

Developmental Disabilities Services

Worker Guide: Designated Representatives

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Role of a designated representative

Any person eligible for services funded by the Office of Developmental Disabilities Services (ODDS), or their legal representative, may appoint a designated representative.

When a designated representative is appointed, they are responsible for directing the development of the Individual Support Plan (ISP) and overseeing the use of paid supports. Their responsibilities include, but are not limited to:

- Authorizing the ISP
- Authorizing service agreements
- Approving changes to providers, service amounts, and authorized services
- Communicating about service adequacy, satisfaction with supports, and any changes in support needs as part of case management monitoring

A designated representative's authority is limited to decisions related to the ISP and the use of paid supports. They **cannot** make decisions for the person receiving services in areas outside of the ISP. Examples of decisions a designated representative cannot make include, but are not limited to:

- Educational decisions, including development of the Individualized Education Plan (IEP)
- Decisions about where the person lives
- Medical decisions

A person receiving services is **not** required to appoint a designated representative. However, if the person chooses to use a legal representative as a paid provider, the appointment of a designated representative is required.

Support with decision making and planning

When a designated representative is appointed by the person receiving services, and no legal representative has been authorized to make decisions on the person's behalf, the person receiving services continues to direct the development of the Individual Support Plan (ISP) and the use of paid supports.

The designated representative provides support in planning and decision-making according to the person's preferences. This support may be as limited or as extensive as the person chooses.

The specific role and responsibilities of the designated representative can be documented in the case management section of the ISP, the Appointment of Designated Representative form, or in another support document.

The role of the designated representative, or the person's preferences regarding that role, may change during the ISP period. Any changes can be documented on a Change Form or by updating the Appointment of Designated Representative form, or support document.

Documentation must include the approval of the person receiving services and acknowledgement by the designated representative of their responsibilities. This may be recorded through progress notes or by obtaining signatures.

Conflict of interest

A conflict of interest happens when someone can benefit from decisions made in their role. In ODDS-funded services, this often happens when a person can influence the services in an Individual Support Plan (ISP) and is also paid, directly or indirectly, to provide those services.

Anyone who is paid to deliver services in an ISP cannot plan or authorize the services in the ISP. When a court-appointed legal representative wants to be a paid provider, they must appoint a designated representative to direct the planning and use of services.

This appointment must be made using the Appointment of Designated Representative form. The legal representative must agree in writing that they will not plan or authorize services. The designated representative must agree to take on that responsibility.

The person under guardianship cannot be appointed as the designated representative.

A designated representative may also act as the employer of Personal Support Workers (PSWs), but is not required to. Any employer must follow the responsibilities in rule 411-375-0055.

Parents who are paid providers through the Children's Exceptional Needs Program must appoint a designated representative when there is no other unpaid parent available. This applies only to ISP-related services and does not limit the parent's ability to make medical or educational decisions outside of the ISP.

Note: Some legal representatives may not have the authority, under their guardianship order, to delegate the responsibility for directing services. ODDS, CDDPs, and Brokerages cannot provide legal advice. If a legal representative is unsure, they may choose another provider or seek legal guidance.

Resources

Definitions:

"Designated Representative":

- Means a person who is 18 years of age or older, such as a parent, family member, guardian, or advocate, who is:

- Chosen by an individual or their legal representative.
 - Not a paid provider for the individual.
 - Authorized by the individual, or as applicable their legal representative, to serve as the representative of the individual, or as applicable, their legal representative, in connection with the provision of funded supports.
- The power to act as a designated representative is valid until an individual modifies the authorization.
 - An individual or their legal representative is not required to appoint a designated representative.

Forms that apply:

Appointment of Designated Representative form

Frequently Asked Questions:

You can get this document in other languages, large print, braille or a format you prefer free of charge. Contact the Office of Developmental Disabilities Services at dd.directorsoffice@odhs.oregon.gov or 503-945-5811 (voice/text). We accept all relay calls.



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