

# Information Memorandum Transmittal Developmental Disabilities Services



Lilia Teninty

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**Number:** APD-IM-19-087

**Issue date:** 12/17/2019

**UPDATED**

**Topic:** Developmental Disabilities

**Due date:**

**Subject:** 11/1/2019 Permanent ODDS Oregon Administrative Rules (OARs) - Updated

**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 checked="" 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> ): ODDS Providers      |
| <input checked="" type="checkbox"/> ODDS Children's Residential Services |                                                                                          |
| <input type="checkbox"/> Child Welfare Programs                          |                                                                                          |

**Message:**

The Department of Human Services, Office of Developmental Disabilities Services (ODDS) is permanently updating the following rules effective November 1, 2019:

- [411-304 Definitions for Professional Behavior Services](#)
- [411-317 General Definitions and Acronyms for Developmental Disabilities Services](#)
- [411-318 Contested Case Hearings for Developmental Disabilities Services](#)
- [411-320 Community Developmental Disabilities Programs \(CDDPs\)](#)
- [411-323 Agency Certification and Endorsement](#)
- [411-325 24-Hour Residential Programs and Settings](#)
- [411-328 Supported Living Programs](#)
- [411-340 Support Service Brokerages](#)
- [411-345 Employment Services](#)
- [411-346 Child Foster Homes](#)
- [411-348 Host Home Programs and Settings](#)
- [411-360 Adult Foster Homes](#)

- [411-370 Provider Enrollment](#)
- [411-375 Independent Providers](#)
- [411-415 Case Management Services](#)
- [411-435 Ancillary Services](#)
- [411-450 Community Living Supports](#)

## **Support Technology**

The proposed rule language for support technology was not made permanent. ODDS is waiting for further guidance from the Centers for Medicare and Medicaid Services.

## **Summary of Permanent Changes**

The November 1, 2019 permanent rules reflect changes related to the following topics:

- [Ancillary Services](#)
- [Centralized Abuse Management \(CAM\) and Serious Incident Reporting](#)
- [Day of Service for ODDS Adult Foster Homes](#)
- [Day Support Activities](#)
- [Employment Services](#)
- [Entry, Transfer, Exit, and Expedited Hearings](#)
- [Host Home Programs and Settings](#)
- [In-Home Services Provider Expectations](#)
- [Licensing Conditions During Death Protective Services Investigation](#)
- [Notification of School Districts for 24-Hour Residential Programs and Settings](#)
- [Provider Agency Staff Qualifications](#)

Please see below (or click on the link above) for additional details, resources, and contacts for each topic.

## **Ancillary Services**

- 411-435-0050 about Community First Choice Ancillary Services is being amended to increase the local case management entity benefit approval limit for assistive devices and assistive technology from \$500 to \$1,200.
- 411-435-0070 about Ancillary Services for Children's Intensive In-Home Services is being amended to remove special diets due to lack of use.

Additional Resources:

- [ODDS Expenditure Guidelines](#)

Contact: Kirsten Collins ([kirsten.g.collins@dhsosha.state.or.us](mailto:kirsten.g.collins@dhsosha.state.or.us))

## **CAM/Serious Incident Reporting**

Rule changes related to CAM and Serious Incident Reporting are reflected in:

- 411-304-0120 Definitions and Acronyms for Professional Behavior Services

- 411-317-0000 General Definitions for Developmental Disabilities Services
- 411-320-0030 Organization and Program Management for CDDPs
- 411-320-0040 Program Responsibilities for CDDPs
- 411-320-0045 Quality Assurance Responsibilities for CDDPs
- 411-320-0140 Abuse Investigation and Protective Services for CDDPs
- 411-323-0040 Inspections and Investigations for Provider Agencies
- 411-323-0060 Policies and Procedures for Provider Agencies
- 411-323-0063 Abuse and Incident Handling and Reporting for Provider Agencies
- 411-325-0025 Program Management for 24-Hour Residential Programs and Settings
- 411-328-0570 Program Management for Supported Living Programs
- 411-340-0040 Abuse Reporting for Support Service Brokerages
- 411-345-0035 Standards for Provider Agencies Delivering Employment Services
- 411-346-0185 Abuse and Incident Handling and Reporting for Child Foster Homes
- 411-348-0025 Program Management for Host Homes
- 411-360-0180 General Practices for Adult Foster Homes
- 411-360-0185 Abuse and Incident Handling and Reporting for Adult Foster Homes
- 411-415-0050 Standards for Case Management Services
- 411-415-0055 Abuse and Serious Incident Management for Case Management Entities
- 411-415-0090 Case Management Contact and Monitoring of Services
- 411-415-0110 Record Requirements for Case Management Entities
- 411-450-0080 Standards for Provider Agencies Delivering Community Living Supports

#### Additional Resources:

- [APD-AR-19-038 Serious Incident and CAM System Training](#)
- [APD-IM-19-068 Provider and Partners CAM Training in iLearn](#)
- [APD-PT-19-043 Death Report Form and Process](#)
- [APD-AR-19-054 CAM will replace SERT](#)

#### Contact:

- Mike Parr ([mike.r.parr@dhsosha.state.or.us](mailto:mike.r.parr@dhsosha.state.or.us))
- CAM Training Team ([IncidentMgmt.TechAssistance@dhsosha.state.or.us](mailto:IncidentMgmt.TechAssistance@dhsosha.state.or.us))

#### **Day of Service for ODDS Adult Foster Homes**

- 411-317-0000 about General Definitions for Developmental Disabilities Services is being amended to define a day of service.
- 411-360-0200 about Adjustment, Suspension, or Termination of Payment for Adult Foster Homes is being amended to describe a day of service claim.

Contact: Ken Ralph ([ken.j.ralph@dhsosha.state.or.us](mailto:ken.j.ralph@dhsosha.state.or.us))

### **Day Support Activities (DSA)**

DSA is incorporated into the following:

- 411-317-0000 General Definitions for Developmental Disabilities Services
- 411-450-0020 Definitions and Acronyms for Community Living Supports
- 411-450-0040 Entry and Exit for Community Living Supports
- 411-450-0050 Minimum Standards for Community Living Supports
- 411-450-0060 Community Living Supports
- 411-450-0080 Standards for Provider Agencies Delivering Community Living Supports

Additional Resources:

- [Presentation: Oregon Administrative Rule Changes Related to ODDS Employment and DSA Services](#)
- [ODDS Expenditure Guidelines](#)
- [APD-IM-19-096 Agency Exit Notification Requirements](#)
- [APD-AR-19-048 New Forms - Notice of Exit, Transfer, Suspension, or Reduction](#)

Contact: Allison Enriquez ([allison.enriquez@dhsosha.state.or.us](mailto:allison.enriquez@dhsosha.state.or.us))

### **Employment Services**

- 411-345-0010 about the Statement of Purpose is being amended to make a grammatical change.
- 411-345-0020 about Definitions is being amended to define General Community Employer.
- 411-345-0030 about Employment Provider Qualifications and Training Requirements is being amended to clarify employment professionals must complete an ODDS-approved training for Discovery prior to delivering Discovery services.
- 411-345-0035 about Standards for Provider Agencies Delivering Employment Services is being amended to update staffing requirements.
- 411-345-0090 about Variances for Agency Service Providers is being amended to refer to ODDS.
- 411-345-0130 about Complaints, Notification of Planned Action, and Hearings is being amended to clarify requirements related to notification of planned action and hearings.
- 411-345-0140 about Exit and Transfer Requirements for a Provider Agency is being amended to update the requirements for involuntary reductions, transfers, and exits.

- 411-345-0145 about Entry Requirements for a Provider Agency is being amended to update the information required prior to the delivery of employment services and codify requirements for distribution of the written strategies for service implementation and risk mitigation strategies or protocols.
- 411-345-0160 about ISP and Career Development Planning is being amended to clarify the actions of a provider agency in annual ISP meetings and codify requirements for distribution of the written strategies for service implementation and risk mitigation strategies or protocols.

Additional Resources:

- [Presentation: Oregon Administrative Rule Changes Related to ODDS Employment and DSA Services](#)
- [APD-AR-19-048 New Forms - Notice of Exit, Transfer, Suspension, or Reduction](#)

Contact: Allison Enriquez ([allison.enriquez@dhsosha.state.or.us](mailto:allison.enriquez@dhsosha.state.or.us))

### **Entry, Transfer, Exit, and Expedited Hearings**

Rule changes to align the entry, transfer, and exit language for ODDS residential service settings are reflected in:

- 411-317-0000 General Definitions for Developmental Disabilities Services
- 411-325-0390 Entry, Exit, Transfer, and Closure for 24-Hour Residential Programs and Settings
- 411-346-0180 Professional Responsibilities of a Child Foster Home Provider
- 411-346-0240 Child Foster Home Standards for Entry, Transfer, Exit, and Closure
- 411-348-0390 Entry, Exit, Transfer, and Closure for Host Homes
- 411-360-0190 Entry, Transfer, Exit, Closure, and Community Living Supports for Adult Foster Homes
- 411-415-0080 Case Management Services - Accessing Developmental Disabilities Services

The ability for an individual or the individual's designated or legal representative to request an expedited hearing are reflected in:

- 411-318-0025 Contested Case Hearings for Reductions, Suspensions, Terminations, or Denials
- 411-318-0030 Contested Case Hearings for Provider Notices of Involuntary Reductions, Transfers, or Exits

Additional Resources:

- [APD-IM-19-081 Exits, Entries, and Hearing Rights for Individuals Supported in Residential Service Settings](#)

- [What Happens When a Person Gets a Notice of Exit?](#)
- [Exits in Residential Settings](#)
- [APD-AR-19-048 New Forms - Notice of Exit, Transfer, Suspension, or Reduction](#)

Contact: Rose Herrera ([rose.k.herrera@dhsosha.state.or.us](mailto:rose.k.herrera@dhsosha.state.or.us))

### **Host Home Programs and Settings**

Host Homes are a new Home and Community-Based Setting where a provider agency supports family home providers (Host Homes) in serving children and youth with intellectual or developmental disabilities. Rule changes related to Host Homes are reflected in:

- 411-317-0000 General Definitions for Developmental Disabilities Services
- 411-323-0010 Statement of Purpose for Agency Certification and Endorsement
- 411-323-0020 Definitions and Acronyms for Agency Certification and Endorsement
- 411-323-0030 Certification for Provider Agencies
- 411-323-0035 Endorsement for Provider Agencies
- 411-348-0010 through 411-348-0490 for Host Home Programs and Settings
- 411-370-0010 Provider Enrollment Definitions and Acronyms
- 411-415-0070 Service Planning for Case Management Entities
- 411-415-0090 Case Management Contact and Monitoring of Services

Additional Resources:

- [APD-IM-19-080 Host Homes](#)
- [Host Homes Infographic](#)

Contact: Rose Herrera ([rose.k.herrera@dhsosha.state.or.us](mailto:rose.k.herrera@dhsosha.state.or.us))

### **In-Home Services Provider Expectations**

Rule changes related to electronic visit verification, employer responsibilities, dual roles, and SB 1534 training are reflected in:

- 411-375-0010 Definitions and Acronyms for Independent Providers
- 411-375-0020 Qualifications, Exclusions, and Enrollment Responsibilities for Independent Providers
- 411-375-0035 Documentation and Reporting Requirements for Independent Providers
- 411-375-0040 Fiscal and Accountability Responsibility for Independent Providers
- 411-375-0055 Standards for Common Law Employers for Personal Support Workers
- 411-375-0070 Inactivation and Termination of Independent Providers
- 411-415-0070 Service Planning for Case Management Entities



- 411-450-0080 Standards for Provider Agencies Delivering Community Living Supports

Additional Resources:

- [APD-AR-19-041 Agency Electronic Visit Verification Requirements and Survey](#)
- [APD-PT-19-037 PSW/DSP Dual Roles Transition](#)
- [APD-PT-19-041 Employer Responsibilities Form](#)
- [APD-IM-19-095 PSW EVV Exceptions Worker Guide](#)

Contact: Chelas Kronenberg ([chelas.a.kronenberg@dhsosha.state.or.us](mailto:chelas.a.kronenberg@dhsosha.state.or.us))

### **Licensing Conditions During Death Protective Services Investigation**

Rule changes to align condition language and create criteria for conditions during death protective services investigation are reflected in:

- 411-323-0030 Certification for Provider Agencies
- 411-323-0035 Endorsement for Provider Agencies
- 411-325-0060 License Conditions for 24-Hour Residential Programs and Settings
- 411-346-0220 Conditions, Denial, Suspension, Revocation, and Refusal to Renew for Child Foster Homes
- 411-348-0060 License Conditions for Host Homes
- 411-360-0250 License Conditions for Adult Foster Homes

Contact: Rose Herrera ([rose.k.herrera@dhsosha.state.or.us](mailto:rose.k.herrera@dhsosha.state.or.us))

### **Notification of School Districts for 24-Hour Residential Programs and Settings**

- 411-325-0445 about Notification of School Districts for 24-Hour Residential Programs and Settings Serving Five or More Children is being adopted to bring ODDS into compliance with ORS 336.575.
- 411-349 about Residential Programs is being repealed because the requirements are being adopted in 411-325-0445.

Contact: Rose Herrera ([rose.k.herrera@dhsosha.state.or.us](mailto:rose.k.herrera@dhsosha.state.or.us))

### **Provider Agency Staff Qualifications**

- 411-323-0050 about Provider Agency Management and Personnel Practices is being amended to specify how legal eligibility to work in the United States is demonstrated.

Contact: Mike Parr ([mike.r.parr@dhsosha.state.or.us](mailto:mike.r.parr@dhsosha.state.or.us))

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

Contact(s): Christina Hartman	
Phone: 971-413-4225	Fax:
Email: christina.hartman@dhsoha.state.or.us	