

Questions received from ODDS Stakeholder Webcast on May 7, 2020

Question: How will the governor's requested 8.5 percent cut affect the ODDS budget in light of the 6.2 percent FMAP increase, are we still looking at deep cuts and how much?

Answer: What we have been tasked with, at this point, is to look at our budget without considering that additional federal match. The reason for that is that when that federal match comes back to the state, it doesn't directly go to us unless it's appropriated by the legislature. So, it should help offset some general fund costs but we'll have to see for the entire state budget, ultimately, how that's allocated and, and what that looks like. At this point, when, when we're asked what we've been asked to look at, part of what was directed was that we not consider that particular funding because everybody knows it's there and ultimately, through the regular legislatively appropriated budget process that's how that money will be appropriated.

Question: Can we request regulatory relief in an emergency request of CMS, i.e. reach out to case managers for the most onerous burdens on their time and seek streamlining in a CMS emergency waiver modification request, can we hold a stakeholder meeting to help craft a future waiver modification request?

Answer: We have done a lot already to stream processes as a result of this. In the future, some of the things we've learned about how things can work in a more streamlined fashion with, you know, electronic signoff and things like that, are, are the types of things that we that we would want to see how we can continue in the future. That would require a discussion with CMS. It would also require, actually, a discussion with our own Department of Justice and Oregon Health Authority, which are other layers to our process. ODDS has engaged with case management entities, CDDPs and brokerages many times on the question of what can be streamlined and we have taken a lot of that guidance, and implemented it. In the context of streamlining, one of the biggest challenges our system has is that we do not have a statewide case management system; IT system. And, so whenever we need data, even in the context of this crisis around

COVID-19, we had to ask our case management entities to send us data on high-risk individuals; not through an IT infrastructure system but in Excel spreadsheets because we have no IT case management system. And, so that, for example, is something that would help us streamline across the board if we could get movement on that. We're taking everything we're learning about streamlining and improving things, and absolutely, we will continue to have stakeholder discussions about it.

Question: What steps can I take to get the trainings done for the 90 day trainings?

Answer: There are lots of different requirements around core competencies as well as requirements for different services such as employment, or discovery. Right now, for provider organizations including, employment providers and residential providers as well as case management entities, ODDS is offering a [three-month subscription to Open Future Learning](#), which is one avenue for some new trainings. There's also a requirement for core competency trainings which are available for free online in our iLearn system. Additionally, we do have some expedited [training requirements](#) in order for residential and [foster care providers](#) to be able to onboard and have staff working quickly due to this crisis. So, that's also outlined in policy and when, when we posted this FAQ, we will link to all of those opportunities and policies as well.

Question: How will the stimulus check affect an individual's Social Security limit?

Answer: Guidance has come out from APD and CMS, and other places indicating that the stimulus checks should not count against income requirements as long as the funding is spent over the course of the next year. National organizations have put out some really great fact sheets on this that you can find on our [COVID web page](#). For any concerns around being over income due to the Cares Act or potentially filing unemployment, would be to connect with a benefits counselor. You can do that by talking to your case manager, or if you are a provider helping a person make a referral to Work Incentives Network or Disability Rights Oregon - all have benefits counselors and so does ODDS on the waiver. And, those are services that can be done remotely so you can do that through Skype, or phone in order to get that information. If you are an individual who's concerned about potentially being over income or not spending money the way you normally would, it might be a good time to consider opening an

ABLE account which is a program that allows individuals who qualify to save up to \$100,000 based on their need for that savings.

Question: If an individual is furloughed during the pandemic period and not getting an income including unemployment, can the EPD payment be temporarily adjusted?

Answer: This is about the Employed Persons with Disabilities program that helps individuals whose primary Medicaid may come through Medicare. This is something we haven't had much conversation with we would be happy to engage Aging and People with Disabilities who administers that program to get some more information.

Question: Do you plan to have any further transmittals to the various counties regarding the family support \$600 funds? There are many families frustrated with the backlog of purchasing/approving/acknowledging these requests. Specifically, in Multnomah County, who is only making 30 day purchases per day due to an extremely antiquated system and lack of personnel handling these purchases. Can you help them get the lead out and realize that this is supposed to be less red tape than usual?

Answer: Thank you for letting us know that we're having challenges in Multnomah County. We've gotten a lot of feedback about differences in how, potentially, the guidance that we've put out was being interpreted. We've done more to try to clarify that. We have FAQs. We've had weekly discussions with case management entities where this has been an issue that has come up and we've addressed it. We will make a note to connect with Multnomah County and see if there's something we can do to help them speed the process of moving on these requests.

Question: Data for the EOS, that's [Employment Outcome System](#), requested information for March 2020. I'm not sure about other providers, but we were severely impacted in service delivery halfway through March. As such, the data is not going to reflect an average month of service delivery. Is this intentional to gauge the COVID impact?

Answer: The request for data and for EOS is regularly scheduled every March to gather that data. We are absolutely, aware that business changed dramatically due to COVID in March and that that is going to impact the data that we received. Part of what we're trying to do is gauge the impact of COVID but also, we do use our EOS data for Lane v Brown and it is important for us to continue that. So, we appreciate providers responding. It will be very helpful information, but we also do acknowledge that there will

be substantial differences between this round, previous, and, hopefully, future rounds of EOS.

Question: Can you direct us to anyone who knows, anyone completing the fit testing for the N95 masks as, as we are not able to get the kits or find someone to complete the fit testing and, if the masks are required, we are required to get these done on employees who are wearing these.

Answer: We've done a lot of information gathering on the fit-test requirements. I don't know that we have information on specific entities that do it. I would suggest, in that instance, to either go through OSHA and see what information they have available or through your local emergency operations center.

Question: Can you expand on the OSHA requirement on the fit test. Are providers able to just ensure to use and have surgical and cloth masks to avoid that?

Answer: The OSHA guidance is the OSHA guidance. That is their guidance. We have information that has been shared with providers and others around what their expectations are around fit testing. To summarize it, fit testing is only required when an N95 mask is actually required to be used so that is only in the instance of a individual who's suspected or confirmed to have COVID-19 which definitely narrows down the total number of N95s and fit testing that needs to occur. We encourage you to connect with your OSHA contact if you need more information or if you're looking for directions in terms of what their expectations are around fit testing.

Question: At this time are employment services and vocational services still closed?

Answer: Any congregate or group setting is not operating right now due to the stay-at-home order. We do still have individuals who are working. So they are continuing to get an employment service such as job coaching. It may be remote, it may be a phone call, or a Skype, or a Facetime check-in. So that service is still continuing. We do, also, still have some small group services that are working, operating in hospitals, or, producing required medical PPE. Those services are still operating as long as they are ensuring that there is social distancing, helping individuals stay at least 6 feet apart. So, there are some services that are continuing to operate if they're an essential service; however, many of the group services are not going on at this time and have not reopened.

Question: Will foster homes be getting an increase on rates as well?

Answer: There is not any plan to do an increased rate for adult foster homes.

Question: Hospital staff are turning away DSPs from entering to support individuals, is this okay?

Answer: The Oregon Health Authority (OHA) has issued new visitation guidance that if a person with a disability needs support for decision making or because others might be at risk if they don't have the support while they're in the hospital. The guidance from OHA is that those visitors should be allowed to go in. Beyond the guidance, though, if that is occurring and if you think it is risking a person's healthcare or ability to receive appropriate treatment, contact the OHA ombudsman's office to try and work with the hospital to get this addressed.

Question: Are you planning on the Oregon Needs Assessment (ONA) cutting 30 percent with the new service levels this summer?

Answer: The ONA was never intended to cut 30 percent of anybody's service levels, so I'm just going to correct that. That is not what the ONA is for, and that's not why we're using the ONA. We are pausing on, right now, implementation of, the Compass Project which was moving into using the Oregon Needs Assessment to group people, both for rates and for in-home hours. We are looking at when we can pick that work up again but, for right now, everything that we would have needed to do to move into the new rate structures, we haven't been able to do that work because we've been focused on this. And, just to go back to the comments about using the ONA to cut, as a result of this, we will have people who get authorized for more hours of support, we'll have people who get authorized for about the same hours of support, and, then of course, yes, we will have people who are authorized for less.

Question: About the PPE, how do we get those again for PSWs?

Answer: The Oregon Home Care Commission issued a [transmittal](#) and there is a [form](#) where you fill out indicating what you need, that goes to the Homecare Commission, they connect with the APD office to work out the details.

Question: For DSA providers, what might a gradual reopening look like?

Answer: I don't know that we have any specific information on that, right now, because whatever we do will tie in to the broader statewide reopening plan.

Question: Could be ODDS COVID-19 positive case report be sent out to the field?

Answer: It's posted online to our [website](#).

Question: Are you still feeling positive about retainer payments given the fact that things to have stalled nationally on CMS approvals?

Answer: I am hopeful that CMS will move forward with allowing states to do more than the first 30 days of retainer payments. Somewhere in the federal government, the fact that there was 1 billion dollars in funding to support, what was initially thought to be Medicare providers, now the federal government is going to take whatever proportion of that funding that's for Oregon and distribute it directly – That's part of what we've been asked to provide the federal government is provider information for our agency providers so that it can be distributed. We don't know what percentage of funding will go anyone. So, I don't know what that means for our provider community. There's potentially some concern, if you will, that that funding, as it's available from the federal government directly to providers, should, take the place of or not be, not be duplicative of any contingency funding or retainer payments that are approved past 30 days. However, with that, I will say we know, for Oregon, that we need to do everything we can to support our provider community and that may mean taking a risk and looking at what we can do for the next 30 days, you know, whether we know for sure we're going to get CMS approval or not.

Question: We need brokerage services for our daughter after moving out of residential setting in early March. No response yet. What are the timelines to get services started?

Answer: Please email DD.DirectorsOffice@DHSOHA.state.or.us, send us an email and give us a little bit more detail information on what the situation is and we can try to assist.

Question: What are positives you foresee being implemented as a result of the challenges from COVID-19 moving forward?

Answer: We have moved quickly into the realm of remote communication, tele-communication with people and, just like anyone else, I think we have individuals who respond potentially to remote communication more

effectively, ultimately, or are more engaged with it than they are with regular pick up the phone or text. So we've talked about remote supports continuously as it's never been something that's been pushed to the forefront. I think this situation has pushed that discussion to the forefront for us. And, if we can, going forward, work through the issues around HIPAA-compliant access to technology for that, I think that's something that we don't fall all the way back on but I hope, instead we take what we've learned and what we've done thus far and move forward with. Other things relate to streamlining approval processes for ISPs. We stalled out on things like electronic signature years ago because of concerns from our Department of Justice. Now we've pushed forward now in the context of this crisis and are doing things via electronic approval that weren't possible before. We've heard a lot of really creative ideas that DSPs, PSWs and other providers are doing with individuals to engage them in ways that, maybe, we haven't thought of before. One example, a woman who wanted a career in the fashion industry. Her team has gotten her hooked up with online fashion courses. We have individuals who were scheduled to go to in-person classroom trainings on things like computer programming and, instead, as a result of this, have shifted to an online mode and they're doing great. So, I think, the pieces of this that I hope we can pick up and, and move forward with, in the appropriate HIPAA-compliance and everything that we have to do, regulatory environment, that we usually operate in, ties mostly to the streamlining of things as a result of the use of technology and using technologically more effectively across our system. I hope that this situation helps us in our push forward to try to get movement on getting the statewide case management system for DD services.

Question: If you are an agency that received contingency funding for 30 days and have to report weekly staffing availability, should we continue submitting that weekly sheet past the initial 30 days while waiting to see if there will be continued contingency funding?

Answer: ODDS is working on extending contingency funds. Providers should try and continue to submit.

Question: The monies received for employment loss were tied to those people NOT filing for unemployment. What should we advise those employees now in the month of May. Should they file? Will we know soon what is up with those monies?

Answer: ODDS cannot advise on whether or not an employee files for unemployment. Part of the contingency funds requirement is that providers

retain staff and make them available to work in other settings, as possible. However, if a staff person has been laid off, then they can file for unemployment.

Question: Who could verify with me that the income restrictions will not be enforced upon a client receiving care thru the DD system. ie: client living in state funded group home is on unemployment making more money due to federal \$600 more a month. This would normally be more income than allowed to stay on services. Been told that is income limit has been waived due to families first act/no adverse action rule. Who can verify this?

Answer: Please review our transmittal on this:

<http://www.dhs.state.or.us/policy/spd/transmit/pt/2020/pt20064.pdf>

Question: Is residential requested to quarantine the entire home if an individual in the home has been in contact with someone who has tested positive?

Answer: This would be directed by a physician and public health, as well as a review by ODDS. However, if people have been in close contact (six feet) without PPE to someone who has a confirmed case of COVID-19, they should quarantine.

Question: Is the restriction on visitors at homes going to be extended past the end of this month?

Answer: It is likely that this will be extended to continue to ensure health and safety.

Question: Can we send our stimulus check to special needs trust?

Answer: If you are a person with I/DD and have a stimulus check, you could work with your bank or trust group to submit it, or could consider an ABLE account. Please see this policy for more details:

<http://www.dhs.state.or.us/policy/spd/transmit/pt/2020/pt20064.pdf>

Question: If the 30 day contingency funding ended April 30, is a provider able to bill from May 1st forward?

Answer: Yes, and details of extending contingency funding has also been released.

Question: Where can we get PPE for adult foster care homes?

Answer: The use of Personal Protective Equipment (PPE) is required in a Child or Adult Foster Home to safely provide services and prevent the

spread of COVID-19. Foster providers should work with their local county emergency managers to obtain PPE.

Foster providers should use this link to identify and contact the appropriate emergency manager in their respective counties.

https://www.oregon.gov/oem/Documents/locals_list.pdf

Question: What is the state plan for staffing crisis due to covid-19? Most caregivers have refused to work during this season.

Answer: ODDS set up a staffing support process early on, and continues to operate it daily. Please review the policy here:

<http://www.dhs.state.or.us/policy/spd/transmit/ar/2020/ar20037.pdf>

Question: Has there been a discussion of temporary housing and coverage for COVID-19 positive residents during viral load shedding of about two weeks to protect other home residents not positive in multi resident settings?

Answer: Yes, if housing is needed due to isolation, please contact ODDS.

Question: Why are Adult Foster Care providers excluded in rate increase when providing 24/7 direct support care the same as 24 hour residential programs? How is it that Adult Foster is not being supported the same as other service elements?

Answer: This short-term increase is available only for group home providers at this time.

Question: What is a retainer payment?

Answer: It is a payment made to a provider to be able to “retain” or continue to operate when they are not able to offer services to individuals at the same level as in the past due to the COVID 19 pandemic.

Question: I have two clients that have not received gloves with their undergarments. My clients live in foster care and the provider indicates another pharmacy is able to provide gloves for another client at the home. I called Providence DME and they don't provide an alternative option. Where can foster providers obtain gloves?

Answer: When the use of Personal Protective Equipment (PPE) is required in a Child or Adult Foster Home to safely provide services and prevent the spread of COVID-19, foster providers should work with their local county emergency managers to obtain PPEs.

Foster providers should use this link to identify and contact the appropriate emergency manager in their respective counties.

https://www.oregon.gov/oem/Documents/locals_list.pdf

Question: Do you plan on making any changes that would allow behavior professionals to use OR 310 without the existence of a Professional Behavior Support Plan (PBSP). I am receiving tons of calls for help that need support but not a formal PBSP.

Answer: OR310 is only to be used to maintain a PBSP. If an individual needs supports in place immediately to an emergent challenging behavior, an enrolled or endorsed Behavior Professional can develop a Temporary Emergency Safety Plan (TESP) that can be authorized during the development of a Functional Behavior Assessment (FBA). If the FBA indicates a Functional Alternative Behavior can be established with the individual – then a PBSP can be authorized. The TESP, FBA, and PBSP are billed under OR570. If the PBSP indicates the need for maintenance of the plan then that can be authorized. Maintenance of the PBSP is billed under OR310. If the FBA does not indicate that a Functional Alternative Behavior can be established with the individual then Professional Behavior Services are not indicated.