

# Policy Transmittal Developmental Disabilities Services



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**Number: APD-PT-20-063**

**Issue date: 4/17/2020**

**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: COVID-19 Emergency Practice

**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 checked="" type="checkbox"/> Support Service Brokerage Directors  | <input checked="" type="checkbox"/> Other (please specify): DD   |
| <input checked="" type="checkbox"/> ODDS Children's Residential Services | Licensing; 24-Hour Residential Settings Providers and Provider Organizations, including: CPAO and ORA; Adult Foster Homes and SEIU; Child Foster Homes; Residential Facilities Ombudsman |
| <input type="checkbox"/> Child Welfare Programs                          |  |

<b>Policy/rule title:</b>	Capacity Changes in 24-Hour Residential Settings		
<b>Policy/rule number(s):</b>	OAR 411-325; 411-346; 411-360	<b>Release number:</b>	
<b>Effective date:</b>		<b>Expiration date:</b>	
<b>References:</b>			
<b>Web address:</b>			

**Discussion/interpretation:** Residential setting providers, including 24-hour residential and adult and child foster homes, may request temporary capacity changes to homes in response to the COVID-19 pandemic emergency.

Temporary capacity changes will authorize a provider to serve additional individuals in

a residential setting and, for 24-hour residential settings, may allow for existing tier funding rates to temporarily remain at their current level reflecting the lower capacity tier.

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

Provider desiring to change their residential setting capacity must request the change from ODDS licensing by completing and submitting the “ODDS Change in Licensed/Certified Capacity Request” form found on the ODDS COVID-19 Information webpage: <https://www.oregon.gov/DHS/SENIORS-DISABILITIES/DD/ODDS%20Resource%20Library/ODDS-Change-Licensed-Capacity-Request-form.docx>

Facility Requirements: 24-hour homes requesting a temporary increase in capacity that result in 6 or more individuals simultaneously supported in the home must meet the fire safety regulation requirement of an operating 13D residential sprinkler system as defined in the National Fire Protection Association standard in accordance with OAR 411-325-0270(1)(a)(B). No variances waiving this requirement will be granted by ODDS.

Adult foster care settings may not exceed a capacity of five individuals requiring care. Capacity includes consideration of all individuals receiving services as well children under 10 and other care-dependent persons of any age.

ODDS-certified child foster care settings may not exceed the capacity limitations as identified in OAR 411-346-0180(3).

Regardless of setting type, each individual must have access to their own bed, and capacity increases may not result in any household member using common areas of the home for their designated sleeping space.

### **Impacts to Service Rates:**

In 24-hour residential settings, temporary capacity changes to accommodate relief care or to support temporarily displaced individuals will not result in a rate change for the current residents of the home, even when under normal circumstances the change in capacity would result in a different SIS payment category.

24-hour residential setting changes in capacity that become long term placements continuing beyond the COVID-19 pandemic emergency situation will result in the rates for residents being adjusted to the new SIS payment categories based on capacity.

Changes to capacity in foster homes (child or adult) do not result in service rate changes.

### **Individual Rights:**

When a private room is being converted to a shared room in order to increase capacity, efforts should be made to get consent of the individuals involved, to the extent possible.

Scenarios:

The following are examples of situations where a change in capacity may be allowable:

<b>Situation</b>	<b>Allowable?</b>	<b>Time Limits</b>	<b>Rate Impact</b>
<b>An AFH serving 4 individuals wants to support an in-home adult by providing relief care. There are no children or other care-dependent persons in the home.</b>	Yes, need capacity increase from 4 to 5	Allowable through COVID-19 emergency situation- relief care funding time limits apply	No impact to individual residents. Relief care rates are in accordance with the Expenditure Guidelines
<b>A 24-hour residential setting home licensed for and supporting 3 individuals wants to support an individual from another site to separate the individual from a potentially infected housemate</b>	Yes, need capacity increase from 3 to 4	Allowable through COVID-19 emergency situation	No impact to individual rates as long as change in capacity is temporary
<b>A 24-hour home wants to increase capacity from 5 to 6 to serve an individual through relief care</b>	Yes, home may increase capacity if there is a 13D sprinkler system in place	Allowable through COVID-19 emergency situation- relief care funding time limits apply	No impact to individual rates as long as change in capacity is temporary to accommodate relief care
<b>A 24-hour home wants to increase capacity from 2 to 3 to support an individual receiving supported living to address staffing shortage (individual agrees to temporary arrangement)</b>	Yes, need capacity increase from 2 to 3	n/a- SL individual will need to authorize change in services from SL to 24-hour, even for short term placement	No impact to service rate for current residents, however, individual coming from SL will need their rate to be based on SIS tier/assessment

**Training/communication plan:**

**Please register for the ODDS May Provider Expectations Webinar on the Covid-19 Virus, May 21, 2020 at 2pm:**

<https://attendee.gotowebinar.com/register/9174809212972542221>

After registering, you will receive a confirmation email containing information about joining the webinar. Please send questions in advance to:

[ODDS.INFO@dhsoha.state.or.us](mailto:ODDS.INFO@dhsoha.state.or.us)

• **Submit capacity change requests to the ODDS licensing team to:**

[odds.licensing@dhsoha.state.or.us](mailto:odds.licensing@dhsoha.state.or.us)

Additional questions or requests for technical assistance may also be directed to:

Licensing- [odds.licensing@dhsoha.state.or.us](mailto:odds.licensing@dhsoha.state.or.us)

Payment- [ODDS.PaymentRequest@dhsoha.state.or.us](mailto:ODDS.PaymentRequest@dhsoha.state.or.us)

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

Contact(s): ODDS Licensing	
Phone:	Fax:
Email: <a href="mailto:ODDS.Questions@dhsoha.state.or.us">ODDS.Questions@dhsoha.state.or.us</a>	