

Lilia Teninty  
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**Authorized Signature**

**Number:** APD-PT-17-010  
**Issue date:** 4/21/2017

**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 checked="" 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 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> ): Brokerages, Provider Services Organizations |
| <input checked="" type="checkbox"/> Child Welfare Programs               |  |

Policy/rule title:	Individually-Based Limitations (IBLs) for individuals receiving Home and Community-Based Services		
Policy/rule number(s):		Release no:	
Effective date:		Expiration:	
References:	42 CFR 441.530; OAR 411-004		
Web address:	<a href="http://www.oregon.gov/DHS/SENIORS-DISABILITIES/HCBS/Pages/ODDS.aspx">http://www.oregon.gov/DHS/SENIORS-DISABILITIES/HCBS/Pages/ODDS.aspx</a>		

**Discussion/interpretation:** This policy is intended to clarify the current roll out of requirements for the use of Individually-Based Limitations (IBLs) for Individuals receiving Home and Community-Based Services (HCBS).

ODDS has begun phasing in the requirement of IBLs for individuals residing in residential service settings when there is a restriction in place or an indication that an individual requires restriction based on an assessed need related to the following individual HCBS protections in residential service settings:

- Individuals sharing units (bedrooms) must have a choice of roommates
- Units (bedrooms) must have entrance doors lockable by the individual, with only the individual and appropriate staff having a key to access the unit
- Individuals must have the freedom to decorate and furnish his or her own unit (bedroom) as agreed to within the Residency Agreement
- Each individual may have visitors of his or her choosing at any time
- Each individual has the freedom and support to control his or her own schedule and activities
- Each individual has the freedom and support to have access to (personal) foods at any time

When an individual requires a restriction, or limitation, in relation to the above listed protections in a residential services setting, a formal IBL must be in place for the limitation to be considered compliant with Medicaid and Oregon HCBS requirements.

The formal IBL process ensures that Federal Medicaid requirements related to the use of Individually-Based Limitations are met. Please see the Oregon Home and Community-Based Services and Settings rule, 411-004-0040, for additional information related to the requirements when an individual's plan includes an IBL. OAR 411-004 may be found at: [http://www.dhs.state.or.us/policy/spd/rules/411\\_004.pdf](http://www.dhs.state.or.us/policy/spd/rules/411_004.pdf)

### **Implementation/transition instructions:**

The required IBL process for individual HCBS protections in residential service settings has begun phasing in with Individual Support Plans (ISPs) **effective March 1, 2017** or later. When the individual's plan includes a restriction on individual HCBS protections in residential service settings, the IBL requirements must be met and the "Individual Consent to HCBS Limitations" form must be attached to the individual's ISP.

All ISPs that include restrictions on individual HCBS residential service setting protections must have the formal IBL process in place by February 28, 2018

Once an individual has an ISP that is **effective March 1, 2017** or later, and a need arises for an Individually-Based Limitation to address safety related to an individual HCBS protection in residential service settings, the formal IBL process must be applied at the time the need for additional support is identified.

The "Individual Consent to HCBS Limitations" form can be found on the "ODDS-Related Information" page of Oregon's HCBS website at:  
<http://www.oregon.gov/DHS/SENIORS-DISABILITIES/HCBS/Pages/ODDS.aspx>

**Training/communication plan:** ODDS has provided local in-person training and a webinar to support the field in the use of IBLs for individual HCBS protections in residential service settings. Ongoing technical assistance is available upon request. Training materials and additional resources are available on the “ODDS-Related Information” page of the Oregon HCBS website at:  
<http://www.oregon.gov/DHS/SENIORS-DISABILITIES/HCBS/Pages/ODDS.aspx>

**Local/branch action required:**

**Central office action required:**

**Field/stakeholder review:**  Yes  No

**If yes, reviewed by:** Field review with CDDPs, Brokerages, and Residential Service Provider Organizations

**Filing instructions:**

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

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