

Medicaid certified, licensed and endorsed provider controlled residential settings must demonstrate full compliance with all HCBS regulations, including those specific protections for individuals residing in residential service settings.

Implementation/transition instructions:

All HCBS settings under the policies of the Office of Developmental Disabilities Services (ODDS) must be fully compliant with HCBS requirements by September 1, 2018.

ODDS licensing and its designees will continue to conduct assessments of setting and service compliance with HCBS requirements to coincide with initial licensing and licensing renewals.

Beginning September 1, 2018, Medicaid certified, licensed or endorsed settings or providers found to be out of compliance with OAR 411-004 Home and Community-Based Settings requirements may be subject to fines, penalties, conditions, revocation or non-issuance of initial or renewal certification, licensing or endorsement following licensing reviews and in accordance with Oregon Revised Statute (ORS) or Oregon Administrative Rule (OARs).

Providers found to be non-compliant with licensing requirements, including HCBS standards, are required to complete and submit a plan of correction detailing their plan to become fully compliant within 60 days of the non-compliant finding. ODDS licensing and its designees will track the provider's progress implementing the plan of correction.

A provider must present evidence or receive a follow up visit validating the corrective action has been completed. Once the compliance is verified by ODDS licensing or its designee, ODDS licensing or its designee will update the status of the violation and reflect compliance status in ASPEN for the purposes of reporting to the Centers for Medicare and Medicaid Services (CMS).

Any individual plan, regardless of setting, including the use of restraints referred to as Safeguarding Interventions or the use of Safeguarding Equipment, must have an Individually-Based Limitation (IBL).

When an individual in a residential service setting requires restrictions on the following specific residential setting Home and Community-Based protections, an IBL must be in place:

- Access to personal food at any time;
- Locking bedroom door;

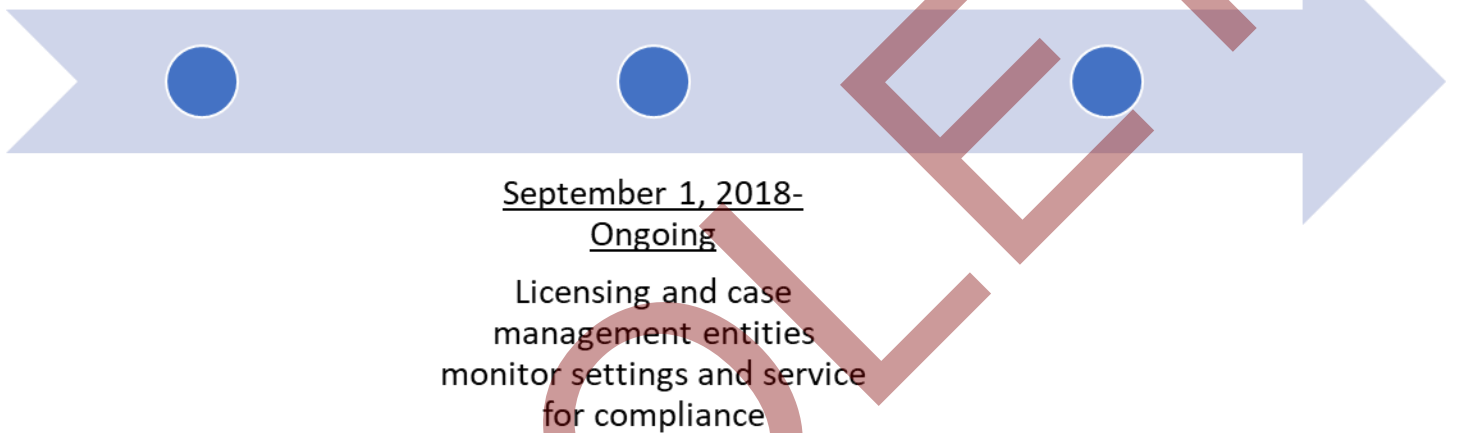
- Visitors at any time;
- Control of personal schedule and activities;
- Freedom to furnish and decorate the bedroom or unit; and
- Choice in shared bedroom roommate.

September 1, 2018

All ODDS Medicaid HCBS settings and services must be fully compliant with HCBS requirements

July 1, 2021

Oregon must be fully compliant with all Federal HCBS requirements



September 1, 2018-
Ongoing

Licensing and case management entities monitor settings and service for compliance

Training/communication plan: For more information about HCBS requirements, please reference the Home and Community-Based Services Oregon Administrative Rule Chapter 411 Division 4. The OAR can be accessed at: http://www.dhs.state.or.us/policy/spd/rules/411_004.pdf

Sheltered work settings: Additional information regarding requirements for transforming sheltered work settings can be found in the worker's guide found here: http://www.oregon.gov/DHS/SENIORS-DISABILITIES/HCBS/ODDS/HCBS_SW%20Request%20for%20Additional%20Time Worker%20Guide.pdf

Additional information related to HCBS requirements, including guidance on residential service setting requirements, the implementation of Individually-Based Limitations, on-site compliance assessments, and provider plans for correction may be found on the ODDS page of the Oregon HCBS website: <http://www.oregon.gov/DHS/SENIORS-DISABILITIES/HCBS/Pages/ODDS.aspx>

For further information regarding local program and licensing responsibilities to monitor ongoing compliance of provider settings, please see the following Information Memorandum Transmittal (APD-IM-18-009):
<http://www.dhs.state.or.us/policy/spd/transmit/im/2018/im18009.pdf>

For provider-owned, controlled, or operated Supported Living Settings, please reference the following Action Request Transmittal (APD-AR-18-005):
<http://www.dhs.state.or.us/policy/spd/transmit/ar/2018/ar18005.pdf>

Additional technical assistance may be requested via email at: ODDSHCBS.Assistance@state.or.us or by phone: (503) 945-9815

Local/branch action required:

ODDS licensing and its designees, including those staff responsible for the licensing and oversight of HCBS residential service settings must conduct on-site compliance assessments in accordance with each setting's licensing or certification cycle.

Services Coordinators and Brokerage Personal Agents must monitor service plans for compliance with HCBS requirements. Services Coordinators and Personal Agents are responsible for the completion and application of the Individually-Based Limitations process and authorization of IBLs.

Local programs are expected to assist licensing in providing technical assistance to providers and monitoring and reporting provider remediation status when a corrective action plan is in place due to non-compliance with HCBS requirements.

Central office action required: Licensing will report and update HCBS provider status in the ASPEN database. ODDS will track reporting and post quarterly reports of provider compliance status on the ODDS page of the Oregon HCBS website under "Provider Status Reports" at: <http://www.oregon.gov/DHS/SENIORS-DISABILITIES/HCBS/Pages/ODDS.aspx>

ODDS will also provide technical assistance to the field upon request.

Field/stakeholder review: Yes No

If yes, reviewed by: Publicly posted on the ODDS Engagement and Innovation website.

Filing instructions:

If you have any questions about this policy, contact:

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OBSOLETE