

# Policy Transmittal Developmental Disabilities Services



Lilia Teninty

**Authorized signature**

**Number:** APD-PT-20-074

**Issue date:** 4/8/2021

**UPDATED #18**

**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:

**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 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"/> Support Service Brokerage Directors  | <input checked="" type="checkbox"/> Other ( <i>please specify</i> ): All DD Provider Agencies; Individuals; and Families |
| <input checked="" type="checkbox"/> ODDS Children's Residential Services |  |
| <input type="checkbox"/> Child Welfare Programs                          |  |

<b>Policy/rule title:</b>	ODDS Reopening Policy Worker's Guides and Updates		
<b>Policy/rule number(s):</b>		<b>Release number:</b>	
<b>Effective date:</b>	06/01/2020 Updated 07/07/2020 Updated 07/20/2020 Updated 08/19/2020 Updated 09/16/2020 Updated 09/29/2020 Updated 10/27/2020 Updated 11/10/2020 Updated 11/12/2020 Updated 11/16/2020	<b>Expiration date:</b>	These policies are in effect based on the phase a county is in.

	Updated 12/03/2020 Updated 12/21/2020 Updated 01/12/2021 Updated 01/14/2021 Updated 01/20/2021 Updated 02/03/2021 Updated 02/25/2021 Updated 03/04/2021 <b>Updated 04/08/2021</b>		
<b>References:</b>			
<b>Web address:</b>	<a href="https://www.oregon.gov/DHS/SENIORS-DISABILITIES/DD/Pages/ODDS-COVID-19-information.aspx">https://www.oregon.gov/DHS/SENIORS-DISABILITIES/DD/Pages/ODDS-COVID-19-information.aspx</a>		

**Updates for 04/08/2021**

**Updates to the DSA and Employment Worker Guide are being changed to reflect:**

- 1. Allow group services during extreme or high risk levels if the employer affirms that 80% of all Employment or DSA staff employed by the provider that are in direct contact with clients, have been vaccinated;**
- 2. Clarify that staff may shadow other staff during moderate and low risk levels, with the individual’s permission;**
- 3. Updates to the informed choice sample tool on “Making a Plan for Work and Community Activities” in order to incorporate reference to the COVID-19 vaccine;**
- 4. Update to reflect that in-person licensing may take place for Employment and DSA in all risk categories except “extreme” risk; and**
- 5. To clarify that Staffing Support information is no longer requested from non-contracted entities.**

**For all Medicaid Agencies, this AR also seeks to clarify that due to COVID-19, for the year of 2020 (January 1, 2020 – December 31, 2020), ODDS will waive the audit requirement for a Medicaid Agency certified and endorsed to provide program services, receiving less than 750,000 in revenue per fiscal year as outlined in OAR 411-323-0030(5). This must resume for 2021 (January 1, 2021 – December 31, 2021).**

**End of updates for 04/08/2021**

### **UPDATED 3/4/2021**

The CME reopening guide has been updated to clarify that in person visits are expected when there are concerns about significant risks to health and safety. It has been updated with guidance about resuming service reductions and terminations.

The Residential reopening guide has been updated to add Resident Facilities Ombudsmen volunteers as essential visitors in counties that are “high”, “moderate” or “low” risk.

### **UPDATED 2/25/2021**

#### **Licensing and Certification On-site Visits Resume 3/1/2021:**

The ODDS “Residential Setting Reopening” and “Licensors Reopening” guides have been updated to reflect the resumption of on-site licensing visits as a required part of the initial and renewal licensing or certification process for 24-Hour Residential and foster care settings. The renewal process will be a hybrid of on-site visitation combined with the review of electronic records off-site. Licensors and certifiers will continue to conduct on-site visits to address health and safety concerns.

#### **Criminal Background Check Extensions:**

Criminal background checks that were extended in 2020 continue to be extended through 2021, with no one having an expiration in 2021. Criminal history check renewals will be conducted in 2022.

### **UPDATED 2/3/2021**

The Employment and DSA temporary emergency guide for COVID-19 has been updated to:

1. Permit one to one (1:1) Employment and DSA services for up to six individuals (not including staff) in buildings that are more than 500 square feet, with significant physical distancing between 1:1 cohorts, preferably including floor-to-ceiling walls during Extreme and High Risk levels. Reopening plan acknowledgement must be submitted to ODDS.
2. Specify that employment and DSA providers may not condition services on a person having the COVID-19 vaccine.
3. Clarify Discovery requirements.
4. Added headers and other changes to make this guide more accessible.

### **UPDATED 1/20/2021**

- The in-home agency and CME guides have been updated to describe the option, during the public health emergency, for the parent of a minor child to be assigned as an employee (DSP) to the child by an agency provider.

\* The federal public health emergency has been extended through April 21, 2021.

### **UPDATED 1/14/2021**

This update is primarily related to the recent availability and prioritization for receipt of the COVID vaccine. Please see the [COVID-19 Vaccine and I/DD Services](#) fact sheet, including the additional links embedded there.

- The residential and supported living reopening guides describe expectations for providers in supporting individuals to access the vaccine, including that persons necessary to administer the vaccine in are considered essential visitors.
- The CME guide has been updated to describe the CME's role in the vaccination roll out and to provide context.
- The licensing guide contain new information about the review of COVID screening documentation

### **UPDATED 1/12/2021**

The CME guide has been updated to provide information related to the use, during the PHE, of parents as PSWs for their minor children.

### **UPDATED 12/21/2020**

- This transmittal has been updated to reflect changes to the requirements for the Employment and DSA Reopening worker's guide. Specifically:
  - During Extreme Risk Level, permit 1:1 DSA and Employment Path at a provider site for up to six people (including both supported individuals and support staff) with significant physical distancing between each 1:1 staffing. An approved Reopening Plan, or as of the release of this update, a Reopening Plan Acknowledgement must be completed by the provider prior to the date of deliver of any facility based services.
  - Effective 12/18/2020, providers must sign the ODDS form acknowledging provider COVID-19 policies, and, in lieu of a written reopening plan, submit this to ODDS along with an emergency plan. Providers do not have to resubmit emergency plans that have been approved since March 2019. Providers that do not have approved emergency plans must submit the plan and all deficiencies previously identified must be addressed. Specifically:
    - For providers who have an already approved Reopening Plan, services may continue so long as the acknowledgement is submitted to ODDS on or before 1/15/2020.
    - For providers who have a submitted (but not yet approved) Reopening Plan, the Regional Employment Specialist will work with your agency to ensure all emergency plan information is documented and get an acknowledgement signed so your agency can resume services.
    - For providers who have not yet submitted a reopening plan, your agency

may submit the acknowledgement anytime on or after 1/15/2020, as ODDS is prioritizing finalizing already submitted plans at this time. If there is a significant need to resume service prior to 1/15/2020, please contact your Regional Employment Specialist.

#### **UPDATED 12/3/2020**

- This transmittal has been updated to reflect all current COVID related transmittals and communication strategies (below)
- Guides and this transmittal have been updated to show the move from phased reopening to a four level, risk based reopening.
- The residential guide clarifies that a COVID negative test may not be required for a resident to re-enter their home.
- The Employment and DSA guide updates to reflect the four level, risk based reopening, clarifies some reporting requirements, and clarifies that DSA or Employment Path may be utilized to help someone access and learn how to use various IT programs.
- The CME guide adds that service reductions are allowed in cases of erroneous eligibility determinations and presumed eligibility determinations that are later determined ineligible.

#### **UPDATED 11/16/2020**

- In response to Oregon's "freeze" on reopening, starting 11/1/8/20, guides are being updated to reflect stricter visitation policies for residential settings.
- Guides are being updated to draw attention to the travel advisory put into place on 11/13/20.
- The ODDS Employment, DSA, or Attendant Care services may only occur in an individualized 1:1 setting, and not in a group. No more than six people, including staff, in a provider site or facility at a time.
- Support to use small group or employment path to do essential work may continue if previously approved for baseline and phase one.
- Individualized 1:1 services (Job Coaching, Discovery, Path, or DSA) may continue. - -
- Remote services may continue.
- Provider may reopen under an ODDS-approved reopening plan once a county returns to Phase 2 without Pause to Reopening.

#### **UPDATED 11/12/2020**

Oregon OSHA issued new COVID rules effective November 16, 2020 prescribing additional standards for employers to implement in workplace settings. Depending on the provider's status as an employer, service settings where individuals receive agency supports may be impacted by the new OSHA regulations.

The new OSHA rules apply to provider employers and requirements may vary from ODDS COVID operations policies. The ODDS COVID operations policies continue to

apply. OSHA is a distinctly separate program not affiliated with ODDS. ODDS, including licensors and certifiers, are not responsible for the implementation or monitoring of OSHA regulations in service settings.

Additional updates include:

- Clarification of essential visitors in residential settings. A “paused” status overrides a county’s reopening phase designation and the limit on number of visitors to a home does not include provider, DSP, or caregiver staffing.
- Clarification of a provider’s expectation to communicate exposure and outbreak concerns with other service providers.
- Submission timeline for submission of electronic documentation for licensing reviews has been shortened to three business days (for the items that previously allowed for seven business days).
- Providers are required to submit COVID screening logs as part of required documentation for licensing or certification reviews.
- Updated clarification and expectations related to the use of masks or face coverings for employment or day services.

#### **UPDATED 11/10/2020**

- As of 11/10/20 the Governor declared a “pause” on reopening activities in five counties. This list may be updated from time to time. A provider is responsible for knowing the status of the county where they are delivering services and to deliver them according to the applicable reopening guide. “Paused” counties can be found [here](#). Visitation guidance has been updated for residential settings in counties declared to be in “paused” or baseline status. Essential visitors do not include friends or family for a setting in a paused county.
- The residential guide clarifies that providers may not prohibit or inhibit people from leaving or returning to their homes.
- The employment/DSA guide is being updated to clarify:
  - Individuals must wear masks for any group/facility Employment, DSA, or Community Transportation services. Accommodations will be made for individuals through alternative service settings.
  - Clarification on exposure notification and closure requirements when there is a COVID-19 exposure in an Employment or DSA service setting.
  - Non-residential day services permitted during Baseline or any Pause on Reopening include:
    - Remote or virtual services
    - Job Coaching
    - Discovery
    - Small Group or Employment Path services that take place at an essential business.
    - Individualized 1:1 Employment Path/Day Support Activities *that take place in the community or at a provider site. This 1:1 service or agency attendant*

*care may not occur in a group. Group-based services may occur for individuals who reside together in one home.*

- No agency services may occur in a group during baseline, phase one, or a pause to reopening, unless the individuals reside together in the same home.
- Provider agencies must have an ODDS-approved reopening plan to deliver any Employment, DSA, or Attendant Care services in a group or at a provider site (either 1:1 or in a group).

#### **UPDATED 10/27/2020**

- Reopening guides have been updated to reflect staff qualification requirements have been extended or modified.
- Guides have been updated to expand essential visitors to include family members, guardians, and close personal relationships, and allow for essential visitors in all counties, regardless of reopening phase.

#### **UPDATED 9/16/2020**

- Each reopening guide is being updated to provide notice that spit guards are not an acceptable face covering and are not considered masks.

Please note as described below in the Discussion/Interpretation section of this transmittal, these reopening guides have replaced most COVID-related transmittals. The list of transmittals that have been replaced is below.

#### **UPDATED 8/19/2020**

- The CME guide is being updated to remove the expiration date for summer hours. They are available until further notice. There is no change to the types of supports that make up attendant care. Supports remain limited to ADL, IADL, and health related tasks. It also clarifies that attendant care use is not restricted based on the hours of the “school day.” Information about appropriate use of DSA and benefits counseling for transition age individuals has been added.
- The residential guide extends COVID related rate exceptions until further notice. It adds additional information about exceptional rates. It stresses the importance of follow visitation guidelines.
- All Tier Memos with an expiration date of 08/31/2020 are automatically extended by way of this transmittal.

#### **UPDATED 7/20/2020**

- The employment/DSA guide is being updated to reflect a limit of 10 participants inside a building or facility.
- The employment/DSA guide and the in home guide require “camps” to have a reopening plan.

- Residential and supported living providers are required to make masks available for individuals for when they leave their home.
- The Licensing guide announces the resumption of 120 day reviews effective August 1, 2020.
- Nothing in these updates changes previous guidance related to visitors in residential settings.

### **UPDATED 7/7/2020**

- The residential, supported living and in-home reopening worker guides linked below have a new requirement around an agency's responsibility when an employee may have been exposed to COVID-19.
- The residential guide has also been updated to describe mask and face covering requirements for Adult Foster Care providers.
- The list of obsoleted transmittals below has been updated.
- The list of COVID-19 symptoms and essential person screening questions have been updated where appropriate.
- The employment guide identifies that employment path services at a provider site must include a community component.

### **Discussion/interpretation:**

ODDS responded rapidly to the COVID-19 pandemic and state of emergency. This was done primarily through a series of transmittals and supporting documents describing various temporary changes to normal policy and operations. As Oregon begins reopening, it is ODDS' desire to consolidate these COVID-19 related changes into six guides, each targeted to a specific audience. These guides will replace most of the transmittals released since the start of the COVID-19 pandemic. The guides are ODDS policy. The target groups are:

- Case Management Entities (CMEs):  
[Case Management Reopening Worker's Guide](#)
- 24 Hour Residential and Foster Care Providers:  
[Residential Reopening Worker's Guide](#)
- Employment and Day Support Activities Providers:  
[Employment and DSA Reopening Worker's Guide](#)
- Supported Living Providers:  
[Supported Living Reopening Worker's Guide](#)
- In-Home Agency Providers:  
[In-Home Agency Reopening Worker's Guide](#)
- Licensors:  
[Licensing Reopening Worker's Guide](#)

Transmittals aimed at other provider types (including Personal Support Workers [PSWs] and Behavior Consultants) will remain in place.



There are also several resources for Individuals and Families regarding re-opening including:

- [COVID-19 Reopening Powtoon](#)
- [Developing a Plan for Returning to Work and Activities](#)

Oregon's overall re-opening strategy has transitioned from a three-phase reopening plan to a four level risk based plan, as directed by Gov. Brown. Different counties may be in different risk levels at the same time, and the different risk levels may affect the policies contained in these guides. The guides will be updated to reflect policy changes based the phases and now, risk levels. The applicable policy is based on the risk level of location of the service or setting. A link to a county's risk level may be found on [this page](#). All the information in the guides attached to this transmittal are [posted here](#).

The following COVID-19 related transmittals are now obsolete:

- Action Requests (all year 2020): 011, 018, 019, 020, 021, 022, 023, 024, 027, 028, 029, 033, 036, 040, 049, 050, 057, 058, 059, 060.
- Informational Memoranda (all year 2020): 024, 028, 031, 032, 040, 045, 048, 050.
- Policy Transmittals (all year 2020): ): 015, 018, 021, 023, 024, 027, 028, 029, 030, 031, 035, 036, 037, 038, 039, 042, 043, 044, 046, 049, 050, 052, 053, 055, 056, 057, 058, 059, 061, 062, 063, 066, 067, 068, 073.

The following transmittals remain valid are not incorporated into a guide:

- [AR-20-030](#) Behavior Professionals with expiring "G" level OIS certificates
- [AR-20-031](#) COVID-19 Scenarios Tools
- [AR-20-037](#) ODDS COVID-19 Staffing Support
- [AR-20-039](#) PSW Request for lost payment Hardship Benefit (PTO)
- [AR-20-042](#) Temporary Changes to CDDP Adult Abuse Investigation Practice
- [AR-20-049](#) Information to report to ODDS re: individual and paid providers
- [AR-20-051](#) PSW Payment Processing Changes
- [AR-20-055](#) Training Opportunity Through Open Future Learning
- [AR-20-059](#) Notification of potential COVID-19 exposure
- [IM-20-026](#) Behavior Professionals and home visits during CV19
- [IM-20-041](#) PPE Masks and Gloves for Personal Support Workers
- [IM-20-116](#) Attendant Care Services and School
- [IM-20-125](#) COVID compliance assistance
- [PT-20-025](#) Presumed Eligibility Guidance
- [PT-20-045](#) "Stay at Home, Save Lives," Executive Order 20-12
- [PT-20-048](#) Temporary policy changes to (PASRR) process
- [PT-20-064](#) COVID-19 CARES Act benefits and resources
- [PT-20-069](#) LTCR Extension for DD Providers in eXPRS
- [PT-20-071](#) Department funding of Assistive Technology
- [PT-20-075](#) Scenarios and Reporting requirements for COVID-19

[PT-20-079](#) COVID-19 and CAM Reporting

[PT-20-083](#) COVID-19 and CAM Reporting for Abuse Investigations and Death Reviews

[PT-20-092](#) Summer Hours Extended; Attendant Care During 2020-2021 School Year

[PT-20-111](#) OIS Expiration Extension for Independent Providers of Professional Behavior Services

**Training/communication plan:**

CMEs: Questions sent to [ODDS.Questions@dhsosha.state.or.us](mailto:ODDS.Questions@dhsosha.state.or.us) will be addressed during the monthly CDDP/Brokerage Managers meeting.

Providers: Questions sent to [ODDS.Questions@dhsosha.state.or.us](mailto:ODDS.Questions@dhsosha.state.or.us) will be addressed during the regularly scheduled webinars for providers (2<sup>nd</sup> Wednesday of the month at 2:00 pm):

[Join Microsoft Teams Meeting](#)

OR

[+1 971-277-2343](tel:+19712772343) Conference ID: 403 980 561#

**Field/stakeholder review:**  Yes  No

**If yes, reviewed by:**

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

Contact(s): ODDS COVID-19 Team	
Phone: NA	Fax: NA
Questions: <a href="mailto:ODDS.Questions@dhsosha.state.or.us">ODDS.Questions@dhsosha.state.or.us</a>	