

Information Memorandum Transmittal Developmental Disabilities Services



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Number: APD-IM-19-081

Issue date: 10/25/2019

Topic: Developmental Disabilities

Due date:

Subject: Exits, Entries, and Hearing Rights for Individuals Supported in Residential Service Settings- New Oregon Administrative Rule (OAR) language

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

Message: Effective November 1, 2019, there are new Oregon Administrative Rules (OARs) related to Entry, Exits, and Hearing Rights for individuals supported in residential service settings. The new rule language impacts the following setting types:

- 24-Hour Residential Program Settings for Adults and Children
- Adult Foster Homes
- Child Foster Homes
- Host Home Programs and Settings for Children

The rules have been updated to align the language so the standards contained in rule for each setting mirror the other residential setting rules.

The new language is contained in the following sections of each rule:

24-Hour Residential Programs and Settings for Children and Adults with Intellectual or Developmental Disabilities

- 411-325-0390 Entry, Exit, Transfer, and Closure

Adult Foster Homes for Individuals with Intellectual or Developmental Disabilities

- 411-360-0190 Entry, Transfer, Exit, Closure, and Community Living Supports

Foster Homes for Children with Intellectual or Developmental Disabilities

- 411-346-0240 Standards for Entry, Transfer, Exit, and Closure

Host Home Programs and Settings for Children with Intellectual or Developmental Disabilities

- 411-348-0390 Entry, Exit, Transfer, and Closure

New Standards in Administrative Rules:

Effective November 1, 2019, there are specific timelines in place related to when an individual may request a hearing and continue to receive services when a 30-day notice of involuntary exit is issued by a residential setting provider.

***Individuals must request a hearing within 15 days of the notice and indicate their desire to continue to receive services to receive continuing services until a Final Order is issued following the hearing.

Individuals maintain the right to remain in a setting until the effective date of the notice if they choose not to request a hearing or the individual request a hearing later than 15 days following the notice.

Additionally, the rules have been updated to reflect an individual's right to access an expedited hearing. If an individual receives a notice of exit that is less than a 30-day notice or an individual is requesting a hearing later than 15 days following the notice, the individual may access an expedited hearing in accordance with OAR 411-318-0030.

Information Resources and Forms:

ODDS has developed slide show module to assist members of the ODDS community in understanding and applying the new rules and expectations related to exits, entries, notices, and hearings. There is a general audiences presentation, "Exits in Residential Settings", and a presentation that is intended to assist individuals receiving services,

“What Happens When a Person Gets a Notice of Exit?”.

The “Exits in Residential Settings” and “What Happens When a Person Gets a Notice of Exit?” presentations may be found on the ODDS webpage:

<https://www.oregon.gov/DHS/SENIORS-DISABILITIES/DD/Pages/index.aspx>.

The “Exits in Residential Settings” presentation can be found under the “Provider and Partner” category and the “What Happens When a Person Gets a Notice of Exit?” presentation may be found under the “Individuals and Families” category on the ODDS webpage.

ODDS is in the process of updating the Provide Notice of Exit form (APD 0719) to reflect the updated rule language, improve accessibility, and better reflect the specific setting and service types associated with the notices. The new forms will be made available in the near future.

This transmittal will be discussed during the next Monthly Transmittal Call-In. These meetings are held the **third Thursday of every month at 2:00 pm**.

Monthly call-in number: **1-877-848-7030**, guest code: **458900#**

Please try to send questions in advance to ODDS.INFO@state.or.us

If you have any questions about this information, contact:

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