Policy Transmittal

Developmental Disabilities Services

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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 clarification  ☐ Executive letter
☐ Administrative Rule  ☐ Manual update  ☐ Other: ________________________________

Applies to (check all that apply):

☐ All DHS employees  ☑ County Mental Health Directors
☐ Area Agencies on Aging  ☑ Health Services
☐ Aging and People with Disabilities  ☑ Office of Developmental
☒ Self Sufficiency Programs  ☐ Disabilities Services(ODDS)
☐ County DD Program Managers  ☐ ODDS Children’s Intensive
☒ ODDS DD Program Managers  ☐ In Home Services
☐ Residential Services  ☐ Stabilization and Crisis Unit (SACU)
☒ Child Welfare Programs  ☑ Other (please specify): Brokerages,
                                 Provider Services Organizations

Policy/rule title: Individually-Based Limitations (IBLs) for individuals receiving Home and Community-Based Services

Policy/rule number(s): Release no:

Effective date: Expiration: 42 CFR 441.530; OAR 411-004

References: http://www.oregon.gov/DHS/SENIORS-
DISABILITIES/HCBS/Pages/ODDS.aspx

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

**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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