

Action Request Transmittal Developmental Disabilities Services



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Number: APD-AR-18-005

Issue date: 1/26/2018

Topic: Developmental Disabilities

Due date:

Subject: Supported Living in Provider-Owned, Controlled or Operated settings - HCBS On-Site Compliance Assessment

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"/> ODDS Children's Residential Services | <input checked="" type="checkbox"/> Other (<i>please specify</i>): Provider agencies; service coordinators |
| <input type="checkbox"/> Child Welfare Programs | |

Action required:

Beginning January 1, 2018, Community Developmental Disabilities Programs must conduct HCBS On-Site Compliance Assessments for individuals residing in provider-owned, controlled, or operated Supported Living settings. (*See questions below for further clarification*).

Assessments must occur annually and may coincide with an individual's annual Individual Support Plan process. The HCBS On-Site Compliance Assessment must occur on-site at the individual's home.

The ODDS "HCBS On-Site Compliance Assessment for Residential Settings" is on the ODDS page of the Oregon HCBS website under the "Onsite Assessments" section: <http://www.oregon.gov/DHS/SENIORS-DISABILITIES/HCBS/Pages/ODDS.aspx>

Once the HCBS On-Site Compliance Assessment has been complete, the assessor must provide a copy to the provider of services, informing them of their compliance status. A copy of the assessment must be submitted to:

ODDSHCBS.ResidentialReview@state.or.us. ODDS will enter the information into the ASPEN licensing database.

For assessments completed prior to June 1, 2018: Providers who are found to be out of compliance in any portion of the assessment must propose a plan of correction to be fully compliant by September 1, 2018. Once the CDDP has assured that all remediation actions have taken place, the CDDP must submit evidence of the remediation activities to ODDSHCBS.ResidentialReview@state.or.us.

For assessments completed after June 1, 2018: Providers who are found to be out of compliance in any portion of the assessment must remediate the non-compliant issue(s) within 90 days. Once the CDDP has assured that all remediation actions have taken place, the CDDP must submit evidence of the remediation activities to ODDSHCBS.ResidentialReview@state.or.us.

Assessments conducted in 2019 will serve as validation of the provider's remediation and compliance status. If a provider is not in compliance during the 2019 assessment, the provider may risk loss of the endorsement to provide services in that setting.

In summary:

- 1) CDDPs conduct an on-site assessment in 2018 of all Supported Living settings that are provider owned, controlled and operated.
- 2) Providers found to be out of compliance must complete a plan of correction and submit evidence of remediation (by 9/1/2018 or 90 days, depending on when the assessment takes place).
- 3) CDDPs conduct a validation on-site assessment in 2019.

Reason for action: Medicaid Home and Community-Based Services and Settings (HCBS) regulations require that settings where individuals live and receive services comply with standards ensuring community living protections for individuals. The Federal HCBS regulations include specific setting requirements when individuals reside in provider-owned, controlled, or operated settings. These setting specific requirements necessitate an on-site review to ensure that the living arrangement and service delivery support the individual in fully experiencing community living. (CFR 441.530)

Additional Clarification: The following is additional information for completing the onsite reviews.

What is a provider-owned, controlled, or operated setting?

Provider-owned, controlled, or operated settings include any situation where there is a

relationship between the provider and the property owner or manager of the physical residence. A provider-owned, controlled, or operated supported living setting includes any setting where an individual lives that is owned, leased, rented, co-leased, co-rented, or co-signed by the provider of services.

Can the on-site visit be pre-planned?

Absolutely. It is recommended that the CDDP communicate with the individual to explain the purpose of the on-site visit and schedule the visit for a time that is convenient to the individual. The on-site visit may coincide with the annual face-to-face contact requirement. The on-site assessment must be conducted through an in-person visit to the home by the CDDP.

Who must complete the on-site visit?

A staff of the Community Developmental Disabilities Program (CDDP) must complete the on-site assessment for provider-owned, controlled, or operated Supported Living settings. The staff member may be a services coordinator or other staff of equal or greater qualifications.

How do the HCBS On-Site Compliance Assessment questions apply to supported living situations?

The HCBS standards apply similarly to all individuals in residential settings, with a couple of minor adjustments. The questions on the “HCBS On-Site Compliance Assessment for Residential Settings” document should be modified as follows:

Question 6, which references “residency agreements”, must be applied to verify that there is a legal rental or lease agreement that meets the standards of Oregon landlord tenant law. The rental or lease agreement may not be more restrictive than standards allowed in Oregon landlord tenant law. A “residency agreement” is not sufficient to meet the Federal requirement for tenant protections in supported living.

Question 8, which references “a lock on each individual bedroom door” must be interpreted to apply to the “unit” where the individual lives. In most situations, the lock on the exterior door to the individual’s residence would meet the privacy requirement of a locking entrance door to the unit.

Question 10, which references decorating and furnishing in accordance with the residency agreement, may be applied to conditions of the rental or lease agreement.

Where do I submit the HCBS On-Site Compliance Assessments?

ODDSHCBS.ResidentialReview@state.or.us

What is the CDDP's responsibility when a setting is non-compliant?

The CDDP staff member must provide a copy of the HCBS On-Site Compliance Assessment to the provider. The provider is responsible for creating and implementing the plan of correction. The CDDP should provide assistance to the provider and can utilize the ISP planning process to address issues. ISP planning is a great time to collaborate and strategize about ways to support the individual in having optimal experiences of community living.

Where do providers submit their plans of correction and evidence of remediation?

The CDDP is responsible for ensuring that the provider has completed all of their plans of correction. The CDDP assures compliance and documents compliance accordingly. Once the CDDP has assured that all remediation actions have taken place, the CDDP must submit evidence of the remediation activities to ODDSHCBS.ResidentialReview@state.or.us.

Field/stakeholder review: Yes No

If yes, reviewed by:

If you have any questions about this action request, contact:

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