

Lilia Teninty

Authorized Signature

Number: APD-PT-16-004
Issue date: 2/12/2016

Topic: Developmental Disabilities

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 DHS employees | <input type="checkbox"/> County Mental Health Directors |
| <input type="checkbox"/> Area Agencies on Aging | <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 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>): DD Regional Programs; OLRO |
| <input checked="" type="checkbox"/> Child Welfare Programs | |

Policy/rule title:	Home and Community-Based Services (HCBS) and Settings and Person-Centered Service Planning- New Rules and Rule Changes		
Policy/rule number(s):	Chapter 411 Division 4 Chapter 411 Division 318 Chapter 411 Division 320 Chapter 411 Division 323 Chapter 411 Division 325 Chapter 411 Division 328 Chapter 411 Division 345 Chapter 411 Division 346 Chapter 411 Division 360	Release no:	
Effective date:	1/1/16	Expiration:	
References:			

Web address:	
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Discussion/interpretation:

Oregon has created new permanent rules and revised existing rules to comply with new Centers for Medicare and Medicaid Services (CMS) regulations. **These rules are effective January 1, 2016.**

CMS has issued regulations that define the settings in which it is permissible for states to pay for Medicaid Home and Community-Based Services (HCBS).

The purpose of these regulations is to ensure that individuals receive Medicaid-funded HCBS in settings that are integrated in and support full access to the greater community. This includes opportunities to seek employment and work in competitive and integrated settings, engage in community life, control personal resources, and receive services in the community, to the same degree as individuals who do not receive HCBS.

The new rules cover all individuals receiving services regardless of the funding source (Medicaid or non-Medicaid). The Oregon rules can be viewed at the following links:

<http://www.dhs.state.or.us/policy/spd/alpha.htm>

<http://www.dhs.state.or.us/policy/spd/numeric.htm>

For those receiving HCBS services in residential service settings, these rules provide the following new protections and freedoms to ensure individual rights of privacy, dignity, and respect:

- Locked bedroom doors for privacy
- Choice of roommate for those that share a room
- Furnishing and decorating bedrooms
- Control over one's own schedule
- Access to food at any time
- Visitors at any time

By June 30, 2017, any limits to the freedoms/rights above must be consented to by the individual or if applicable their legal representative.

[Oregon's Home and Community-Based Transition Plan](#) allows for a transition period for current community-based providers to come into compliance with the new regulations. All current community-based providers must be in full compliance by September 1, 2018.

Providers licensed after December 31, 2015 must be in compliance with these rules at the time of licensing.

During 2016, Community Developmental Disabilities Program (CDDP), regional program staff, the Office of Licensing and Regulatory Oversight (OLRO), and ODDS staff will be conducting on-site reviews to evaluate provider compliance with the new rules. Based on the findings of these on-site reviews, CDDP, regional, OLRO and ODDS staff will be working in partnership with community-based providers to develop plans for coming into compliance with the new expectations. All current community-based providers must begin making measurable progress towards compliance in 2016 and 2017.

In addition to new rules, the following website contains material including frequently asked questions (FAQ's), information sheets, fact sheets, and other materials intended to help with understanding the new rules and what they mean for Oregon.

<http://www.oregon.gov/dhs/seniors-disabilities/HCBS/pages/index.aspx>

Questions regarding HCBS rules can be submitted to:

HCBS.Oregon@state.or.us

Implementation/transition instructions: CDDPs, regional staff and OLRO provide compliance assessment, technical assistance, and planning assistance for providers.

Training/communication plan: [HCBS Website](#), Webinars, and in-person training sessions.

Local/branch action required: Follow the 411-004 rule

Central office action required: Provide technical assistance and trainings.

Field/stakeholder review: Yes No

If yes, reviewed by: CDDP managers through an Association of Counties representative; brokerage directors through a representative of the Oregon Support Services Association.

Filing instructions:

If you have any questions about this policy, contact:

Contact(s):	Rose Herrera		
Phone:	503-947-5201	Fax:	
Email:	Rose.K.Herrera@state.or.us		