

Information Memorandum Transmittal Developmental Disabilities Services



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Number: DD-IM-21-083

Issue date: 9/15/2021

Topic: Developmental Disabilities

Due date:

Subject: Temporary Allowances for Case Management Entity (CME) Staff to Work in Residential Settings Under Provider Agencies and Employers

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 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 checked="" type="checkbox"/> Support Service Brokerage Directors | <input checked="" type="checkbox"/> Other (<i>please specify</i>): ODDS Licensed Residential Setting Providers and Provider Organizations |
| <input type="checkbox"/> ODDS Children's Residential Services | |
| <input type="checkbox"/> Child Welfare Programs | |

Message: There is a critical workforce shortage during this COVID-19 pandemic, public emergency time.

To assist providers in ensuring the health and safety of individuals in residential settings, ODDS is implementing temporary measures to allow for staff from CDDPs and Brokerages to provide direct care in certified and endorsed 24-hour residential settings and licensed adult foster home providers.

Implementation Guidelines:

ODDS is granting the option and implementing protocols for CDDP and Brokerage staff to be retained as qualified direct care staff, substitute caregivers, or volunteers for residential setting providers in effort to add personnel resources to the workforce.

Permission to allow a Case Management Entity (CME) staff to work or volunteer for a provider agency or adult foster home provider in addition to the CME is at

the discretion of the CME staff's employer and the provider agency or adult foster home and the policies in this transmittal do not override the CME's employer authority over its employees nor the hiring decisions of residential providers. CMEs are encouraged to make allowances and scheduling accommodations whenever feasible for staff to work in residential settings under a provider agency or foster home provider employer. CMEs are responsible for setting additional expectations or limitations as needed for CME staff who elect to work or volunteer in a residential setting.

Should a CDDP or Brokerage choose to allow an employee to also be employed by an ODDS residential setting program or adult foster home provider, ODDS is allowing the following policies to be temporarily in place:

CDDP or Brokerage staff:

- Will need to meet the background check requirements as a DSP or foster home substitute caregiver in [OAR 411-323-0050\(4\)](#) and [OAR 411-360-0040\(3\)](#). They may be able to work with preliminary approval following the CME staff responding to a disclosure request and authorizing the background check specific to their role as a direct support provider or substitute caregiver. CME staff who attest to being free from criminal or abuse history may work on a preliminary basis.
- May have their background check adding the direct support or caregiving role fast-tracked by the CME-designated background check QED with ORCHARDs access. The CME will submit lists of CME staff desiring to work in direct care to BCU, and identify their duties as "DD case management staff supporting provider workforce" in ORCHARDs.
- Who have completed the Core Competencies training requirements specific to their CME position will be allowed to substitute this training for the basic training requirements for a DSP in [OAR 411-323-0050\(7\)](#) and [OAR 411-325-0025\(5\)&\(6\)](#) in a 24-hour residential setting or a substitute caregiver in [OAR 411-360-0120\(3\)](#) in an ODDS adult foster home setting..
- Is encouraged to not directly support or work in the same settings as individuals the SC provides case management services whenever possible. If this situation is unavoidable, the provider, staff, and CME are asked to collaborate in identifying strategies to mitigate risks of conflict of interest and implement safeguards protecting the choice and rights of the individual supported.
- Must have clearly defined roles and may not report to both the CME employer and agency or foster provider employer at the same time, meaning that the CME staff employed by the residential provider, may not provide case management services, or claim billable activities as a case manager while on the clock as a DSP or substitute caregiver or while volunteering in residential settings, and vice versa.

- If the CME staff is to provide direct care, they must have the required OIS training, ISP, and individual-specific behavior support training as necessary to safely support the individuals in the home. A staff may only use restraints as specifically trained in accordance with an individual's plan.
- Must be aware of and fulfill duties as a mandatory reporter.
- Is required to be vaccinated in accordance with [Oregon Health Authority rule](#) as a staff in a 24-hour group home or adult foster care setting.
- Must communicate with both employers, including disclosure of work schedules, to ensure that the employee is not working hours to an extent that could compromise the standards of care and safety for individuals supported.

While in the role of a direct caregiver in a 24-hour residential or adult foster home, a staff is considered to be an employee of the provider. The responsibilities and actions of staff are considered under the provider's license and operation- this extends to any CDDP or Brokerage staff retained by the residential provider to provide support to individuals in a residential setting.

Local CME Action:

Review employer policies to determine if Case Management Entity Staff may seek secondary employment with an ODDS residential setting provider.

The local CME Qualified Entity Designee (QED) may enter the staff member's background check into the Background Check Unit (BCU) ORCHARDs system which generates an email to the staff asking them to disclose and authorize the background check. The local CME is asked to work with their providers in their local communities to assist in the background check update process to expedite the onboarding of CME staff to work in residential setting homes. The CME will also provide a list of employees to the BCU as part of this expedited process.

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@dhsoha.state.or.us.

If you have any questions about this information, contact:

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