

Policy Transmittal Developmental Disabilities Services



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Number: APD-PT-20-037
Issue date: 3/26/2020

UPDATED

Topic: Developmental Disabilities

Due date:

Transmitting (check the box that best applies):

- New policy
 Policy change
 Policy clarification
 Executive letter
 Administrative Rule
 Manual update
 Other: Emergency Declaration

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: {Select type} | <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 checked="" type="checkbox"/> Stabilization and Crisis Unit (SACU) |
| <input type="checkbox"/> Support Service Brokerage Directors | <input checked="" type="checkbox"/> Other (<i>please specify</i>): ODDS Licensing; Residential Service Setting Providers and Provider Organizations; ORA; CPAO; SEIU; Residential Facilities Ombudsmen |
| <input checked="" type="checkbox"/> ODDS Children's Residential Services | |
| <input type="checkbox"/> Child Welfare Programs | |

Policy/rule title:	Notice of Exit in Foster Care and 24-Hour Residential Settings Limited to Emergency Medical and Behavioral Conditions Notice		
Policy/rule number(s):	411-325-0390; 411-360-0190; 411-346-0240	Release number:	v2
Effective date:	3/20/2020	Expiration date:	5/31/2020
References:			
Web address:			

Updated to include children's foster care providers

Discussion/interpretation: During the COVID-19 state of emergency situation in

Oregon, ODDS providers of Foster Care and 24-Hour Residential Service settings may only issue a notice of exit to individuals on the basis of a serious medical or behavioral emergency situation. The emergency medical or behavioral situation must “pose an imminent risk of harm to the individual or others and undue delay in moving the individual increases the risk of harm”.

ODDS acknowledges the challenges faced by the community during this time of crisis, including difficulties for providers in meeting the needs of individuals which may be affected by the current public health event. However, the safety and stability needs for individuals with intellectual and developmental disabilities must also be supported. It is critical for individuals to have continued access to stable housing and residential setting supports during this time of emergency. Although providers may be faced with resource challenges among other hardships during this time, it is the expectation of ODDS that providers will not issue a notice of exit to individuals unless there is an imminent danger. ODDS expects providers will make active efforts to support individuals in their current homes.

Implementation/transition instructions: ODDS licensed and certified residential service setting providers shall limit the conditions for which an individual is given a notice of exit to an emergency medical and/or behavior situation “that poses an imminent danger to self or others in the home and undue delay in moving the individual increases the risk of harm”.

A provider shall not provide a notice of exit to an individual on the basis of the individual contracting a communicable disease, such as the COVID-19 virus. The medical emergency must be such that the individual’s medical care needs are unable to be safely met in a community living setting. Providers shall be responsive to individuals showing symptoms of illness and/or with known exposure to COVID-19 and provide supports as appropriate.

For clarification, a provider may not issue a notice of exit to an individual due to challenges the provider is facing or the provider’s decision to change operational practices, including the following situations:

- Provider has limited staffing resources
- Provider desire to self-quarantine
- Provider has limited supplies or supplies are difficult to obtain
- Individuals no longer have alternate community activities to go to during the day such as employment or day services activities
- Provider desire to relocate

Even in the event of an emergency medical or behavior situation posing imminent danger, the provider shall make every effort to explore alternatives to safely support the individual and allow for the maximum amount of time possible for notification and

identification of another living situation for the individual.

Individuals who do receive notification of exit from a provider due to an emergency medical or behavior situation that poses imminent danger retain the right to dispute the notice and request a hearing in accordance with [ORS chapter 183](#) and [OAR 411-318-0030](#).

These emergency declaration limitations on notice of exit conditions are temporary and are specific to COVID-19. ODDS will revert to rule conditions and practices as stated in Oregon Administrative Rules 411-325-0390; 411-346-0240; and 411-360-0190 relating to notification of involuntary exit when it is determined that the emergency declaration is no longer necessary.

Stay Home Policy:

With a Stay Home directive from the Governor, providers must continue to educate individuals regarding the risk of leaving a home for a non-essential purpose. Providers do not need to restrict individuals from leaving but must do their best at finding alternatives for an individual to encourage them to remain home. Should an individual leave the home, providers must still allow the individual to return.

Providers are expected to follow [PT-20-028](#) related to visitation in 24-hour and adult foster home settings.

Providers do not need to call police unless there is a safety concern un-related to COVID-19 should an individual leave the home.

Training/communication plan:

For more information, please register for the April Provider Expectations and Responsibilities Around COVID-19 - Webinar at 2 pm on April 16, 2020 at:

<https://attendee.gotowebinar.com/register/7518400443284415756>

If you have any questions about this policy, contact:

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