DEPARTMENT OF HUMAN SERVICES
DEVELOPMENTAL DISABILITIES
OREGON ADMINISTRATIVE RULES

CHAPTER 411
DIVISION 306

EXPANDED FAMILY SUPPORT FUNDS

EFFECTIVE JULY 29, 2020

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CHAPTER 411
DIVISION 306

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411-306-0000 Statement of Purpose
(Temporary Effective 04/27/2020 - 10/23/2020)

(1) The rules in OAR chapter 411, division 306 prescribe standards, responsibilities, and procedures for Community Developmental Disabilities Programs to authorize purchases with expanded family support funds during the COVID-19 state of emergency in Oregon that:

(a) Address activities of daily living, instrumental activities of daily living, medical, or behavioral needs of a child; and

(b) Are needed urgently during the COVID-19 state of emergency.

(2) Expanded family support funds may be used to purchase the supports and services described in OAR 411-306-0040 that meet the conditions for purchase described in OAR 411-306-0030.

(3) The provisions in these rules are retroactively effective as of April 1, 2020.

Stat. Auth.: ORS 409.050, 417.346, 427.104, 430.662
Stats. Implemented: ORS 417.340-417.344, 417.346-417.350, 427.005, 427.007, 427.104, 430.610, 430.620, 430.662-430.670

411-306-0010 Definitions and Acronyms
(Temporary Effective 04/27/2020 - 10/23/2020)

In addition to the following definitions, OAR 411-317-0000 includes general definitions for words and terms frequently used in OAR chapter 411, division 306. If a word or term is defined differently in OAR 411-317-0000, the definition in this rule applies.

(1) "ADL" means "activities of daily living".

(2) "CDDP" means "Community Developmental Disabilities Program".

(3) "COVID-19 State of Emergency" means the declaration of emergency due to Coronavirus (COVID-19) issued by the Governor in Executive Order 20-03.

(4) "Expanded Family Support Funds" mean the public funds contracted by the Department to the CDDP to assist families with the purchase of supports and services for children living in the family home during the COVID-19 state of emergency in Oregon.

(5) "Family":

> (a) Means a unit of two or more people that includes at least one child, found to be eligible for developmental disabilities services, where the primary caregiver is a family member as defined in OAR 411-317-0000.
>
> (b) The term "family" is defined as described above for the following purposes:
>
> > (A) Determining the eligibility of a child for expanded family support funds as a resident in the family home.
> >
> > (B) Identifying people who may apply, plan, and arrange for individual services.
> >
> > (C) Determining who may receive family training.

(6) "Family Home" means the residence for a child that is not contracted with the Department to provide services such as a certified foster home, a licensed residential care facility, assisted living facility, or nursing facility, or any other licensed or certified residential setting. A child who is placed in a certified foster home does not qualify for expanded family support funds.

(7) "IADL" means "instrumental activities of daily living".

(8) "These Rules" mean the rules in OAR chapter 411, division 306.

Stat. Auth.: ORS 409.050, 417.346, 427.104, 430.662
Stats. Implemented: ORS 417.340-417.344, 417.346-417.350, 427.005, 427.007, 427.104, 430.610, 430.620, 430.662-430.670

411-306-0020 Eligibility
(Temporary Effective 07/29/2020 - 10/23/2020)

(1) NON-DISCRIMINATION. A child considered for Department-funded services may not be denied services or otherwise discriminated against on the basis of race, color, religion, sex, gender identity, sexual orientation, national origin, marital status, age, disability, source of income, duration of Oregon residence, or other protected classes under federal and Oregon Civil Rights laws.

(2) ELIGIBILITY. To be eligible for expanded family support funds, a child must meet all of the following requirements:

(a) Be under the age of 18.

(b) Be determined eligible for developmental disabilities services by the CDDP and enrolled into case management services.

(c) Reside in the family home.

(d) Have an Annual Plan or ISP that documents current support needs.

(e) Have an urgent need for a specific item or service that meets the conditions of purchase described in OAR 411-306-0030.

(3) A child becomes ineligible for expanded family support funds when any of the following occurs:

(a) The child turns 18 years of age.

(b) The child is no longer eligible for developmental disabilities services determined by the CDDP of the county of origin as described in OAR 411-320-0080.

(c) The child no longer resides in the family home.

(d) The child no longer resides in Oregon.

(4) No child shall be eligible for expanded family support funds on and after July 29, 2020.

(5) When a child is denied access to expanded family support funds under section (3) of this rule, or has expanded family support funds terminated, a written Notification of Planned Action must be provided as described in OAR 411-318-0020.

(6) When expanded family support funds are terminated under section (4) of this rule, the child does not receive a Notification of Planned Action or fair hearing rights.

Stat. Auth.: ORS 409.050, 417.346, 427.104, 430.662
Stats. Implemented: ORS 417.340-417.344, 417.346-417.350, 427.005, 427.007, 427.104, 430.610, 430.620, 430.662-430.670

411-306-0030 Conditions of Purchase
(Temporary Effective 04/27/2020 - 10/23/2020)

(1) CONDITIONS OF PURCHASES. To be authorized and eligible for payment with expanded family support funds, all supports and services must be determined by the services coordinator to:

(a) Be related to ADL, IADL, behavioral, or medical support needs of the child;

(b) Be needed urgently due to the COVID-19 state of emergency;

(c) Be obtainable through online purchases by the CDDP;

(d) Be safe and appropriate for the child;

(e) Be payment in full for the service or support;

(f) Not be readily available through other resources without delay or hardship;

(g) Not be experimental, illegal, dangerous, or provided for the sole benefit of other household members;

(h) Not be direct payments or reimbursements to parents, guardians, or, except for family training, any person not enrolled as a developmental disabilities service provider;

(i) Not be for food, rent, mortgage, utilities, or similar expenses; and

(j) Not be for educational expenses needed solely for distance learning or homeschooling.

(2) Total purchases made with expanded family support funds during the COVID-19 state of emergency cannot exceed $600 per child under any circumstances.

(3) Typical requirements for developmental disabilities purchases, such as those for insurance denials, do not apply for expanded family support funds when they cause delay or hardship for the family.

(4) Some items may require medical documentation to establish safety and appropriateness.

(5) When a denial of the use of expanded family support funds for a service or support is made, a written Notification of Planned Action must be provided as described in OAR 411-318-0020.

Stat. Auth.: ORS 409.050, 417.346, 427.104, 430.662
Stats. Implemented: ORS 417.340-417.344, 417.346-417.350, 427.005, 427.007, 427.104, 430.610, 430.620, 430.662-430.670

411-306-0040 Supports and Services
(Temporary Effective 04/27/2020 - 10/23/2020)

(1) Expanded family support funds may be used to purchase a combination of the following supports and services:

(a) ASSISTIVE DEVICES. Assistive devices are devices, aids, controls, supplies, or appliances primarily and customarily used to enable a child to increase the ability of the child to perform and support ADLs and IADLs or to communicate in the home and community.

(b) ASSISTIVE TECHNOLOGY. Assistive technology is primarily and customarily used to provide additional safety and support and replace the need for direct interventions, to enable self-direction of care, or increase independence.

(c) ATTENDANT CARE. Attendant care must be delivered according to OAR 411-450-0060.

(d) FAMILY TRAINING. Family training that meets the description in OAR 411-435-0060(2)(b) through (d) but is delivered virtually.

(e) PROFESSIONAL BEHAVIOR SERVICES. Virtual professional behavior services that meets the requirements in OAR chapter 411, division 304.

(f) RESPITE. Respite must be authorized according to section (2) of this rule.

(g) SKILLS TRAINING. Skills training must be authorized according to OAR 411-450-0060.

(h) SPECIALIZED MEDICAL SUPPLIES. Specialized medical supplies are necessary supplies for a physical condition and ancillary supplies necessary to the proper functioning of items necessary for life support or to address physical conditions. .

(i) TELEHEALTH. Technology needed to access telemedicine services or developmental disabilities case management services.

(j) OTHER ITEMS. Other items or services that may not typically be considered a developmental disability support when necessary to mitigate risks to health and safety, including an increase in challenging behaviors, that arise from compliance with the Governor's Executive Order 20-12.

(2) RESPITE. Respite is provided on a periodic or intermittent basis for the short-term relief of a primary caregiver from the demands of providing the ongoing care for a child with an intellectual or developmental disability.

(a) Respite may include both hourly and daily services provided in any of the following settings:

(A) The family home.

(B) A licensed or certified setting.

(C) The home of a qualified provider, chosen by the parent or legal representative, that is a safe setting for the child.

(D) The community.

(b) Respite is not authorized for the following:

(A) Solely to allow the primary caregiver to attend school or work.

(B) For vacation travel and lodging expenses.

(C) To pay for room and board.

(c) Respite must be provided by an independent provider or a provider agency according to the provider standards described in OAR 411-306-0050.

Stat. Auth.: ORS 409.050, 417.346, 427.104, 430.662
Stats. Implemented: ORS 417.340-417.344, 417.346-417.350, 427.005, 427.007, 427.104, 430.610, 430.620, 430.662-430.670

411-306-0050 Standards for Providers
(Temporary Effective 04/27/2020 - 10/23/2020)

(1) Independent providers, provider agencies, and general business providers paid with expanded family support funds must be qualified as

provider types as described in OAR 411-450-0070, excluding adult foster home providers.

(2) Provider agencies paid with expanded family support funds must meet the standards described in OAR 411-450-0080.

Stat. Auth.: ORS 409.050, 417.346, 427.104, 430.662
Stats. Implemented: ORS 417.340-417.344, 417.346-417.350, 427.005, 427.007, 427.104, 430.610, 430.620, 430.662-430.670