

# Policy Transmittal Developmental Disabilities Services



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**Authorized signature**

**Number: DD-PT-21-075**  
**Issue date: 9/1/2021**

**Topic:** Disability Determination

**Due date:** 11/1/2021

**Transmitting (check the box that best applies):**

- New policy   
  Policy change   
  Policy clarification   
  Executive letter  
 Administrative Rule   
  Manual update   
  Other:

**Applies to (check all that apply):**

- |  |  |
|--|--|
| <input type="checkbox"/> All DHS employees                     | <input type="checkbox"/> County Mental Health Directors                                      |
| <input type="checkbox"/> Area Agencies on Aging: {Select type} | <input type="checkbox"/> Health Services   |
| <input type="checkbox"/> Aging and People with Disabilities    | <input checked="" type="checkbox"/> Office of Developmental Disabilities Services (ODDS)     |
| <input type="checkbox"/> Self Sufficiency Programs             | <input type="checkbox"/> ODDS Children's Intensive In Home Services                          |
| <input checked="" type="checkbox"/> County DD Program Managers | <input type="checkbox"/> Stabilization and Crisis Unit (SACU)                                |
| <input type="checkbox"/> Support Service Brokerage Directors   | <input checked="" type="checkbox"/> Other ( <i>please specify</i> ): Eligibility Specialists |
| <input type="checkbox"/> ODDS Children's Residential Services  |  |
| <input type="checkbox"/> Child Welfare Programs                |  |

<b>Policy/rule title:</b>	Eligibility Hearings Witness Testimony		
<b>Policy/rule number(s):</b>	<a href="#">OAR 411-320-0080</a> <a href="#">OAR 411-320-0030</a> <a href="#">OAR 411-001-0500</a> <a href="#">OAR 411-318-0025</a> <a href="#">OAR 411-318-0030</a>	<b>Release number:</b>	
<b>Effective date:</b>	November 1, 2021	<b>Expiration date:</b>	
<b>References:</b>			
<b>Web address:</b>			

**Discussion/interpretation:** Beginning **no later than 11/1/2021** Community Developmental Disabilities Program Eligibility Specialists (ES) will act as the Department representative for eligibility hearings as described in Oregon Administrative Rule (OAR) 411-320 and 411-318-0025. Hearing related tasks may include activities such as participation in an informal pre-hearing conference, witness

preparation and providing testimony during an administrative hearing as the eligibility determination witness when a hearing is requested related to an adverse action for developmental disabilities service eligibility.

The eligibility specialist is the primary examiner of the clinical evidence related to their eligibility determination process and/or denial of eligibility. In addition, the eligibility specialist has interacted with the claimant or the claimant's representative, and when appropriate, various examining clinicians. Eligibility specialists will be providing testimony related to the reason an adverse decision was made. ODDS Diagnosis and Evaluation Coordinators will provide subject matter expert witness testimony regarding rule and policy interpretation as needed and appropriate.

The hearing process is a non-adversarial means for an individual to provide argument for why an individual should be found eligible for a service. An Administrative Law Judge (ALJ) with the Office of Administrative Hearings will hear from the claimant, their representative and any witnesses, and the Department to weigh all information against the Oregon Administrative Rule relevant to the decision.

Historical hearing data indicates a small number of I/DD eligibility denials result in hearing requests that move to a hearing in front of an ALJ. ODHS is collecting relative data and will update this section with eligibility data on the 2018 to 8/31/2021 denials, hearing requests, and actual hearings in front of an ALJ in the immediate future.

**Implementation/transition instructions:** ODDS will host several required trainings, review this transmittal at the monthly transmittal call, and provide technical support as needed.

**Training/communication plan:** ODDS and the Aging and People with Disabilities Hearings Unit will provide required trainings prepare eligibility specialists on the hearing process and providing testimony on eligibility determinations.

**Training Offerings are as follows:** Eligibility staff must register for required trainings offered in the Workday ODHS ODDS Eligibility Hearing Training series here: <https://wd5.myworkday.com/oregon/learning/course/a94b1ff0d3ab01a5931ad9d40d0250d9?type=9882927d138b100019b6a2df1a46018b>

1. **Required Pre-Requisite Hearing Testimony Workday training:** (An APD Hearing Testimony video has been revised for ODDS use; some references to APD case workers may not directly apply). This self-paced, 25-minute video **must be completed prior to September 22<sup>nd</sup>**. Access this Workday video training here: [ODHS – ODDS – Online Hearing Informational Training](#), after registering.

2. **Live/Remote-training with ODDS & APD Hearing Unit:** Thursday, September 23<sup>rd</sup>, 2:30p.m. – 4:00p.m. Register on Workday in the [ODHS ODDS Eligibility Hearing Training series](#) link listed. Find and save the Zoom meeting link in the training registration information to your calendar.
3. **Fall ODDS Eligibility Core Competency training/Hearing Section:** A repeat of the September 23<sup>rd</sup> training will occur on Day 3, from 1:30 – 2:30p.m. Contact the ODDS D&E Coordinator to register (repeat of #2 training above) to attend the hearing section only.
4. **TBA** - An additional training may include additional recorded videos, presentations, or the opportunity to listen to a recorded hearing to aid in understanding the hearing experience.

**Eligibility Hearing Worker Guide:** A Worker Guide will be developed, and incorporate frequently asked questions, standard operating procedures, and references for Hearing OAR's including due process and timelines, following the fall training sections.

**Local/branch action required:** Eligibility Specialists must begin providing hearing testimony for eligibility hearings during the fall of 2021. CDDP Program Managers, Eligibility Supervisors and Eligibility Specialists should review this policy, participate in required training, and implement necessary procedures to prepare for assuming eligibility hearing duties beginning November 1, 2020 so any new workload can be captured in the next Workload model Random Moment Sample Survey (RMSS).

The Department Hearing Representatives conduct case development and witness preparation prior to scheduled hearings, Eligibility Specialists may need to participate in the Informal Conference so the Department can identify if the appeal may be resolved without an Administrative Hearing.

For more detail related to this transmittal and stakeholder feedback see the Engagement and Innovation page here:

[www.oregon.gov/dhs/SENIORS-DISABILITIES/DD/PROVIDERS-PARTNERS/Pages/Engage-Innovate-Archive.aspx](http://www.oregon.gov/dhs/SENIORS-DISABILITIES/DD/PROVIDERS-PARTNERS/Pages/Engage-Innovate-Archive.aspx)

**Communication/training:** This transmittal will be discussed during the next Monthly Transmittal Review. These meetings are held the second Wednesday of every month at 2 pm using the TEAMS platform. The link to participate is here: [Join Microsoft Teams Meeting](#), or you can call 971-277-2343 using conference ID: 468 508 153# to hear only the audio portion of the meeting. Please send questions in advance to [ODDS.Questions@dhsosha.state.or.us](mailto:ODDS.Questions@dhsosha.state.or.us).

**Field/stakeholder review:**  Yes  No

**If yes, reviewed by:** Engagement and Innovation website and stakeholder feedback

**Filing instructions:**

*If you have any questions about this policy, contact:*

Contact(s): <a href="mailto:ODDS.DE@dhsosha.state.or.us">ODDS.DE@dhsosha.state.or.us</a>	
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