

# Information Memorandum Transmittal Developmental Disabilities Services



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**Number:** APD-IM-18-009

**Issue date:** 1/26/2018

**Topic:** Developmental Disabilities

**Due date:**

**Subject:** On-Site Reviews for Provider-Owned, Controlled, or Operated HCBS Settings and HCBS Compliance Timelines

**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 checked="" type="checkbox"/> Stabilization and Crisis Unit (SACU)                                      |
| <input checked="" type="checkbox"/> ODDS Children's Residential Services | <input checked="" type="checkbox"/> Other ( <i>please specify</i> ): Provider agencies; services coordinators |
| <input type="checkbox"/> Child Welfare Programs                          |   |

**Message:** HCBS On-Site Compliance Assessment Reviews must be completed on an ongoing basis.

**The final deadline for plans and settings to be fully compliant with Home and Community-Based Services and Settings (HCBS) requirements is September 1, 2018.**

**Reason for Clarification:** ODDS must ensure compliance with Federal Medicaid HCBS regulations. Federal expectations include both initial and ongoing assessments of setting compliance, with validation of compliance findings.

Provider-owned, controlled, or operated settings are to be evaluated with an on-site review to ensure that the living arrangement and service delivery support the individual in fully experiencing community living. (CFR 441.530)

**Compliance Timelines: The deadline for plans and settings to be fully compliant with Home and Community-Based Services and Settings (HCBS) requirements is September 1, 2018.**

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

Sheltered work settings may request a variance for additional time to come into compliance as part of the setting's transformation.

See the attached timeline document.

**Details for conducting the On-Site Reviews:** All provider-owned, controlled, or operated settings that are licensed, certified, endorsed, or receive funding through the Office of Developmental Disabilities Services must have ongoing HCBS on-site compliance assessments conducted. The frequency of the on-site compliance assessment may align with the licensing or certification cycle of the setting type.

The on-site compliance assessments for residential settings must be documented on the ODDS form corresponding with the setting type:

- ["Adults: Adult On-Site Compliance Assessment for Residential Settings"](#)
- ["Children: Child On-Site Compliance Assessment for Residential Settings"](#)

Forms are located 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>

Please see the list of setting types below for specific details by setting type:

*Foster Care Settings for Adults:* On-Site reviews are to be completed:

- By CDDPs (licensors, services coordinators, or staff of equal or greater qualification) for all Adult Foster Homes licensed in the county territory;
- Annually (on-site reviews may be conducted to coincide with annual licensing);
- On the -["Adults: Adult On-Site Compliance Assessment for Residential Settings"](#) form for individuals aged 18 or older receiving HCBS services;
- On the -["Children: Child On-Site Compliance Assessment for Residential Settings"](#) form for individuals under age 18 receiving HCBS services;

And:

- Submitted to ODDS at: [ODDSHCBS.ResidentialReview@state.or.us](mailto:ODDSHCBS.ResidentialReview@state.or.us);
- A copy of the assessment given to provider by the CDDP.

*Foster Care Settings for Children:* On-Site reviews are to be completed:

- By CDDPs (licensors, services coordinators, or staff of equal or greater qualification) for all Child Foster Homes certified in the county territory;
- Biennially (on-site reviews may be conducted to coincide with the certification cycle which occurs every 2 years);
- On the -"[Children: Child On-Site Compliance Assessment for Residential Settings](#)" form for individuals under age 18 receiving HCBS services;
- On the -"[Adults: Adult On-Site Compliance Assessment for Residential Settings](#)" form for individuals aged 18 or older receiving HCBS services;

And:

- Submitted to ODDS at: [ODDSHCBS.ResidentialReview@state.or.us](mailto:ODDSHCBS.ResidentialReview@state.or.us);
- A copy of the assessment given to provider by the CDDP.

*Supported Living Settings:* On-Site reviews are to be completed:

- By CDDPs (services coordinators or staff of equal or greater qualifications) for all individuals receiving services in Supported Living settings within the county territory;
- Annually (on-site reviews may be conducted to coincide with the annual face-to-face contact requirement);
- On the -"[Adults: Adult On-Site Compliance Assessment for Residential Settings](#)";

And:

- Submitted to ODDS at: [ODDSHCBS.ResidentialReview@state.or.us](mailto:ODDSHCBS.ResidentialReview@state.or.us);
- A copy of the assessment given to provider by the CDDP.

*24-Hour Residential Program Settings for Children and Adults:* On-Site reviews are to be completed:

- By ODDS licensing staff;
- Biennially (on-site reviews may be conducted to coincide with the licensing cycle which occurs every 2 years);
- On the -"[Adults: Adult On-Site Compliance Assessment for Residential Settings](#)" form for individuals aged 18 or older receiving HCBS services;
- On the -"[Children: Child On-Site Compliance Assessment for Residential Settings](#)" form for individuals under age 18 receiving HCBS services;

And:

- Entered in the ASPEN database;
- Documentation of the provider's non-compliance given to provider by the licensor.

*Employment Settings:* On-site reviews are to be completed:

- By ODDS licensing staff;
- Biennially (on-site reviews may be conducted to coincide with the licensing cycle which occurs every 2 years);

And:

- Entered in the ASPEN database;
- Documentation of the provider's non-compliance given to provider by the licensor.

*Sheltered Work Settings:* On-site reviews are to be completed:

- By ODDS Regional Employment Specialists;
- Annually (at minimum);
- On the ["Employment Services- Tool for Onsite Reviews"](#) form;

And:

- Documentation of the provider's non-compliance given to the provider by ODDS.

*Community Living Supports Settings- Facility Based:* On-site reviews are to be completed:

- By ODDS licensing staff;
- Biennially (on-site reviews may be conducted to coincide with the licensing cycle which occurs every 2 years);

And:

- Entered in the ASPEN database;
- Documentation of the provider's non-compliance given to provider by the licensor.

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

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# HCBS Compliance Timeline:

