

THE FOLLOWING CHANGES AFFECT MULTIPLE RULES OR APPLY BROADLY TO MULTIPLE PROGRAMS

REMOVED FROM OARS/WAIVERS – WILL NO LONGER BE AVAILABLE AFTER JULY 1, 2014:

- Occupational Therapy, Physical Therapy, and Speech Therapy removed from rules for services funded by the HCBS Waiver. A template notice will be provided to each CDDP and brokerage that has an individual receiving this service.
- Family Training and Counseling will no longer include counseling. Organized conferences and workshops will be the means of getting this service. A template notice will be provided to each CDDP and brokerage that has an individual receiving this service.
- Specialized Supports from the supports waiver will no longer be considered separately from Behavior Consultation
- Supported Employment has been changed to discreet services in order to align with Oregon's Employment First policy and CMS guidance
- Community Living and Inclusion Supports from the supports waiver has been removed from the waiver. The supports have been clarified as a k-plan service
- Support Service Brokerage Operations renamed Fiscal Management Services with a revised definition and change in provider type to a Financial Management Service Agency
- Translation removed from kids waivers as a discreet service. Available as an administrative function

ADDED INTO OARS/WAIVER- WILL BE AVAILABLE AS OF JULY 1, 2014:

- Rules define and operationalize services added to the HCBS Waiver
 - Specialized Medical Supplies
 - Vehicular Modifications
 - Environmental Safety Modifications
 - Individual Directed Goods and Services (CIIS waivers)
- Employment Services will include:
 - Supported Employment – Individual Employment
 - Supported Employment – Small Group Employment
 - Employment Path Services
 - Discovery Services
 - Provider types will include independent providers for some services where only agency providers had been allowed (due to a change with the comprehensive waiver).
- Requires participation in the Functional Needs Assessment and requires notification to the individual or the representative that participation is mandatory. Services will be denied for refusal to participate.
- Kids' rules will have expanded provider options. Provider organizations with existing adult certifications will be allowed to provide services to kids when their staff are appropriately qualified and will not require additional certification.
- PSW will have background check portability (see below).

CHANGES MADE TO REFLECT CURRENT PRACTICES OR POLICIES:

- The term community for use in the delivery of community transportation services has been defined in service rules
- Employer Responsibilities are described in all rules where an individual or their representative can hire a PSW along with the criteria for intervention when Employer Responsibilities are not being met, appeals process, etc.
- Clarification on the case management contact frequency requirements.
- Social support and Communication support have been identified as an IADL support
- Clarity on service eligibility based on Medicaid type. OSIPM qualified individuals can access SPPC, HCBS waiver, and Community First Choice (k-plan) if all other eligibility qualifications are met. OHP Plus, MAGI qualified individuals can access SPPC and Community First Choice (k-plan) if all other eligibility qualifications are met. CHIP qualified individuals can access SPPC.
 - Language included surrounding transfer of assets related to qualifying for Medicaid via MAGI rules. DMAP will determine if individuals qualified for Medicaid via MAGI rules are eligible for Long Term Care.

THE FOLLOWING ARE CHANGES MADE SPECIFICALLY TO INDIVIDUAL PROGRAM RULES

NEW RULES:

- The rules in OAR chapter 411, division 317 for General Definitions is a new rule detailing
 - General definitions used broadly across Developmental Disabilities OARs will be found in this rule
 - This rule will be referenced in program rules rather than repeating definitions in each rule
- The rules in OAR chapter 411, division 318 for Individual Rights, Notices, Complaints, and Contested Case Hearings for Developmental Disability Services is a new rule detailing:
 - Rights of individuals receiving services
 - Process for reporting and investigating a complaint regarding a service or service provider
 - Requirements for notification in the event a service is denied, reduced, suspended, or terminated and the contested case hearing process for challenging a denial, reduction, suspension, or termination of service
 - Requirements for notification in the event of an involuntary exit or transfer and the contested case hearing process for challenging an involuntary exit or transfer

Note: This rule replaces provisions that were duplicated in many multiple program rules related to rights, notices, complains, and contested case hearings

- The rules in OAR chapter 411, division 375 for Personal Support Worker Providing Developmental Disability In-home Services is a new rule detailing:
 - Qualifications, orientation, enrollment of PSWs
 - Responsibilities and roles of the Employer, PSW, and the Service Coordinator or Personal Agent
 - Fiscal reporting, billing, withholdings, payments, and overpayments
 - Provider inactivation and termination processes and notification requirements; and
 - Background Check portability which allows for the possibility of a PSW to be approved to provide services statewide

Note: OAR amendments will also allow a PSW who had a criminal history check completed between July 2012 – July 2014 to work between CDDPs and Brokerages within the age group that they originally identified on their criminal history check (children or adult).

AMENDED RULES:

- The rules in OAR chapter 411, division 320 for Community Developmental Disabilities Programs have incorporated the following changes:
 - Requirements to offer individuals in comprehensive services an array of options in residential placement settings and providers and exceptions to those requirements
 - Requirement to incorporate a Career Development Plan into the ISP
 - Clarified requirements for Individual Support Plans to align with k-plan and CMS expectations
 - Eligibility clarifications in the following areas
 - Clarify citizenship requirements
 - Clarify assessments able to be used in determining eligibility and when those assessments should be used related to age, diagnosis, and impairment level
 - Amend the age requirements for school aged redeterminations depending on the documentation that was used to determine initial eligibility
 - Identify that motor impairment as a condition, diagnosis, or syndrome which adaptive behavior cannot be primarily attributed to for the purposes of determining eligibility.
- The rules in OAR chapter 411, division 328 for Supported Living Services for Adults with Intellectual or Developmental Disabilities have incorporated the following changes :
 - Aligned the requirements for Behavior Consultant services with the 24-Hour Residential OAR
 - Aligned the rules regarding Protective Physical Interventions with the 24-Hour Residential OAR
- The rules in OAR chapter 411, division 330 for Comprehensive In-Home Supports for Adults with Intellectual or Developmental Disabilities have incorporated the following changes :
 - Allow for the use of Support Services Brokerage ISP to be used in Comprehensive In-Home Supports program for up to 90 days after transfer from Brokerage
 - Clarification of limits on k-plan and HCBS Waiver services ancillary to the ANA assessed hours

- The rules in OAR chapter 411, division 340 for Support Services for Adults with Intellectual or Developmental Disabilities have incorporated the following changes :
 - Support Services Brokerages are no longer able to sanction provider organizations, that authority is designated to Office of Licensing and Regulatory Oversight
 - Clarification for when a Supports Services Brokerage must exit an individual from services
 - When the individual moves out of Oregon or to an area outside the brokerage’s geographic service area.
 - Requirement to incorporate a Career Development Plan into the ISP
 - Requirement for monitoring contact at least every three months
 - Timelines for individuals requesting transfer to CDDP Case Management or another available Support Services Brokerage
 - Clarification of limits on k-plan and HCBS Waiver services related to the ANA assessed hours
 - Specifies that an in home comp plan written by a CDDP can act as an ISP for 90 days following a transfer.

- The rules in OAR chapter 411, division 345 for Employment and Day Support Activities for Adults with Intellectual or Developmental Disabilities have incorporated the following changes:
 - Aligns the rule with Oregon’s Employment First Policy, Executive Order No. 13-04, and Oregon Administrative Rules 407-025-0000 through 407-025-0120 under which the employment of individuals with developmental disabilities in fully integrated work settings is the highest priority over unemployment, segregated employment, or other non-work day activities. Additionally, the delivery of Employment Services presumes all individuals eligible for services are capable of working in an integrated employment setting and earning at least minimum wage.
 - Defines and clarifies requirements for the Career Development Plan that will be completed as a part of the ISP.
 - Changes definitions for Employment Services to align services with Oregon’s Employment First policy, CMS guidance, and available waiver services.
 - Aligns provider qualifications and requirements with Oregon Administrative Rules 407-025-0000 through 407-025-0120 and Executive Order No. 13-04.
 - Amends the term “Alternative-to-Employment”, or ATE. ATE is no longer a waiver service. The amended term, “Day Support Activities” describes k-plan services of attendant care and skills training, from a provider agency that provides attendant care or skills training in a community based setting subject to assessed need.
 - Adds individuals enrolled in Support Services Brokerages as eligible to receive these services.
 - Adds Independent Providers to qualified provider types.
 - Clarifies limits on waiver Employment Services available to individuals.
 - Provider qualifications described to reflect waiver and the Employment First Policy

Note: Further clarification on the implementation of changes made to Employment and Day Support Activities will be provided by ODDS in separate communication. This document intends to communicate changes made to the OARs.

- The rules in OAR chapter 411, division 360 Adult Foster Homes with Intellectual or Developmental Disabilities have incorporated the following changes :

- Adopted language consistent with House Bill 4151 allowing Adult Foster Homes to refuse residence to an individual on parole, probation, or post-prison supervision after being convicted of a sex crime
- Details the rights and responsibilities for individuals, providers, and Service Coordinators related to terminating residence for individuals residing in an AFH where the provider was not informed of the individual's conviction status

THE FOLLOWING RULES ARE BEING UPDATED TO INCORPORATE LANGUAGE AND OTHER NON-PROGRAM SPECIFIC CHANGES TO ALIGN WITH THE BROAD CHANGES AFFECTING MULTIPLE RULES

- The rules in OAR chapter 411, division 300 for Children's Intensive In-home Services Behavior Program*
- The rules in OAR chapter 411, division 305 for Family Support Services for Children with Intellectual or Developmental Disabilities*
- The rules in OAR chapter 411, division 308 for In-home Support for Children with Intellectual or Developmental Disabilities
- The rules in OAR chapter 411, division 323 for Agency Certification and Endorsement to Provide Program Services for Individuals with Intellectual or Developmental Disabilities
- The rules in OAR chapter 411, division 325 for 24-Hour Residential Services for Children and Adults with Intellectual or Developmental Disabilities*
- The rules in OAR chapter 411, division 346 for Foster Homes Children with Intellectual or Developmental Disabilities*
- The rules in OAR chapter 411, division 350 for Medically Fragile Children's Services*
- The rules in OAR chapter 411, division 355 for Medically Involved Children's Program*

*These rules will not be filed effective 7/1/14. Their effective date is TBD.