

**DEPARTMENT OF HUMAN SERVICES
DEVELOPMENTAL DISABILITIES
OREGON ADMINISTRATIVE RULES**

**CHAPTER 411
DIVISION 425**

**FUNCTIONAL NEEDS ASSESSMENTS FOR INDIVIDUALS WITH
INTELLECTUAL OR DEVELOPMENTAL DISABILITIES**

EFFECTIVE JULY 2, 2018

411-425-0010 Statement of Purpose

(Temporary Effective 7/2/2018 - 12/27/2018)

(1) The rules in OAR chapter 411, division 425 prescribe standards, responsibilities, and procedures for conducting the Oregon Needs Assessment (ONA).

(2) The purpose of conducting the ONA is to assist the Department in addressing the following:

(a) To assure that a person's strengths, preferences, risks and support needs are identified to inform the development of the ISP; and

(b) To provide access to services paid by the Department to eligible persons who have an assessed need; and

(c) To provide services to eligible individuals at an appropriate service level based on the Department's assessment of the individual's functional support needs.

Stat. Auth.: ORS 409.050, 427.104, 427.105, 427.115, 430.662

Stats. Implemented: ORS 427.104, 427.105, 427.115, 430.662

411-425-0020 Definitions

(Temporary Effective 7/2/2018 - 12/27/2018)

OAR 411-317-0000 includes general definitions for words and terms frequently used in OAR chapter 411, division 425. In addition to the definitions in OAR 411-317-0000, the following definitions apply specifically to the rules in OAR chapter 411, division 425. If the same 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) "CME" means "Case Management Entity".
- (3) "eXPRS" means the Department's electronic payment and reporting system.
- (4) "IADL" means "Instrumental Activities of Daily Living".
- (5) "ONA" means "Oregon Needs Assessment".
- (6) "Submission date" means the date on which an ONA was uploaded to the eXPRS, indicating a completed ONA.
- (7) "These Rules" mean the rules in OAR chapter 411, division 425.

Stat. Auth.: ORS 409.050, 427.104, 427.105, 427.115, 430.662
Stats. Implemented: ORS 427.104, 427.105, 427.115, 430.662

411-425-0030 Agency Requirements
(Temporary Effective 7/2/2018 - 12/27/2018)

- (1) Policy and procedures. Not later than June 30, 2019 each case management entity must have adequate policies and procedures to assure adherence to these rules.
- (2) Conflict of Interest prohibited. A case management entity must assure that any Oregon Needs Assessment is free from conflicts of interest to the greatest extent possible. At a minimum:
 - (a) An assessor may not conduct an assessment of an individual for whom they acted in the role of case manager for that individual within the previous six months prior to the start of the assessment.

(b) May not be related by blood or marriage to the individual, or to any paid caregiver of the individual.

(c) May not be financially responsible for the individual.

(d) May not be empowered to make financial or health-related decisions on behalf of the individual.

(e) After June 30, 2019 an assessor cannot also be a case manager.

Stat. Auth.: ORS 409.050, 427.104, 427.105, 427.115, 430.662

Stats. Implemented: ORS 427.104, 427.105, 427.115, 430.662

411-425-0040 Staff Qualifications

(Temporary Effective 7/2/2018 - 12/27/2018)

(1) An assessor must have knowledge of the public service system for developmental disabilities services in Oregon and at least:

(a) A bachelor's degree in behavioral science, social science, or a closely related field;

(b) A bachelor's degree in any field and one year of human services related experience, such as work providing assistance to people and groups with issues, such as economical disadvantages, employment, abuse and neglect, substance abuse, aging, disabilities, prevention, health, cultural competencies, or housing;

(c) An associate's degree in a behavioral science, social science, or a closely related field and two years of human services related experience, such as work providing assistance to people and groups with issues, such as economical disadvantages, employment, abuse and neglect, substance abuse, aging, disabilities, prevention, health, cultural competencies, or housing; or

(d) Three years of human services related experience, such as work providing assistance to people and groups with issues, such as economical disadvantages, employment, abuse and neglect, substance abuse, aging, disabilities, prevention, health, cultural competencies, or housing.

(2) An assessor must fulfill training requirements established by the Department.

(a) An employee of a CME does not meet the qualifications of an assessor until completion of initial training provided by the Department. Approval by the Department that the employee has completed the initial training is indicated by the assignment of the ONA Assessor user role to the employee by the Department in eXPRS.

(b) An assessor must maintain and enhance their knowledge and skills through participation in education and training as required by the Department. The Department provides training materials and the provision of training may be conducted by the Department or CME staff, depending on available resources and at the discretion of the Department.

(3) A case manager is not qualified to conduct an ONA until completion of initial training provided by the Department.

Stat. Auth.: ORS 409.050, 427.104, 427.105, 427.115, 430.662
Stats. Implemented: ORS 427.104, 427.105, 427.115, 430.662

411-425-0050 Quality Assurance
(Temporary Effective 7/2/2018 - 12/27/2018)

A CME must submit all requested documentation to the Department and allow the Department or the Authority to observe assessors while conducting ONAs for quality assurance.

Stat. Auth.: ORS 409.050, 427.104, 427.105, 427.115, 430.662
Stats. Implemented: ORS 427.104, 427.105, 427.115, 430.662

411-425-0060 Oregon Needs Assessment
(Temporary Effective 7/2/2018 - 12/27/2018)

(1) The Oregon Needs Assessment:

(a) Determines if an individual who is eligible for services under OAR 411-320-0080 meets the ICF/IID level of care.

(A) An individual meets ICF/IID level of care when an individual demonstrates significant impairment in at least one area of major life activity as identified in OAR 411-317-0000 by requiring some level of assessed support in response to at least 50% of the questions associated with each area of major life activity.

(B) A completed ONA will provide a Level of Care summary which will include:

(i) The areas of major life activity in which an individual demonstrates significant impairment by requiring some level of support in response to at least 50% of the associated questions and the specific questions which lead to this result; and

(ii) The areas of major life activity in which an individual does not demonstrate significant impairment because at least 50% of the questions in that area did not require some level of support and the questions which lead to this result. A person who does not require some level of support is independent, meaning that they need support with the activity fewer than 50% of the times the activity was performed in the previous 30 calendar days prior to the initiation of first component of the ONA listed in subsection (d) of this section.

(C) When it is determined an individual does not meet ICF/IID level of care, the individual must receive a Notification of Planned Action in accordance with OAR 411-318-0020.

(b) Is a functional needs assessment that:

(A) Identifies an individual's ability to perform activities of daily living and instrumental activities of daily living. An individual is considered to be independent in an ADL or IADL when they need support with the activity fewer than 50% of the times the activity was performed in the previous 30 calendar days prior to

the initiation of first component of the ONA listed in subsection (d) of this section.

(B) Determines an individual's ability to address health and safety concerns.

(C) Includes an individual's preferences to meet service needs.

(c) Establishes the presence of enhanced or exceptional support needs that may be met by an enhanced personal support worker or exceptional personal support worker as defined in OAR 411-375-0010.

(d) Is comprised of three components that may or may not occur simultaneously:

(A) A face to face observation of the individual's ability to independently meet their ADL and IADL support needs in an individual's home or care setting unless the individual requests an alternative location;

(B) An interview with any people chosen by the individual to contribute to the understanding of the individual's ability to independently meet their ADL and IADL support needs; and

(C) A review of the individual's record for documented evidence of the individual's ability to independently meet their ADL and IADL support needs.

(e) Is considered to have been completed when the components of subsection (d) of this section have occurred and the ONA is submitted to the Department's electronic payment and reporting system.

(f) Is current for twelve months from the submission date.

(2) STANDARDS FOR ASSESSMENT.

(a) An ONA must be conducted in accordance with the standards of practice established by the Department and these rules.

(b) An ONA must be conducted based on an assessment of an individual's abilities in the absence of supports and regardless of environmental modifications, environmental safety modifications, assistive devices, assistive technology, or services provided in a care setting, alternative service resources, or other community providers.

(c) Evaluation of the individual's need for assistance in ADLs and IADLs is based on:

(A) The individual's ability to complete activities, components and tasks rather than the services provided; and

(B) Evidence of the actual or predicted need for support within the assessment time frame. The need for support must not be based on possible or preventative needs.

(d) An individual may request the presence of natural supports or any other person they believe can contribute information or support at any assessment.

(e) An individual, or the individual's representative, has the responsibility to participate in, and provide information necessary to, complete assessments and re-assessments within the time frame requested by the Department.

(A) When given adequate notice, failure to participate in or provide requested assessment or re-assessment information when required by the Department, results in a termination of service eligibility.

(B) The Department may allow additional time if circumstances beyond the control of the individual or the individual's representative prevent timely participation or submission of information when it does not cause more than 12 months between ONAs to pass.

(3) ASSESSMENT.

(a) At the discretion of the Department, the Department may conduct or assign an alternate assessor to conduct an ONA in lieu of a CME assessor or case manager.

(b) The submission date of the ONA may be no later than 30 calendar days from the date the first component identified in section (1)(d) of this rule was conducted.

(c) When an ONA is completed it is the functional needs assessment for the individual and replaces any previous functional needs assessments.

(d) If a note contained in a note field in the ONA conflicts with a scored item, the scored item is considered to be correct.

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