

Lilia Teninty

Authorized Signature

Number: APD-PT-17-005
Issue date: 2/10/2017

Topic: Developmental Disabilities

Transmitting (check the box that best applies):

- New policy
 Policy change
 Policy clarification
 Executive letter
 Administrative Rule
 Manual update
 Other: Clarification of Expectations

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 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; DD Licensing |
| <input type="checkbox"/> Child Welfare Programs | |

Policy/rule title:	HCBS On-Site Compliance Assessment Reviews for Residential Settings- Expectations for Completion in 2017		
Policy/rule number(s):	related to 411-004	Release no:	
Effective date:		Expiration:	
References:			
Web address:			

Discussion/interpretation: This transmittal is intended to clarify expectations regarding the completion of 2017 HCBS On-Site Compliance Assessment Reviews for DD Licensed/Certified Foster Care Settings and Child Welfare certified Foster Homes receiving a DD-Funded foster care service payment to provide care to individuals with Intellectual and Developmental Disabilities.

The HCBS On-Site Compliance Assessment Reviews are an evaluation of providers' compliance with the new Home and Community-Based Services (HCBS) requirements. On-site visits to determine compliance with HCBS are a requisite part of Oregon's Transition Plan to implement the HCBS requirements set by Medicaid. Completing on-site assessments in 2017, following the first round of assessments completed in 2016, will allow for the state to measure and demonstrate progress in compliance with the new Federal HCBS regulations. Although it is reasonable to expect that a provider who received an on-site review in 2016 and took action to remediate non-compliance would be in compliance in 2017, it is not certain. Compliance cannot be presumed and must be re-evaluated over time.

Monitoring for compliance with Home and Community-Based regulations is an ongoing component of licensing/certification on-site reviews. Ultimately, the compliance measures included in the HCBS On-Site Compliance Assessment documents will be incorporated into licensing and service/site monitoring checklists. Until this time, CDDPs must complete annual HCBS On-Site Compliance Assessment documents on an annual basis.

Implementation/transition instructions: HCBS On-Site Compliance Assessments are to be completed in 2017 by CDDPs for all DD Foster Care settings receiving a DD funded foster care payment to serve individuals within their county territory. The time period for completing the reviews is January 1, 2017 through December, 31, 2017, with all 2017 Foster Care HCBS On-Site Compliance Assessments completed by December 31, 2017.

Initial HCBS On-Site Compliance Assessments were previously completed in 2016 for all Foster Care Settings. It is the expectation of ODDS that CDDPs will complete the assessment again in 2017. The HCBS On-Site Compliance Assessment forms for residential settings serving children and adults have been updated. All assessments completed in 2017 must use the versions posted on the HCBS webpage to ensure the most current version is used: <http://www.oregon.gov/DHS/SENIORS-DISABILITIES/HCBS/Pages/ODDS.aspx>. Reviewers must submit a new assessment form for the 2017 reviews to reflect that an actual on-site review occurred in 2017.

CDDPs are responsible to ensure that an HCBS On-Site Compliance Assessment review is conducted using the forms created by ODDS. The HCBS On-Site Compliance Assessments for Foster Care may be completed by a licensor, certifier, services coordinator or regional staff at the discretion and coordination of local CDDP.

The HCBS On-Site Compliance Assessment may be completed as part of a licensing or certification renewal visit, during a site/service monitoring visit, or as part of an independent visit to the home site.

A physical on-site visit to the home is required as part of completing the HCBS On-Site Compliance Assessment. Staff conducting the on-site visit are strongly encouraged to interview individuals receiving services whenever possible.

Once the HCBS On-Site Compliance Assessment is completed by CDDP or Regional staff, the assessment must be submitted to ODDS via secure email at: ODDSHCBS.ResidentialReview@state.or.us .

The forms and additional instructions can be located on the Developmental Disabilities HCBS page: <http://www.oregon.gov/DHS/SENIORS-DISABILITIES/HCBS/Pages/ODDS.aspx>

There are separate HCBS On-Site Compliance Assessment forms for providers serving adults and for providers serving children. Both the child and adult versions of the assessment may be completed electronically or handwritten. Instructions for each form and additional resource materials are also located on the tools page.

Instructions for initiating a secure email to submit completed assessments to ODDS are contained in the "[Unlocking secure messages from DHS and OHA](#)" document.

Expectations for foster homes certified to serve children:

Foster homes serving children where the provider receives a DD foster care service payment, will have a 2017 on-site review completed if at all possible by March 1, 2018. The completion date for 2017 reviews has been extended only for children's foster care homes to address the delay in reviews being completed in 2016 for children's foster care homes, specifically Child Welfare homes. This requirement includes Child Welfare certified foster homes where the provider is receiving a DD foster care service payment (rather than a child welfare foster care service payment). Child Welfare certified homes serving an individual child supported by a DD-funded "DD151 In-Home" plan are excluded from this transmittal and HCBS On-Site Compliance Assessment process.

Training/communication plan: CDDPs and Regional Programs may request additional technical assistance for staff completing the HCBS On-Site Compliance Assessment by contacting Rose Herrera via email at: Rose.K.Herrera@state.or.us

Local/branch action required: CDDPs are to assure an HCBS On-Site Compliance Assessment is completed for all DD Foster Care settings and Child Welfare certified Foster Care homes receiving a DD funded foster care payment to serve individuals within the CDDP's county territory during the 2017 year. All 2017 assessments of

Foster Care homes must be completed by December 31, 2017, with an allowance for children's foster care homes to be completed by March 1, 2018.

Central office action required:

ODDS will receive and enter the findings of all assessments completed for Foster Care homes into the ASPEN system until CDDPS have training and access to enter information into ASPEN.

Frequently Asked Questions:

Question 1_ Why do CDDPs need to complete a whole new assessment if one was completed in 2016?

The on-site compliance assessment measures a provider's compliance with the new rules. Although it is reasonable to expect that a provider who received an on-site review in 2016 and took action to remediate non-compliance would be in compliance in 2017, it is not certain. CMS has the expectation that states complete on-going assessment of compliance with the HCBS regulations. The application of the HCBS on-site review each year is a component of meeting this expectation. Compliance cannot be presumed but must be re-evaluated over time.

Question 2: Is there a presumption that programs have access to the ASPEN system?

No. At this time, the on-site reviews for foster care are to be completed and submitted to ODDS at: HCBSODDS.ResidentialReview@state.or.us.

The assessments will be received by ODDS staff and entered into ASPEN. There may be some change in the future to this process when CDDPs have access to ASPEN.

Question 3: What about 24-hour and employment sites? This transmittal only talks about foster care.

This transmittal is directing action for CDDPs. CDDPs are responsible for the foster care on-site reviews. Site-based employment and day services are being reviewed by ODDS regional employment staff and 24-hour residential programs are being reviewed by ODDS licensing.

Question 4: Are CDDPs expected to conduct an on-site review for Child Welfare certified foster homes? Even though they are not licensed by DD?

It depends on the situation. When a provider is receiving a DD-funded foster care service payment to serve an individual, then the on-site review must be completed regardless of whether the certifier or the home is DD or Child Welfare.

Please note: when a child is receiving DD151 in-home services in a child welfare home, meaning that Child Welfare is funding the foster care service payment and DD provides additional funding to maintain the child in the home setting- this is considered an in-home setting and this arrangement is not subject to the HCBS provider-owned, controlled or operated residential setting requirements. The HCBS on-site review is not to be conducted on in-home arrangements.

When an individual is in a DD funded foster care situation (whether licensed by DD or Child Welfare), the on-site review must be completed by the CDDP. Although DD does not certify the Child Welfare homes, the regulatory conditions for the funding still apply. DD is responsible to ensure that the setting meets the Federal HCBS requirements in order for Medicaid funding to be used to support individuals in that setting. The provider enrollment agreement addresses the situation and allows for the on-site review and expectation of provider remediation when a non-compliance finding is made.

Question 5: What updates were made to the newly posted on-site review forms?

The main changes are updated language to:

-reflect the residency agreements for children now incorporated into the child placement agreement and provider enrollment agreements. The on-site review reflects a question 6, but removes any compliance findings (reviewers are no longer being asked to determine if there is a residency agreement in place for children- this is automatically remediated as providers update enrollment agreements). The numbering remained intact to preserve the data system created for compliance tracking and reporting.

-more accurately reflect the adopted Oregon Administrative Rule (OAR) language in HCBS 411-004 rule.

-include the expectation that limitations in specific areas must be remediated through the application of an Individually-Based Limitation (IBL).

Field/stakeholder review: Yes No

If yes, reviewed by: CDDP policy reviewers

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		
---------------	----------------------------	--	--

OBSOLETE