

# Policy Transmittal Developmental Disabilities Services



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**Number: APD-PT-20-109**

**Issue date: 10/9/2020**

**Topic: Foster Care**

**Due date: Upon Release**

**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 checked="" type="checkbox"/> Area Agencies on Aging: Types A and B | <input checked="" type="checkbox"/> Health Services   |
| <input checked="" 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 type="checkbox"/> Stabilization and Crisis Unit (SACU)   |
| <input type="checkbox"/> Support Service Brokerage Directors              | <input checked="" type="checkbox"/> Other ( <i>please specify</i> ): AFH Providers covered by the 2019-2021 SEIU AFH Collective Bargaining Agreement - and APD/Triple AAA's, ODDS, HSD Adult Foster Home Licensors and Providers. |
| <input type="checkbox"/> ODDS Children's Residential Services             |   |
| <input type="checkbox"/> Child Welfare Programs                           |   |

<b>Policy/rule title:</b>	AFH Licensing Inspections & CBA		
<b>Policy/rule number(s):</b>		<b>Release number:</b>	
<b>Effective date:</b>	Upon release	<b>Expiration date:</b>	
<b>References:</b>	2019-2021 AFH Collective Bargaining Agreement		
<b>Web address:</b>			

**Discussion/interpretation:**

As part of the 2019-2021 Collective Bargaining Agreement (CBA) between the Department of Administrative Services on behalf of the State of Oregon and the Service Employees International Union (SEIU) local 503, Adult Foster Homes (AFH), the two parties agreed to the following language in a new article (14) related to

licensing inspection visits across all Oregon Department of Human Services (ODHS)/Oregon Health Authority (OHA) Adult Foster home settings covered under the CBA:

*“Inspectors (licensors) are required to show department valid ID”*

*“Inspections may be conducted with or without an appointment except if advance notice may obstruct or seriously diminish the effectiveness of the inspection or enforcement of rules. This provision is not intended to conflict with the Oregon Administrative Rules for each program and where there is a conflict the appropriate OAR will prevail.”*

*“In order to ensure consumers have the attentive care they need, DHS/OHA and/or their contractors shall consider, when determining whether or not to schedule a renewal visit by appointment at a date and time agreeable to all parties, whether or not the visit might require the licensee or their staff to divert their attention from a consumer to the inspector (e.g. the inspection of provider files and paperwork). This provision is designed to acknowledge and respect the provider, the sanctity of the home and the range of support needs for residents who rely on staff for their support and care.”*

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

All DHS/OHA licensing authorities that operate with the Adult Foster Home CBA should review their rules, policies and practices/procedures regarding the scheduling of renewal inspections and the use of valid identification and adjust their policies, practices and procedures accordingly.

While attempts at scheduling **renewal** visits/inspections should be a joint cooperative effort by both AFH providers and licensing authorities, the responsibility to complete and submit all the renewal licensing requirements in a timely manner (as outlined in rule) falls on the provider. Continuous documented cancellations of renewal visits or inspections by the provider may lead to late provider payments, expiration of the renewal or a denial of the license renewal.

In addition, the cooperative scheduling of visits only pertains to **licensing visits related to (licensing) renewals**. All other type of inspections or visits by licensors or other applicable regulatory entities including but not limited to health and safety inspections or regularly scheduled monitoring visits, may continue to be unscheduled per specific program rule. This includes cases of visits or inspections during the period of renewal where the department or licensing entity needs to regularly monitor or has health and safety concerns. Licensing entities should delineate and document its own and providers efforts for the scheduling of renewal inspections.

The requirement of scheduling inspections for licensing renewals does not apply to other regulatory entities that are not involved in the inspection or renewal of the AFH license such as the Residential Facility Ombudsmen’s office, local or state Fire Marshal office, state or local police authorities, Centers for Medicare and Medicaid Services, Oregon Health Authority, and the Oregon Department of Human Services and their auditors.

All inspections/visits by ODHS, OHA their contractors or designee’s requires’ valid identification.

**Training/communication plan:**

This information will be communicated to AFH providers through SEIU, department specific website updates and provider alerts.

**Local/branch action required:**

All department and local designated licensing authorities-Aging and People with Disabilities (APD); Area Agencies on Aging (AAA); the Office of Developmental Disabilities Services (ODDS)/Community Developmental Disabilities Program (CDDP's); and the Health Services Division (HSD) will update their inspection policies or procedures to incorporate the requirements.

**Central office action required:**

All APD, ODDS and HSD offices covered by the CBA agreement will be required to review the AFH requirements with its department and locally designated AFH licensing authorities.

**Field/stakeholder review:**     Yes     No

**If yes, reviewed by:**

**Filing instructions:**

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

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