guidance for "indoor social get-togethers" applies to group/congregate employment and non-residential day service settings (i.e. employment, community living supports (DSA/camps)). Please see applicable guidance here: <https://sharedsystems.dhsoha.state.or.us/DHSForms/Served/le2351g.pdf>

Exceptions may be made for business settings and approved as part of a provider's reopening plans. The service must also be in a setting that is permissible under federal, state, and local guidance from public officials.

The provider must also submit a reopening plan to ODDS for review and approval (see more information below).

Employment and DSA services may continue in a congregate or group setting during Baseline and Phase One only if ODDS has authorized the provider to continue. This may be authorized if the work is:

- In an essential business, as outlined in Executive Order 20-12, or
- Is in a business that may be open under federal, state, and local guidance (including whether the type of business may be open based on the reopening phase for the county the work is in).

- Individuals must have an opportunity to make an informed choice about returning to work.
- The provider must have policies and procedures in place to assure the required safety precautions are being taken.

Contact your regional employment specialist to make a request for employment services in a congregate setting or at a provider site.

### **C. Essential Workers**

All employment professionals and DSA direct support professionals are considered essential workers. Services must still occur in a setting that may be open under the phase the county is in.

### **D. Specific Requirements by Service Type**

#### **1) Job Coaching**

Job Coaching may continue throughout all phases of reopening if the job supported is in a business allowed to be open under the specific phase the county is in. The person must also have an opportunity to make an informed choice about going to work and develop a plan to be as safe as possible.

##### **a) Level of Job Coaching**

Job coaching support provided may continue to be billed based on the hours the individual works, as currently authorized in an individual's Individual Support Plan (ISP) or Service Agreement.

If an individual was temporarily laid off from their job (or decided due to health and safety reasons to stop working for a period of time) and has returned to work but currently needs additional support that would be better classified in a different phase of job coaching, please work with the individual's Case Manager to **request an exception to re-enter an earlier stage of job coaching.**

If an individual was permanently laid off from their job and has found employment with another agency, please follow the [Stabilization Guidance](#).

If an individual is no longer working, but your agency continues to support an individual with seeking and reporting unemployment benefits, job searching, maintaining employment skills, etc., this may be billed as Employment Path Community support, as outlined below.

##### **b) Making an informed choice about returning to work and develop a plan to mitigate risks**

As outlined above, ensure the person has an opportunity to make an informed choice about returning to work and to develop a plan to reduce any risks caused by the COVID-19 virus. [See the sample tools for facilitating and documenting this discussion.](#)

Providers should also be working with individuals in order to identify opportunities for making accommodations. For example:

- Can individuals work during shifts where the spread of transmission is less likely?
- How is the employer ensuring employees can take as many precautions as possible?
- Does the person have access to equipment to take the necessary precautions such as masks, frequent hand washing, gloves and practicing physical distancing?
- Is the individual trained on his or her employer's sick leave policy and knows how to report sick, and will plan to remain home if he or she is sick?
- If the person must take time off related to the COVID-19 virus, has he or she communicated with the employer about returning to work?

Also, make a back up plan in case a job coach or employment staff get sick.

### **c) Remote Job Coaching May Occur**

Until further notice, required in-person job coaching contacts and supports may temporarily be made remotely (i.e. phone, telehealth, email). This may include teleworking for any business, or essential businesses such as work at a grocery store, gas station, etc. Remote job coaching is subject to the support needs of the individual and may not be appropriate depending on the individual's protocols and health and safety concerns.

### **d) Tracking Job Coaching:**

Providers are asked to track the status of individuals receiving Job Coaching including: 1. Layoffs, 2. Individuals not able to go to work due to health and safety concerns; and 3. Any reduction in hours the person is able to work. See [AR 20-033](#) for more information.

## **2) VR Job Development and Other Employment Services:**

Information on accessing VR services for support to find a job and other employment services during the COVID-19 pandemic may be found here:

<https://www.oregon.gov/DHS/EMPLOYMENT/VR/Documents/Applying%20for%20VR%20during%20COVID-19.pdf>

## **3) Benefits Counseling**

This service is incredibly valuable during this time, as there are many questions about the CARES act, unemployment benefits, etc. This service may be billed as ODDS Benefits Counseling as outlined in the [Benefits Counseling Worker's Guide](#).

## **4) Small Group**

Support to work in a Small Group Employment Service setting may occur if the job or setting is allowed to be open under the specific phase the county is in, and the person has had an opportunity to make an informed choice. Services may only be billed for actual hours of service delivered.

If the individual has chosen not to work at this time, or the work is not able to be completed in

alignment with state guidance, but you continue to support an individual with job searching, maintaining employment skills, etc. this may be billed as Employment Path Community, as outlined below.

As outlined above, ensure the person has an opportunity to make an informed choice about returning to work and developing a plan to reduce any risks caused by the COVID-19 virus. [See the sample tools for facilitating and documenting this discussion.](#)

Providers should also be working with individuals in order to identify opportunities for making accommodations (as outlined above for Job Coaching).

## **5) Discovery**

Discovery was previously only allowed starting at Phase Two. Effective 09/29/2020, Discovery is permissible starting at Phase One. ODDS must first approve the provider's reopening plan for Discovery. See reopening plan requirements for Discovery and other services below.

Also, before Discovery, the person must have an opportunity to make an informed choice about returning to work and also to develop a plan to reduce any risks including those related to the COVID-19 virus. [See the sample tools for facilitating and documenting this discussion.](#)

## **6) Employment Path Services**

Employment Path services may occur as an individualized 1:1 service in the community if the business setting is able to be open under federal, state, and local guidance from public officials and based on the phase the county is in. Other services in group settings may occur if authorized by ODDS (i.e. Project Search, Employment Path for essential services, etc).

As outlined below, providers may reopen congregate employment path services if 1). the county within which the service occurs is in at least Phase Two, and 2). ODDS had approved the provider plan for reopening the setting. Services may only be billed for actual hours of service delivered.

All Employment Path Services must be used in combination with a service component that is in a non-disability specific setting in the general community and away from the provider site (e.g. employment path in combination with an internship or job shadow at a general community business; job coaching; discovery; small group; or VR services). This is a long-standing requirement. On a temporary emergency basis, the community component may include remote employment path services.

### **a) Remote Employment Path Services:**

Employment Path may occur remotely (i.e. phone, telehealth, email). At this time, providers should bill "community" for remote services (classes or skill building) delivered in a person's home.

### **b) Examples of Employment Path Services that may occur:**

- Assisting people with filing for unemployment benefits;
- Helping individuals re-connect to benefits or file for increased benefits based on unemployment;

- Provide remote benefits counseling (if certified) or connect to WIN/DRO for benefits counseling;
- Working 1:1 with an individual to retain or build employment skills during a time of lay-off or not being able to work due to health and safety concerns.
- Remain connected to individuals who may have lost their jobs;
- Connecting with employers to retain relationships;
- Virtual meetings for skills training (Examples: This may include resume building, interview skills, Project Search curriculum, self-advocacy skills, assistance to obtain required job certifications such as food handler's cards, assisting with employment goals, technology training, computer skills and other activities intended to promote gaining competitive integrated employment).

**c) Making an informed choice about returning to work and develop a plan to mitigate risks**

As outlined above, ensure the person has an opportunity to work with their team to make an informed choice about returning to work or services in the community and developing a plan to reduce any risks caused by the COVID-19 virus. Providers should also be working with individuals in order to identify opportunities for making accommodations for work experiences in community settings.

**d) Employment Path Facility:**

Employment Path Facility may ***not*** continue unless authorized by ODDS.

For Baseline and Phase One, this may be authorized by ODDS if the work is:

- In an essential business, as outlined in Executive Order 20-12, or
- Is a business that may be open under federal, state, and local guidance (including whether the type of business may be open based on the reopening phase for the county the work is in).
- Individuals must have an opportunity to make an informed choice about returning to work.
- The provider must have policies and procedures in place to assure the required safety precautions are being taken.

Contact your regional employment specialist to make a request.

If an individual was receiving an Employment Path Facility service that consisted of classes, and these classes are currently being offered remotely, they may be billed as Employment Path Community, as outlined above.

Providers may reopen congregate services or **congregate** services at a provider site if 1). the county within which the service occurs is in at least Phase Two, and 2). ODDS had approved the provider plan for reopening the setting. The service must also be in a setting that is permissible under federal, state, and local guidance from public officials.

**Effective 09/29/2020, Employment and DSA services may be delivered 1:1 at a provider site during Phase One if the provider has it in their ODDS-approved reopening plan.**

## 7) Using ODDS Employment Path or Benefits Counseling for support to navigate unemployment benefits and stimulus payments (for example, under the Cares Act):

It is highly recommended that a person who is or has been working, receive benefits counseling services to help them understand how earnings from work may interact with public benefits. A qualified benefits counselor may be able to provide additional information about how stimulus payments, including those made under the CARE Act, may impact benefits.

### Who can support a person to make a claim for Unemployment Insurance benefits?

ODDS employment path services may be used for support to navigate making a claim for unemployment benefits. A person can designate someone they trust for support to navigate an Unemployment Insurance claim. The ISP team can also support the person to designate a supporter specifically for the purpose of navigating Unemployment Insurance. The support person might be a family member, trusted person, or, if necessary and appropriate, an employment service provider. Employment Path Services may be used for support to navigate claims for Unemployment Insurance. Due to the COVID-19 pandemic, some of this service may be done “on behalf of the individual” when the person is not present.

### Third Party Certification

Providers supporting individuals to make a claim for unemployment insurance need to have employees delivering this support complete the “Third Party Certification” from Oregon’s Employment Department. The certification form can be found here:

<https://www.oregon.gov/dhs/EMPLOYMENT/EMPLOYMENT-FIRST/Documents/Third-Party-Certification-Filing-Initial-Unemployment-Insurance-Claim-Applications-ODDS.docx>

Each person delivering this support only needs to complete the certification once, regardless of the number of people they are supporting. One point of contact from each provider agency should submit all certifications for an agency within one email to the Employment Department contact at: [eric.l.villegas@oregon.gov](mailto:eric.l.villegas@oregon.gov) (please do not email this contact with questions about unemployment insurance). Please also cc: [allison.enriquez@dhsosha.state.or.us](mailto:allison.enriquez@dhsosha.state.or.us).

### What is the liability for a provider?

Providers may be liable for overpayments if the provider or its employee *knowingly* submits false information to obtain benefits that an individual is not entitled to receive. Speak with your agency’s attorney if you have more questions about this.

### Where can I go for more information?

- To learn more about Unemployment Insurance benefits: <https://bit.ly/2AEsaMV>
- A person can apply online for unemployment insurance benefits at: <https://bit.ly/3g94GjA> or call 1-877-FILE-4-UI.
- Here is a website with more information and videos about applying: <https://bit.ly/2Yncaag>
- Cornell University developed guidance on how the receipt of CARES payments impact benefits programs. See the Cornell guidance here: <https://yti.cornell.edu/images/COVID-19-Benefits.pdf>

## 8) DSA

DSA services may occur if the activity is permissible under federal, state, and local guidance from public officials, and under the phase the county is in. As outlined below, providers may

reopen congregate services if 1. the county within which the service occurs is in at least Phase Two, and also 2. ODDS has approved the provider plan for reopening the setting.

Effective 09/29/2020, providers may deliver 1:1 DSA services at a provider site if ODDS has approved the provider plan for reopening the service setting.

**a) Examples of DSA that may occur:**

- i) Individualized 1:1 DSA in community (not in a group). For example, individualized support (not in a group) to exercise, recreate, or participate in an activity in the community that is allowed under the phase the county is in.
- ii) DSA services may be provided to more than one individual if those individuals reside together.
- iii) Remote DSA services (i.e. phone, telehealth, email, or virtual meetings to provide opportunities for individuals to connect with others during this time).

Any remote DSA services including online classes, meet-ups, social skill building, connections, etc., may be billed as DSA Community. Remote services should continue to help meet an individual's goal or outcome. It may include social interactions (for example, support to continue personal connections, communication activities to work on communication skills, participate in games, etc). Staffing ratios for classes should not exceed a ratio of 1 staff to 12 individuals, as outlined in current Oregon Administrative Rule for classes.

- iv) As outlined below, providers may reopen congregate DSA services or services at a provider site if 1). the county within which the service occurs is in at least Phase Two, and also 2). ODDS had approved the provider plan for reopening the setting.
- v) Effective 09/29/2020, providers may deliver 1:1 DSA services at a provider site if ODDS has approved the provider plan for reopening the service setting.

**b) Making an informed choice about accessing services in the community**

As outlined above, ensure the person has an opportunity to make an informed choice about accessing services in the community, and developing a plan to reduce any risks caused by the COVID-19 virus. See the sample tool for facilitating and documenting this discussion:

**c) DSA Solo (OR 542-R1)**

If DSA in-person service is requested by the individual and outlined in the ISP or Service Agreement as DSA Solo (OR 542-R1), this service may be billed using OR 542-R1.

As has always been required, 1:1 DSA should have a specific outcome associated with the service and the service should continue to be in alignment with this outcome.

If a 1:1 DSA service is being delivered remotely, in order to bill OR 542-R1, it must still carefully align with the individual's outcome or goal. If it cannot meet the desired outcome for the individual, but connections are still being made, this may be billed as DSA Community.

#### **d) DSA Facility**

Effective 09/29/2020, DSA 1:1 services may occur at a provider site with an ODDS-approved reopening plan for the service. Remote DSA services may continue. Remote services may be billed as DSA Community.

As outlined below, providers may reopen congregate services or services at a provider site if 1). the county within which the service occurs is in at least Phase Two, and also 2). ODDS had approved the provider plan for reopening the setting. Effective 09/29/2020, providers may deliver 1:1 DSA services at a provider site if ODDS has approved the provider plan for reopening the service setting. This may be billed as DSA Facility.

The service must also be in a setting that is permissible under federal, state, and local guidance from public officials.

#### **e) Camps**

The service to participate in a camp is DSA if it is delivered in a setting that congregates individuals with intellectual and developmental disabilities. This is true even if it is 1:1 staffing delivered in a group or congregate setting. If the provider has historically utilized respite care for a camp, the camp must still follow the guidance in this transmittal for any group services. Specifically, ODDS providers delivering DSA or respite care, or any other ODDS-funded services in a congregate/group camp setting must have a reopening plan. As with all congregate non-residential day and employment services, the ODDS-funded services for camps may only be delivered if the county is in Phase 2. Individuals must reside in a county that is nearby. Individuals must also reside in a county that is also in Phase 2. For more details, please review [Governor Brown's Phase 1 Re-Opening Guidance](#).

*In addition to the ODDS specific guidance outlined in this Worker's Guide, camps must also follow the Governor's requirements, outlined here:*

<https://sharedsystems.dhsoha.state.or.us/DHSForms/Served/le2357.pdf>.

ODDS may require safety measures above and beyond what is outlined in the Governor's requirements for camps in order to access ODDS funding for a service. For that reason, camps must ensure all ODDS guidance is also followed. For instance, the Governor's guidance allows for stable groups to be up to 10 individuals, not including staff. ODDS requires that groups that come together inside a facility for social gatherings such as DSA or camps must be limited to 10 individuals *including staff*. In this instance, the more stringent ODDS guidance must be met in order to bill ODDS for any service related to a camp.

#### **9) Community Transportation**

ODDS Community Transportation may be used so long as the destination is permissible under federal, state, and local guidance. The individual must have an opportunity to make an informed choice about using community transportation services, and develop a plan to mitigate the risk. [See the sample tools for facilitating and documenting this discussion](#).

The following precautions must also be considered:

- a) Transportation in a personal or provider vehicle:
  - i) The number of people who will be transported at a time (to the extent possible, limit the number of people in a vehicle if transporting people who are not part of the same residence; utilize larger vehicles if possible; maintain 6 feet of distance between passengers is preferable but not required).
  - ii) Screen individuals before they get into a vehicle to ensure they do not have symptoms for COVID-19.
  - iii) Ensure everyone washes their hands or uses sanitizer upon entering or exiting a vehicle for transportation.
  - iv) Wipe down surfaces, sanitize, and thoroughly clean the vehicle after transportation an individual.
  - v) Direct support staff must wear a mask during transportation unless one of the exceptions outlined above for masks applies. Individuals must be encouraged to wear a mask as well.
  - vi) Remind individuals to cover a cough.
  - vii) Include any other policies or procedures related to transportation.
  
- b) Public transportation:
  - i) Only using public transportation when necessary.
  - ii) Try to travel when there are fewer people.
  - iii) Maintain six feet between the individual and others outside the household.
  - iv) Ensure everyone washes their hands or uses sanitizer upon before and after using public transportation.
  - v) Direct support staff must wear a mask during transportation unless one of the exceptions outlined above applies. Individuals must be encouraged to wear a mask as well.
  - vi) Include any other policies or procedures related to transportation.

## **10. Services for students and transition age youth**

Long-standing guidance regarding ODDS employment services for youth and transition students can be found here: <https://www.oregon.gov/dhs/EMPLOYMENT/EMPLOYMENT-FIRST/Policy/WorkersGuide-ODDS-Employment-Services-Transition-age-Individuals-Youth-03.08.19.pdf>

Additional temporary emergency guidance for the COVID-19 pandemic:

- Summary hours may be used for attendant care during the 2020-2021 school year as outlined in PT 20-092:  
<http://www.dhs.state.or.us/policy/spd/transmit/pt/2020/pt20092.pdf>

Attendant care may be used for activities of daily living (ADL), instrumental activities of daily living (IADL), health-related, or behavior support tasks identified in the child's Individual Support Plan (ISP). This includes cueing, monitoring, reassurance, redirection, set-up, hands-on, standby assistance, and reminding. Attendant care cannot be used solely for the purpose of educational activities or homeschooling.

For example, attendant care might be used for support to set up virtual learning and if hand or hand assistance is needed. Support, however, is not for direct instruction with class work.

- Employment Path services and DSA may not be used without an ODDS-approved exception (except for Employment Path - Benefits Counseling). DSA for youth and transition-age students cannot be facility-based.
- Schools are encouraged to contract with ODDS-providers for Employment Path and/or DSA services.
- Education Assistants (EA) and Instructional Assistants (IAs) are encouraged to become an ODDS Personal Support Worker (PSW) to deliver ODDS services, particularly to support functional goals in the home and community that complement the educational goals of the school. An IA or EA from a school may also work as an ODDS-funded job coach for individuals working in competitive integrated employment. Find more information on how to enroll as a PSW here:  
<https://www.oregon.gov/dhs/EMPLOYMENT/EMPLOYMENT-FIRST/Policy/How-to-Become-PSW-Job-Coach-Tool.pdf>

## **E. Provider Agency Requirements**

### **1. Agencies certified under 411-323 may provide Community Living Supports under 411-450 without the endorsement**

An agency certified under 411-323 (including employment providers endorsed under 411-345) may deliver Community Living Supports without an endorsement under 411-450. The provider number attached to the provider record can be used for authorization in Plan of Care.

### **2. Changes to ISPs and Service Authorizations**

At this time, CMS has approved retroactive waiver service authorizations (employment) or k-plan services (DSA) if required due to COVID-19. For this reason, services may be authorized back to the start date. As an example of this, if an individual lost their job and worked with their employment provider to file for unemployment / report unemployment, employment path may be authorized from the date the individual lost their job.

Additionally, written signatures are preferred. However, ISPs and Service agreements do not need to be signed by any member of the ISP team in order to be valid. When signatures aren't being gathered, an agency should expect to give prior verbal agreement to deliver services based on information given by the case manager that includes effective dates, service limits and relevant known risks.

Providers are expected to ensure current and relevant risk mitigation strategies are always in place, including if the service is being delivered remotely. Providers delivering remote services may need to update risk mitigation strategies to ensure they outline strategies that address the known relevant risks.

### 3. Written Emergency Plan or Policies & Procedures to Address Health and Safety

A provider agency must have an emergency plan or health and safety policies and procedures in place related to the protection of health and safety. Note, this was a pre-existing requirement. However, additional technical assistance and support was provided during the COVID-19 response. All Employment and DSA providers must submit their plans to ODDS for review.

***Providers that temporarily closed must submit their plans to ODDS for review before reopening. Provider agencies that have not submitted their emergency plan to ODDS will have their certification suspended. The suspension may be removed upon review and approval of the provider's reopening plan and/or emergency plan.***

With respect to infectious disease and the COVID-19 virus, a provider's policies and procedures or emergency plan must assure the following:

- a. A plan for preventing spread & treatment for infectious disease.
- b. A plan that addresses systems and staff training on the following: handwashing, coughing into elbow, sanitizing, screening staff and individuals, limiting group events, limiting non-essential appointments, etc.
- c. For community employment, plan to ensure provider and individual are trained on employer's emergency plans and policies for handwashing, screening, cleaning, responding to infectious disease (e.g. social distancing, masks/PPE, etc), sick leave, etc.
- d. Addressing individual need during pandemic (continued access to medical treatment, medical supplies/equipment, additional behavioral supports, food, sanitation supplies).
  - i. Documentation that written safety supports (provider risk mitigation strategies, safety plans, etc) are in place and that they have been reviewed to confirm they sufficiently address increased risks resulting from the outbreak or pandemic of an infectious disease including COVID-19.
  - ii. DSA and Employment provider sites: should have food, water, sanitation supplies on hand in case of emergency where individuals are stuck and cannot safely return home. A plan if DSA/Employment is able to continue providing services if changes/emergency result if need for additional support services (including behavioral supports, etc).
  - iii. DSA and Employment community: Have emergency food, equipment, medical supplies, sanitation supplies when out in community. (e.g. water, food, back up medical supplies (e.g. second epi-pen, inhaler, hand sanitizer). Plan for coordinating with other supports.
- e. Plan for adequate staffing to safety needs of individuals (including back up planning).
- f. System for identifying, reporting, monitoring, and treating symptoms.
- g. Ensuring staff are trained on standard precautions, infection control, and hand washing.
- h. System for responding to isolation and quarantine (at the direction of a public health entity).
- i. Strategies for coordinating with and following direction of federal, state, and local health officials.

- j. Policies to ensure individuals and staff remain home when sick.
- k. Coordination with other residential, employment and/or day program providers.
- l. Ensuring providers and employers have correct emergency contact information on file.
- m. Any other health and safety policies and procedures needed related to the spread of infectious disease and COVID-19.

#### **4. Handwashing and Infection Control**

Employees who provide direct care must use good infection control practices. Upon entering a building, wash hands with soap and water for 20 seconds, or clean hands with alcohol-based hand sanitizer, and avoid touching the face. Employees must also use good respiratory etiquette: cover cough or sneeze into elbow.

#### **5. Using face masks when providing direct services as required under AR 20-058.**

Employees who provide direct care must wear masks when delivering any in-person care. When individuals are non-symptomatic, a cloth face mask is sufficient. When an individual is symptomatic or confirmed positive, an N95 mask is recommended. Spit guards are not an acceptable face covering and are not considered masks.

A DSP who can document a medical need for not wearing a mask is exempt (unless required by an employer in a work setting). If a mask triggers challenging behavior, mask wearing is not required. If masks are unavailable, the agency must document on-going efforts to get them.

Individuals using services must wear masks inside building or facilities and outside when physical distancing from people outside their household is not possible. Some individuals may not be able to wear a mask due to a medical condition, or because it causes them distress. If that is the case, this must be documented in the individual's file or provider's progress notes. All efforts to offer accommodations such as providing face shields, masks made of different material, masks that have a screen and allow individuals to still see lips/mouths must be provided and documented.

It is also required that there are on-going conversations as needed with individuals about the reason why a mask is required, how a mask may contribute to their immediate health and safety, as well as the health and safety of others. These conversations should be documented if an individual is not willing to wear a mask but does not have a medical reason or it does not cause them distress. It should also be documented if a person cannot wear a mask due to a medical reason or due to the person's disability.

When utilizing an N95 respirator mask OSHA requires an initial respirator fit test to identify the right model, style and size of a respirator for each worker. Fit tests require a specific fit test kit. If an employer cannot obtain a fit test kit or provide fit testing for all workers who need an N95 respirator mask, OSHA should be contacted for additional guidance. OSHA resources can be found here: [https://www.osha.gov/video/respiratory\\_protection/fittesting\\_transcript.html](https://www.osha.gov/video/respiratory_protection/fittesting_transcript.html) and here: <https://osha.oregon.gov/Pages/re/covid-19.aspx> .

See ODDS infographic for more information on masks:

<https://www.oregon.gov/DHS/SENIORS-DISABILITIES/DD/ODDS%20Resource%20Library/COVID-ODDS-Mask-Infographic-Final.pdf>

Guidance from federal, state, and local guidance must also be followed.

## 6. Screening Employees for COVID-19 Symptoms

Providers must implement a policy for screening direct support staff for COVID-19 symptoms before they begin a shift. Do not allow any employee showing signs of COVID-19 to have contact with individuals until at least 72 hours have passed since symptoms disappear. Agencies that allow it to happen are subject to sanctions.

Direct support staff must be screened by using the screening questions by a manager prior to starting shift. Providers must ask the direct support staff the following questions:

- a. Have you had signs or symptoms of a respiratory infection, such as fever, cough, shortness of breath, or sore throat unrelated to seasonal allergies? Have you had signs or symptoms of abdominal pain, nausea, or diarrhea?
- b. Have you had contact in the last 14 days with someone with a confirmed diagnosis of COVID-19, or under investigation for COVID-19 outside of the providers agency or home?
- c. Have you been quarantined by public health or been advised to self-isolate by a physician within the last 14 days?
- d. Have you traveled internationally within the last 14 days to countries with sustained community transmission.? For updated information on affected countries visit: <https://www.cdc.gov/coronavirus/2019-ncov/travelers/index.html>

Maintain documentation of all screenings.

## 7. Notification when an Individual or Employee has COVID-19

The actions an agency must take when an individual or employee has or may have COVID-19 are found in this [scenarios document](#). Make the required reports as soon as possible, but within 24 hours.

If a Provider Agency has staff who is being tested for COVID-19, or has been told by a physician that it is likely they have COVID-19 (and to stay home and self-isolate), then following information must be submitted to ODDS at: [ODDS.FieldLiaison@dhs.ohio.state.or.us](mailto:ODDS.FieldLiaison@dhs.ohio.state.or.us).

- Name of the Provider Agency;
- Provider Endorsement Type applicable to the report (Supported Living). If provider agency has several endorsements, only identify the one where the staff person was working);
- Address of the home (or homes) where the staff works;
- Case Management Entity or Entities;
- Provider contact information;
- Date tested or told by a physician that they likely have COVID-19;
- Test result (if tested);
- Date of test result;
- Confirmation that local Public Health was notified;
- The plan for isolation or to be away from supported individuals;
- Last date for which the provider last had contact with the supported individual;

- Is the provider in need of PPE, Staffing Support, Epidemiology Support or Infection Control or supplies; and
- Is LPHA doing contact tracing.

## 8. Licensing

ODDS is suspending all in person on-site licensing and certification reviews until further notice, unless there are significant concerns with health and safety. Walk throughs will be considered on a case by case basis.

Remote reviews will continue to be conducted during this time for providers who receive notification three days prior to their scheduled review. For more information, see the COVID-19 Licensing Worker's Guide: <https://www.oregon.gov/DHS/SENIORS-DISABILITIES/DD/ODDS%20Resource%20Library/Licensors-Reopening-Worker-Guide.pdf>

Changes include suspension of the following:

- a. The licensing of **new** locations, unless specific action is needed to follow quarantine direction from a medical professional or public health.
- b. Suspending 120-day reviews unless there are significant concerns with health and safety.
- c. Suspending all in person reviews including agency renewals and follow up reviews unless there are significant concerns with health and safety.
- d. Walk-throughs will be considered on a case-by-case basis

## 9. Staffing Support

Employment and DSA provider agencies are encouraged to continue providing ODDS with updated information regarding staff available to meet urgent support needs in other settings. Staff should be notified when they are included on the workbook.

Please provide updated information in the [Staffing Support Availability Workbook](#). Emailing workbooks:

- Please email updates to: [ODDS.StaffingSupport@dhsosha.state.or.us](mailto:ODDS.StaffingSupport@dhsosha.state.or.us).
- The workbooks should not contain PHI; however, for those who choose to send the workbook by secure email, follow this procedure: Send an unsecure email to: [ODDS.StaffingSupport@dhsosha.state.or.us](mailto:ODDS.StaffingSupport@dhsosha.state.or.us) with the subject line "SEND SECURE EMAIL". No need to include a message in the body of the email. ODDS will respond with a secure autoreply email. Open the secure email, click to reply, attach your completed workbook, and send the email to the address above.

For information on how to make a staffing support request for staffing shortages in urgent residential settings, see [AR-20-037](#) (or worker's guide for case management).

## 10. PEAA

Between March 1, 2020 and May 31, 2020 expiring agency PEAs were extended by 90 days.

## 11. Criminal History Checks

- a. A new employee may work unsupervised on a preliminary basis pending a final fitness determination from BCU for up to 90 days. The agency should determine if working unsupervised is appropriate on a case by case basis.
- b. Between March 1, 2020 and May 31, 2020 expiring Criminal History Checks were extended by 90 days. As of June 1, 2020 no new extensions are being granted.
- c. The need for fingerprint based background checks is postponed. They will be required later for those that were postponed.

## 12. Training Requirements

- a. Employment Specialist Training Requirements remain in place. ODDS may grant variances for training and certification requirements:
  - i. Please submit a variance request to ODDS if a job coach is not available to support a person with competitive integrated employment who needs a temporary exception for a suitable job coach. Send the request to: [Employmenttraining.review@dhsosha.state.or.us](mailto:Employmenttraining.review@dhsosha.state.or.us).
  - ii. ODDS may also permit PSW job coaches to support individuals who live in residential services on an exception basis. Exceptions will be granted based on several factors including a demonstration that: the PSW is the best fit; whether Job Coach capacity can reasonably be identified; the person has a file open with VR and support from a VRC; the job meets requirements for CIE. Send the request to: [odds.fundingreview@dhsosha.state.or.us](mailto:odds.fundingreview@dhsosha.state.or.us).
- b. DSP requirements (for DSA only)
  - i. The requirement for 12 hours of annual training is waived through 10/31/2020.
- c. Training and Certification Requirements for Both Employment and DSA
  - i. CPR/First Aid renewals can be postponed through 10/31/2020.
  - ii. New hires may work, assisted by a fully trained DSP, without CPR/First Aid certification through 10/31/2020.
  - iii. New hires may work, assisted by a fully trained DSP, without six hours of pre-service training through 10/31/2020. The six hours may occur as on-the-job training.

## 13. Mandatory Abuse Reporting

As a reminder, all employees of the agency are mandatory reporters of abuse and must continue to report all suspected abuse.

## 14. NCI Staff Stability Survey

The deadline for submitting the NCI Staff Stability Survey is July 31, 2020. Submission by Employment and DSA providers is strongly encouraged.



## II. Requirements for Provider Reopening Plans

Individuals may continue to work and access the community by using either individualized or remote services, as outlined above for Phase One. Employment and DSA (Community Living Supports) providers may reopen employment or DSA services in congregate settings or at a provider facility or site if the setting is in a county that is approved for Phase Two of the State plan to reopen. Check to see if your county has been approved for Phase Two here: <https://govstatus.egov.com/reopening-oregon#phase2>.

Providers must continue to follow federal, state, and local guidance. It is anticipated that many updates and changes may occur throughout Phase Two. This is to ensure there is no rapid spread of the virus, and ensure hospitals have staffing and supplies to treat people who need it. It is anticipated this process will occur until Phase Three when a vaccine or reliable treatment is available.

### **Plans for Reopening Provider Sites:**

Providers must submit a written reopening plan to ODDS for review and approval. ODDS approval of a provider plan will be required before a provider can reopen employment or day services at a provider site or in a congregate setting. Please submit your plan to ODDS for review here: [employment.first@dhsola.state.or.us](mailto:employment.first@dhsola.state.or.us).

#### **A. Provider plans for reopening Employment and DSA services at a provider site or congregate setting must address the following:**

- 1) Addresses, county, and brief description of the setting proposed for reopening.
- 2) Plan to address requirement that staff wear masks when providing direct services.
- 3) Plan to assure the provider has access to enough protective equipment and masks. See PT-AR-20-058.
- 4) Plan for cleaning surfaces at specific intervals. Including:
  - a) Sanitization protocols between classes or shifts for people using the same physical space, including sanitization of high-touch surfaces, materials, food preparation areas, and restrooms.
  - b) Maintain cleaning protocols for cleaning facilities to prevent the spread of COVID-19. See the following resources:
    - i) <https://www.oregon.gov/oha/PH/DISEASES/CONDITIONS/COMMUNICABLEDISEASE/Pages/InfectionPreventionControl.aspx>
    - ii) <https://www.cdc.gov/coronavirus/2019-ncov/community/disinfecting-building-facility.html>
- 5) Plan to enforce physical distancing. This should address:
  - a) The number of people you plan to serve within a setting at a time (include also the number of people you plan to serve per square foot if at a provider site). Effective July

15, 2020, no more than 10 people may be in a DSA or Employment Service setting. This limit includes both individuals served as well as provider staff. This requirement applies to any employment or day services at a provider site.

Statewide guidance for “indoor social get-togethers” applies to group/congregate employment and non-residential day service settings (i.e. employment, community living supports (DSA/camps)). Please see applicable guidance here:  
<https://sharesystems.dhsoha.state.or.us/DHSForms/Served/le2351g.pdf>

Exceptions may be made for business settings and approved as part of a provider’s reopening plans.

- b) Cohort requirements: Ensure that groupings are stable (i.e., the same staff and individuals within the same group each day).
  - c) Allow only one stable group of individuals in shared spaces at one time (bathrooms, eating spaces, etc). Sanitization practices must be observed in between uses for different groups.
  - d) Stagger arrival and departure times or put in place other protocols to limit contact with people not participating in the services.
  - e) Maintain a log of who received services and the staff in attendance each day.
  - f) Please include any other COVID-19 safety precautions you plan to take related to physical distancing.
- 6) System for screening staff and individuals for COVID-19 symptoms before starting services at a provider site in in a congregate Employment or DSA service setting. This includes assurance of the following requirements:

Providers must implement a policy for screening direct support staff for COVID-19 symptoms before they begin a shift. Do not allow any employee showing signs of COVID-19 to have contact with individuals until at least 72 hours have passed since symptoms disappear. Agencies that allow it to happen are subject to sanctions.

Direct support staff must be screened by using the screening questions by a manager prior to starting shift. Providers must also ask the direct support staff the following questions:

- a. Have you had signs or symptoms of a respiratory infection, such as fever, cough, shortness of breath, or sore throat unrelated to seasonal allergies? Have you had signs or symptoms of abdominal pain, nausea, or diarrhea?
- b. Have you had contact in the last 14 days with someone with a confirmed diagnosis of COVID-19, or under investigation for COVID-19 outside of the providers agency or home?
- c. Have you been quarantined by public health or been advised to self-isolate by a physician within the last 14 days?
- d. Have you traveled internationally within the last 14 days to countries with sustained community transmission.? For updated information on affected countries visit: <https://www.cdc.gov/coronavirus/2019-ncov/travelers/index.html>

- 7) Plan for reporting to ODDS when employees test positive for COVID-19 as outlined in the [scenarios document](#).

- 8) Plan to assure visitors are not allowed at a provider site (unless the nature of the business).
- 9) Provider plan to assure individuals able to make an informed choice and develop a plan to mitigate risks when going to work and accessing services in the community. Provider plan to obtain and implement the individual's plan (e.g. obtain written documentation, if available).

As outlined in guidance above, individuals must have an opportunity to make an informed choice about using employment or day services in the community. This includes holding a team discussion to evaluate the pros and cons of continuing or returning to work or accessing services in the community (whether the work experience is supported by ODDS-funded job coaching, small group, employment path, natural supports, or the person is using DSA for support to access the community, etc). The person and his or her ISP team must also develop a plan to mitigate any risks related to COVID-19 and accessing work, essential services, and the community. See the sample tools for facilitating and documenting this discussion: <https://www.oregon.gov/DHS/SENIORS-DISABILITIES/DD/ODDS%20Resource%20Library/Developing-Plan-Return-Work-Activities.pdf>

- 10) Assurance that requirements for the particular type of business sector are being met (i.e. broader guidance for employers, restaurants if services are occurring in a restaurant, etc). See more information here: <https://govstatus.egov.com/or-covid-19/>
- 11) Plan for ongoing training for staff on cleaning protocols, social distancing, masks, and other COVID-19 safety requirements.
- 12) Information regarding any plans for issuing notice or permanently closing any segment of services (e.g. closing a site, ending a service type, etc.)
- 13) Written policies and procedures or an emergency plan that address(es) the following:
  - a) A plan for preventing spread & treatment for infectious disease.
    - i) A plan that addresses systems and staff training on the following: handwashing, coughing into elbow, sanitizing, screening staff and individuals, limiting group events, limiting non-essential appointments, etc.
    - ii) For community employment, plan to ensure provider and individual are trained on employer's emergency plans and policies for handwashing, screening, cleaning, responding to infectious disease (e.g. social distancing, masks/PPE, etc), sick leave, etc.
    - iii) Policies to ensure individuals and staff remain home when sick.
  - b) Addressing individual need during pandemic, including:
    - i) Plan to ensure written safety supports (provider risk mitigation strategies, safety plans, etc) are reviewed and in place to sufficiently address any increased risks resulting from the outbreak or pandemic of an infectious disease including COVID-19.
    - ii) DSA and Employment provider sites should have food, water, sanitation supplies on hand in case of emergency where individuals are stuck and cannot safely return home. A plan if DSA/Employment is able to continue providing services if changes/emergency result if need for additional support services (including behavioral supports, etc).

- iii) DSA and Employment community should have access to emergency food, equipment, medical supplies, and sanitation supplies when out in community (e.g. water, food, back up medical supplies (e.g. second epi-pen or inhaler) hand sanitizer).
- c) Strategies for coordinating with and following direction of federal, state, and local health officials.
- d) Ensuring providers and employers have correct emergency contact information on file.
- e) Plan for coordinating with other providers.
- f) Any other health and safety policies and procedures needed related to the spread of infectious disease and COVID-19.

14) Plan for Transportation. If the provider delivers transportation services, a plan must address the following:

- a) Transportation in a personal or provider vehicle:
  - i) The number of people who will be transported at a time (To the extent possible, limit the number of people in a vehicle if transporting people who are not part of the same residence; Utilize larger vehicles if possible; Ideally 6 feet of distance between passengers is preferable but not required).
  - ii) Screen individuals before they get into a vehicle to ensure they do not have symptoms for COVID-19.
  - iii) Ensure everyone washes their hands or uses sanitizer upon entering/exiting a vehicle for transportation.
  - iv) Wipe down surfaces, sanitize, and thoroughly clean the vehicle after transportation an individual.
  - v) Direct support staff must wear a mask during transportation unless one of the exceptions outlined above applies. Individuals must be encouraged to wear a mask as well.
  - vi) Remind individuals to cover a cough.
  - vii) Include any other policies or procedures related to transportation.
- b) If applicable, also submit your provider plan for supporting people to use public transportation. Please address the following:
  - i) A plan for when public transportation will be used.
  - ii) Only using public transportation when necessary.
  - iii) Try to travel when there are fewer people.
  - iv) Assuring six feet is maintained between individuals.
  - v) Ensure everyone washes their hands or uses sanitizer upon before and after using public transportation.
  - vi) Direct support staff must wear a mask during transportation unless one of the exceptions outlined above applies. Individuals must be encouraged to wear a mask as well.
  - vii) Include any other policies or procedures related to transportation.

15) Please confirm in your plan whether ODDS may continue to refer case managers and other providers to your organization for staffing to meet urgent staffing needs during the COVID-19 pandemic. Please also confirm your organization's correct contact information for making this request.

## B. Discovery.

Effective 09/28/2020, Discovery may be provided starting during Phase One.

To reopen Discovery, a provider must submit a reopening plan to ODDS for review that addresses all the information listed under section “A” above, and also address the following additional information for Discovery below:

- a. A description of the parts of Discovery will be completed remotely;
- b. A description of the parts of Discovery will be done in-person; and
- c. How the provider will ensure robust Discovery can be completed.

The individual receiving Discovery must:

- a. Be actively seeking Competitive Integrated Employment, and have completed a VR application or be in plan with VR; and
- b. Have had an opportunity to make an informed choice about returning to or starting work, and develop a plan to mitigate any health and safety risks.

***Please note the plan requirements and timeline for implementation are subject to change based on the COVID-19 virus and direction from federal, state, and local public health officials.***

## Resources:

- **ODDS Reopening Video:** [https://youtu.be/Aqp\\_3naDe64](https://youtu.be/Aqp_3naDe64)
- **ODDS Reopening Fact Sheet:** <https://www.oregon.gov/DHS/SENIORS-DISABILITIES/DD/ODDS%20Resource%20Library/ODDS-Phase-1-Reopening-Safety-Individuals.pdf>
- **Tools for Developing a Plan for Returning to Work or Activities in the Community:** <https://www.oregon.gov/DHS/SENIORS-DISABILITIES/DD/ODDS%20Resource%20Library/Developing-Plan-Return-Work-Activities.pdf>
- **Applying for VR services COVID-19:** <https://www.oregon.gov/DHS/EMPLOYMENT/VR/Documents/Applying%20for%20VR%20during%20COVID-19.pdf>
- **ODDS Infographic on Mask Wearing:** <https://www.oregon.gov/DHS/SENIORS-DISABILITIES/DD/ODDS%20Resource%20Library/COVID-ODDS-Mask-Infographic-Final.pdf>
- **ODDS Infographic on Obtaining Personal Protective Equipment (PPE):** <https://www.oregon.gov/DHS/SENIORS-DISABILITIES/DD/ODDS%20Resource%20Library/COVID-PPE-ODDS-Infographic.pdf>
- **ODDS COVID-19 Website:** <https://www.oregon.gov/DHS/SENIORS-DISABILITIES/DD/Pages/ODDS-COVID-19-Information.aspx>
- **OHA COVID-19 Website:** <https://govstatus.egov.com/OR-OHA-COVID-19>

## Frequently Asked Questions:

- **Employment Billing FAQs:** <https://www.oregon.gov/DHS/SENIORS-DISABILITIES/DD/ODDS%20Resource%20Library/FAQ-Employment-DSA-Billing-Webinar.pdf>
- **ODDS and VR FAQs:** <https://www.oregon.gov/DHS/EMPLOYMENT/EMPLOYMENT-FIRST/Documents/ODDS-COVID-Employment-First-FAQ.pdf>
- **Provider FAQs:** <https://www.oregon.gov/DHS/SENIORS-DISABILITIES/DD/ODDS%20Resource%20Library/ODDS-COVID-Provider-FAQs.pdf>

**Contact(s):**

**Contact(s): Regional Employment Specialist:**

<https://www.oregon.gov/DHS/EMPLOYMENT/EMPLOYMENT-FIRST/Documents/Map-ODDS-Regional-Employment-Specialists.pdf>