

Policy Transmittal Developmental Disabilities Services



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Number: DD-PT-22-071

Issue date: 07/07/2022

Topic: Developmental Disabilities

Due date:

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 ODHS 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 checked="" 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 type="checkbox"/> Other (<i>please specify</i>): |
| <input type="checkbox"/> ODDS Children’s Residential Services | |
| <input type="checkbox"/> Child Welfare Programs | |

Policy/rule title:	Expanding Personal Support Worker Qualifications		
Policy/rule number(s):	OAR 411-375-0020	Release number:	
Effective date:	July 1, 2022	Expiration date:	
References:	https://www.oregon.gov/dhs/SENIORS-DISABILITIES/DD/ODDSRules/Temp-411-375-0020.pdf		
Web address:	https://www.oregon.gov/dhs/SENIORS-DISABILITIES/DD/ODDSRules/411-375.pdf		

Discussion/interpretation:

The Office of Developmental Disabilities Services (ODDS) filed temporary rules to comply with a Letter of Agreement with the Service Employees International Union (SEIU-503). These rules went into effect July 1, 2022.

Summary of changes:

Previously, **all** state employees were prohibited from working as Personal Support Workers (PSWs).

Beginning July 1, 2022, **most** state employees will be allowed to enroll and deliver services as PSWs if they meet all other qualifications. Only employees of ODDS, the Oregon Home Care Commission, and the Office of Administrative Hearings remain excluded.

Additionally, this rule change clarified when employees of case management entities can and cannot deliver services as Personal Support Workers, with a legacy clause to ensure that no currently enrolled PSW is excluded.

The new language is below in track changes:

(2) EXCLUSIONS. ~~(a) An employee of the State of Oregon may not be authorized to deliver services as a personal support worker.~~ (b) An independent provider may not be authorized to deliver services to an individual in any of the following circumstances:

(a) The independent provider is an employee of ODDS, the Office of Administrative Hearings, or the Oregon Home Care Commission.

(b) The independent provider is an employee of the case management entity that delivers services to the individual unless the following apply:

(A) The independent provider was authorized to deliver services as a personal support worker before July 1, 2022; and

(B) The case management entity maintains a conflict of interest policy and monitors the employee for conflict of interest.

Implementation/transition instructions:

Case Management Entities (CMEs) should share this information with individuals, families, and common law employers during the regular course of choice advising and supporting PSW recruitment. It is possible that previously excluded state workers are now eligible to enroll and deliver these services.

Training/communication plan:

This transmittal will be discussed during the next Monthly Transmittal Review. Please send questions in advance to ODDS.Questions@dhsoha.state.or.us.

The Monthly Transmittal Reviews are held the second Wednesday of every month at 2 pm using the Zoom platform. Please register in advance for these meetings:

<https://www.zoomgov.com/meeting/register/vJlsc-qvqD8iGURx5OQk8TAdIS6Arg9ZAf4>

After registering, you will receive a confirmation email containing an appointment and information about joining the meeting. American Sign Language (ASL) and live captioning will be provided. To request other accommodations or languages, please send an email to ODDS.Questions@dhsoha.state.or.us at least three business days prior to the meeting.

Field/stakeholder review: Yes No

If yes, reviewed by:

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