

Topic:	ODDS State Licensors and CDDP Foster Home Licensors and Certifiers COVID 19 Procedure Guide
Date Issued/Updated:	7/20/2020; updated 9/14/20

Overview

Description: Policies related to ODDS State Licensors and CDDP Foster Home Licensors and Certifiers during the COVID-19 pandemic are contained in this guide. It will be updated as needed. **Updates will appear in red text.**

Purpose/Rationale: It was required of ODDS to respond quickly to the developing national emergency. Communication around policy changes was done using transmittals. This guide replaces the transmittals addressing ODDS State Licensors and CDDP Foster Home Licensors and Certifiers. As Oregon returns to normal through a phased process, this guide will reflect policy as direction changes.

Phase Two Updates: **As counties begin implementing approved Phase Two re-opening plans, there are changes that will be taking place. All general guidance contained in this worker guide continues to apply to ODDS State Licensors and CDDP Foster Home Licensors and Certifiers during the re-opening of counties, unless otherwise stated. ODDS Licensors and CDDP Licensors and Certifiers will need to familiarize themselves with the other worker guide ODDS has released (i.e Residential Provider worker guide, CME worker guide, etc).**

Additional Updates for ODDS State Licensors Include:

- **Effective July 1st, agencies not using Therap will be required to submit review documents and will no longer be able to postpone their reviews.**
- **Agencies will no longer be able to volunteer to have reviews conducted remotely; reviews will be occurring remotely for all scheduled reviews.**

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 receiving 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. Individuals must be given:

- 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 cannot 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 all precautions must continue to remain in effect.

During this time ODDS State Licensing reviews will continue to occur remotely, and Foster Home Licensing and Certification reviews will remain suspended to limit exposure risks. The guidance below will remain in effect until restrictions are lifted.

ODDS State Licensing: **(24 Hour Residential, Supported Living, Employment)**

Notification of Reviews :

Licensing will notify the agency of their scheduled review based on their licensed or endorsed service setting. 24 Hour Residential agencies will be notified the morning of their schedule review. Supported Living Programs and Employment Providers will receive notification three working days prior to their scheduled review. Licensors will continue to follow expected notification processes to Case Management Entities prior to a review.

The assigned licensor will contact the agency on the morning of their scheduled review to inform them that the remote review will be taking place. During this time, a secure email will be sent to the agency contact for submission of required agency documents (*outlined below*), as well as any communication that includes confidential or sensitive information.

Completing Remote Reviews:

With the exception of situations where there are urgent and immediate health concerns, reviews will be occurring remotely. Licensing has implemented the following guidance:

- Suspension of licensing new homes - unless these homes are currently vacant;
- Suspension 120 day reviews; The suspension of 120 day reviews has been lifted effective August 1, 2020. The reviews could be done either electronically or on site and will be at the discretion of the Department as to how the assigned Licensor will proceed. Criteria the Department will take into account includes but will not be limited to the following: location of site and status of COVID cases in the county the site is in; whether or not the agency has had prior renewals and 24 Hour licensure;
- Suspension of *in person* reviews (including *in person* follow up reviews) – unless there is an immediate health and safety concern present;
- Walk throughs will be considered on a case by case basis.

Effective July 1, 2020 if an agency is not using Therap or has limited information available on Therap, provider agencies will be required to submit all review documentation electronically. The assigned licenser will contact the provider agency on the morning of the scheduled review via phone, as well as via secure email. Once a provider agency is notified of the review and notified of the individuals that are being reviewed, the agency will have 24 hours to submit all documentation listed below (via secure email) to the assigned licenser. The following information will be reviewed:

- Medical protocols
- Identified risks
- Behavior protocols
- Functional Assessments
- PBSPs
- IBLs - Some requirements may have been waived during the COVID 19 pandemic; restrictions may have been implemented without an IBL when it was necessary to prevent the spread of the coronavirus:
 - Residency Agreements (for temporary housing arrangements only)
 - Visitors
 - Control of Schedule and Activities
 - Access to Personal Food
 - Furnishing and décor
 - Choice in Roommate
- Health Monitoring tracking
- Health care provider visits and documentation
- Medication management
- Medication Administration records
- Physician orders
- Nursing services
- Incident reports
- Staffing
- Progress Notes/t-logs

The following information will not be reviewed and does not need to be submitted currently:

- Individual Summary Sheet
- ISP – apart from the Risks and Career Development Plan (if applicable).
- ISP goal tracking
- Personal Property Record
- Financial Records

Within seven calendar days of review notification, provider agencies must submit the following documentation via secure email. The email must contain all documents listed below as well as all corresponding records (i.e pet records):

- Environmental Checklist
- Personnel – (Guidance on reviewing personnel is included further below)
- Fire drills
- Emergency Plan

- Medications Checklist

If there are extenuating circumstances that prevent an agency from submitting records electronically, the agency must email the assigned licensor and Barb Southard to discuss alternative solutions.

The licensing unit will work with the eXPRS Unit to grant needed extensions to ensure that licenses do not lapse during this time. All previously postponed reviews will be prioritized when restrictions are lifted.

Addressing Urgent Health and Safety Concerns:

- During Phase Two a home shall implement the following protocol for visitors:
 - Homes having visitors must be “COVID-free”, meaning that there are no persons who live in the home with or suspected to have COVID-19, including demonstrating symptoms associated with COVID-19 that are not attributed to other non-contagious causes. COVID-19 symptoms include:
 - Fever
 - New or worsening cough
 - Difficulty breathing
 - Chills or repeated shaking with chills
 - Muscle pain
 - Headache
 - Sore throat
 - New loss of taste or smell
 - Runny nose (not due to season allergies)
 - Nausea
 - Diarrhea
 - Abdominal Pain

If an immediate health concern for an individual is reported or discovered, the assigned licensor is to staff this case with Barb Southard and Darlene O’Keeffe immediately. If it is determined an in-person visit is necessary. The following screening questions will be asked:

- Has the licensor 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 abdominal pain including nausea or diarrhea?
- Has the licensor had contact in the last 14 days with someone with a confirmed diagnosis of COVID-19, or is being treated for COVID-19?
- Has the licensor they been quarantined by public health or been advised to self-isolate by a physician within the last 14 days?

If the licensor indicates 'yes' to any of the above, another licensor will be screened and may be assigned to the review.

Once a licensor is assigned, they will contact the agency at 8am on the morning of the scheduled review and complete the following screening:

- Has anyone in the home (staff or supported individuals) 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 abdominal pain including nausea or diarrhea?
- Has anyone in the home (staff or supported individuals) had contact in the last 14 days with someone with a confirmed diagnosis of COVID-19, or is being treated for COVID-19?

Has anyone in the home (staff or supported individuals) been quarantined by public health or been advised to self-isolate by a physician within the last 14 days? *f the responses to any of the above questions are 'yes' and there is a positive or presumed positive COVID 19 case (staff or supported individual) this will be staffed with Barb Southard and Darlene O'Keeffe.*

If there is a confirmed or presumed positive case of COVID 19 in the home (staff or supported individual) the following PPE and sanitization supplies will be provided to the licensor:

- Gloves;
- Gown (if accessible);
- N-95 Mask (or surgical mask paired with a face shield or protective eye wear);
- Face shields (or protective eye wear);
- Hand Sanitizer;
- Surface Disinfectant.

If the screening indicates that there is not a presumed positive or confirmed case of COVID 19 the licensor will be provided the following PPE and sanitization supplies:

- Gloves;
- Surgical mask (non-respirator);
- Hand Sanitizer;
- Surface Disinfectant.

The PPE provided to the assigned licensor must be worn for the entirety of the visit.

Spit guards are not an acceptable face covering and are not considered masks.

The licensor will be onsite for the minimal amount of time needed to conduct the portions of the review that cannot be completed off site at the agency's main office. Social distancing will be practiced, and the licensor will stay at least six feet away from others and ask those present to remain six feet apart while completing the review. If a supported individual needs to be interviewed this will be completed outside of the home (in the yard or porch) where social distancing can be followed.

Reviewing Agency Personnel Records:

When reviewing an agency's personnel records, between March 1 2020 and May 31, 2020 the following was implemented in response to the COVID 19 pandemic:

- A new employee was able to work unsupervised on a preliminary basis pending a final fitness determination from BCU for up to 90 days. The agency was to determine if working unsupervised was appropriate on a case by case basis.
- Between March 1, 2020 and May 31, 2020 expiring Criminal History Checks were being extended by 90 days. Effective June 1, 2020, employees are expected to have a current, approved criminal history background check.
- DSP Training Modifications:
 - **The requirement for 12 hours of annual training may be paused during the period of the state of emergency through October 31, 2020.**
 - CPR/First Aid renewals can be postponed until **October 31, 2020.**
 - New hires may work, assisted, without CPR/First Aid certification until **October 31, 2020.**
 - New hires may work, assisted by a fully trained DSP, without six hours of pre-service training. The six hours may occur as on-the-job training.
 - A new hire who has worked in a 24 hour residential home or supported living program in Oregon within the past two years and who had completed the training to work unassisted may work unassisted at a specific site following the local training portions of the following core competencies, including the physical and oral demonstration (as applicable), at any site where they will work unassisted:
 - 107. Health: Medical Information
 - 108. Health: Understanding Common, Serious Health Risks
 - 109. Health: Adaptive Equipment
 - 110. Health: Required Infection Control Techniques
 - 111. Health: Medication Administration and Documentation
 - 116. Safety: Safety Equipment
 - 117. Safety: Safe Equipment Operation
 - 119. Safety: Responding to Emergency Situations
 - 121. Planning: Become Familiar with each ISP
 - 122. Planning: Support Documents
 - 124. Planning: Court Restrictions
 - 127. Organizational Mission and Policies: Incident Report Requirements
 - In addition:
 - Be given nursing delegation and OIS training required to implement a PBSP, when applicable.
 - Instruction on reporting requirements defined in OAR 411-323-0063.

- Before working unassisted, other new hires must complete, in addition to the requirements listed above, the local training portions of the following core competencies, including the physical and oral demonstration (as applicable):
 - 102. Rights: Mandatory Abuse Reporting
 - 104. Rights: Confidentiality Standards
 - 106. Value: Dignity, Respect, and Person-Centered Language
 - 118. Safety: Environmental Modifications For Safety
 - These new hires must also be:
 - Given information about rights for people who receive I/DD services (may be iLearn lesson 103 or in person by a supervisor)
 - Informed of the agency's policy on emergency physical restraint
 - Instructed on documentation requirements
 - The remainder of tier 1 core competencies and the online portions of those listed above can occur on tier 2 timelines (within three months of the start date of work).
- Nursing delegations and OIS trainings to implement an individual's Positive Behavior Support Plan will remain a requirement, when applicable.
 - It is imperative that all staff who support individuals with Intellectual and Developmental Disabilities understand their obligation to report suspected abuse under Oregon Law. Staff are required to report suspected abuse of:
 - Children
 - Adults age 65 and over
 - Adults with developmental disabilities
 - Adults with mental illness, and
 - Residents of nursing facilities
 - Reports of suspected abuse of vulnerable Oregonians should be made to 1-855-503-SAFE (7233).

Adult Foster Home Licensing and Child Foster Home Certification Activities:

Onsite Visits:

The following on-site (in-person) reviews continue to be suspended with the exception of urgent health and safety concerns that warrant an on-site review:

- Initial licensing or certifying reviews for new foster homes for children and adults;
- Renewal licensing and certification reviews for foster homes for children and adults; and
- Follow-up reviews.

Addressing Urgent Health and Safety Concerns:

- During Phase Two a home shall implement the following protocol for visitors:
 - Homes having visitors must be “COVID-free”, meaning that there are no persons who live in the home with or suspected to have COVID-19, including demonstrating symptoms associated with COVID-19 that are not attributed to other non-contagious causes. COVID-19 symptoms include:
 - Fever
 - New or worsening cough
 - Difficulty breathing
 - Chills or repeated shaking with chills
 - Muscle pain
 - Headache
 - Sore throat
 - New loss of taste or smell
 - Runny nose (not due to season allergies)
 - Nausea
 - Diarrhea
 - Abdominal Pain

A CDDP licensor or certifier may only enter the foster home to conduct an on-site review when there is an urgent health and safety concern that requires an in-person review. This visit is coordinated between ODDS & the CDDP.

Prior to the licensor or certifier entering the home, they must conduct a self-assessment by answering the following screening questions:

- 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 abdominal pain including nausea or diarrhea?
- 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 provider’s home?
- Have you been quarantined by public health or been advised to self-isolate by a physician within the last 14 days?
- Have you traveled internationally within the last 14 days to countries with sustained community transmission?

The licensor or certifier shall only proceed with an on-site visit if they responded “no” to every screening question. If the licensor or certifier responded “yes” to any of the screening questions, they must coordinate with another licensor or certifier to conduct the on-site visit on their behalf.

When an on-site visit is necessary due to urgent health and safety concerns, the licensor or certifier must first confirm with the provider there is no one in the home (staff or resident) who has a positive, presumed positive or suspected COVID-19 case. If confirmed there are no positive, presumed positive or suspected COVID-19 cases the licensor or certifier must use the following PPE:

- Gloves; and
- Surgical (non-respirator) mask

If a licensor or certifier must visit a home in which someone in the home (staff or resident) has a positive, presumed positive or suspected COVID-19 cases, the licensor or certifier must use the following PPE:

- Gloves;
- Gown (if accessible);
- N-95 Mask (or surgical mask paired with a face shield or protective eye wear);
- Face shields (or protective eye wear);

Spit guards are not an acceptable face covering and are not considered masks.

During all licensing visits the licensor or certifier must have hand sanitizer available for use after glove removal, and surface disinfectant to use on any surface they come in contact with.

It is imperative that all licensors, certifiers and case management entity staff understand their obligation to report suspected abuse under Oregon law.

Staff are required to report suspected abuse of:

- Children
- Adults age 65 and over
- Adults with developmental disabilities
- Adults with mental illness, and
- Residents of nursing facilities

Reports of suspected abuse of vulnerable Oregonians should be made to 1-855-503-SAFE (7233).

HCBS Rule Requirements

Although onsite visits are currently suspended, please be reminded that due to the current COVID-19 pandemic crisis, and in alignment with the Governor's Executive Order 20-12, some Home and Community Based Setting (HCBS) rule requirements specific to residential service settings may be waived. Providers are expected to continue to support individuals in the least restrictive, most appropriate manner possible and extend any and all freedoms and protections as reasonably possible in this crisis situation.

IBL's are not required when implementing limitations on the below listed HCBS residential freedoms.

- Residency Agreements (for temporary housing arrangements)
- Visitors
- Control of Schedule and Activities
- Access to Personal Food
- Furnishing and décor
- Choice in Roommate

Licensing and Certification Renewal Process:

ODDS will be issuing 90-day license and certificate extensions for foster home providers who meet one of the following criteria:

1. Foster home license or certificate expires during the on-site review suspension period.
 - a) Provider must submit a completed licensing or certification application and PEAA to the licensor or certifier prior to the expiration date. The application and PEAA are the minimum required documents. The remainder of the application packet documents should be returned, as well, but will not affect the extension process if not completed;
 - b) Adult Foster Home providers must pay the renewal fees on-line prior to the expiration date.
2. Licensing or certification renewal process began prior to the on-site review suspension period but was unable to be completed due to outstanding issues that could not be resolved through documentation submitted electronically; an on-site review is required by the licensor or certifier.
 - a) All violations must be corrected regardless of the ability of the licensor or certifier to verify the correction via an on-site review;
 - b) Provider must submit documentation of correction to the licensor or certifier (no later than 60 days from date violations were issued). The licensor or certifier will conduct an on-site review as needed when the suspension of on-site reviews is lifted.

Licensing and Certifying New Foster Homes:

A new foster home may be licensed or certified by the local CDDP:

1. If no one is living in the foster home
2. Subject to the discretion of the local CDDP office

Licensor/Certifier Requirements for Renewal:

Contact providers whose licenses or certifications are expiring to remind them to submit the application packet, PEAA and pay the licensing fee (*AFHs only*) if not received.

- Upload documents received by the providers to Aspen.
- Notify the licensing unit via dd.licensingfoster@dhsosha.state.or.us that documents were uploaded.
- Notify the licensing unit via dd.licensingfoster@dhsosha.state.or.us if the license or certificate is ready for review. This means the complete packet was submitted to you, uploaded to Aspen and there were no violations, or all violations were corrected. The licensing unit staff will continue the pre-state of emergency procedure of reviewing the submitted documents and Aspen reports and process the license or certificate.
- If the licensing/certification process cannot be completed due to the process not started prior to the suspension, the licensing unit will complete a 90-day extension.

- If the licensing/certification process cannot be completed due to follow-up needed to a review that was started prior to the suspension please notify the licensing unit via dd.licensingfoster@dhsosha.state.or.us.

Foster Home Provider Training Requirements:

Adult Foster Homes:

- Local AFH Basic Testing is currently suspended. Where CDDP offices are open, offices may determine based on their local policy and in conjunction with local public health departments whether they will proctor any AFH Basic testing. If so they can continue to send in testing materials to ODDS dd.licensingfoster@dhsosha.state.or.us where they will be reviewed/graded.
- Until further notice all newly hired staff must read the AFH Training Manual as part of any on the job training: [AFH Basic Training manual](#)
- Newly hired staff will have until October 31st, 2020 to complete the basic test unless:
 - If the newly hired staff worked previously in an I/DD 24 hour residential agency or supported living agency for a minimum of 6 months within the last two years and has read the manual. The staff will have their testing requirement waived.
- Providers and staff must continue to meet their Mandatory Abuse Reporting Training requirement which is available online.
- Newly hired staff may work assisted and supervised without CPR/FA certification during the COVID 10- emergency. Newly hired staff will have until October 31st, 2020 to complete and pass their CPR/FA training.
- For current providers and staff with CPR/FA renewal requirements that expire during the COVID 19 emergency and transmittal period their Rule requirements are temporarily suspended. Providers and staff have 60 days from the end of the emergency period or end of transmittal to complete and pass their CPR/FA training.

Child Foster Homes

- There are no changes to current practice. Child foster home providers and their alternate caregivers must continue to meet the training requirements in OAR Chapter 411, Division 346.

Background Screening Requirements:

A new employee/Subject Individual may work unsupervised on a preliminary basis pending a final fitness determination from BCU for up to 90 days.

The need for fingerprint-based background checks is postponed. They will be required later for those that were postponed.

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.

Adult Foster Homes Only: Active Providers with an approved to work status on LTC registry as of March 1, 2020 have extended expiration dates for one year. For providers not on LTCR - there was a 90 day extension for background check.

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