

<b>Topic:</b>	<b>Cross-Program Residential Setting Admission</b>	
	<b>Date Issued/Updated:</b>	January 2025

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## Overview

**Description:** This worker guide applies when a person chooses a residential setting licensed by ODDS with service funding from a source other than ODHS (Oregon Department of Human Services) ODDS (Office of Developmental Disabilities Services) or APD (Aging and People with Disabilities).

**Purpose/Rationale:** Specific actions are required for a placement across programs to occur.

**Applicability:** Case managers have a critical role in supporting people to choose a residential setting and authorizing services. Service providers play an important role in gathering sufficient information about the support needs of the prospective new resident, assessing safety risks, and requesting permission to enter the individual from another funding source into a licensed home.

## Procedure(s) that apply

An ODDS-approved variance is required for individuals receiving residential service setting funding from a source other than ODDS or APD **prior** to entry into an ODDS-licensed residential setting. This requirement applies to ODDS-licensed:

- 24-Hour Residential Program Settings;
- Host Homes; and
- Adult Foster Homes.

Currently, ODDS Oregon Administrative Rules (OARs) only allow entry into ODDS-licensed residential settings by individuals receiving residential service setting funding from ODDS or APD. ODDS-licensed settings may be accessed by persons receiving service setting funding from a source other than ODDS or APD when a variance is approved by ODDS. (OAR 411-335-0390(2)(a)(C); OAR 411-348-0390(2)(a)(C); and

Under Oregon's K-Plan (Community First Choice State Plan) and Home and Community-Based Services (HCBS) Medicaid regulations, an individual may choose to receive services from "among available setting options". (42 CFR 441.530(a)(1)(ii); ORS 427.107(2)(j); OAR 411-004-0020(1)(b); and OAR 411-318-0010(1)(o)). This means any person who is eligible for K-plan services may choose a qualified, available provider or setting regardless of where the individual receives case management.

ODDS-licensed settings also may be accessed by individuals needing support and services under a variety of circumstances, including Medicaid waiver, private pay and out-of-state arrangements. Children receiving services through ODHS Child Welfare or Oregon Youth Authority (OYA), or a person receiving services from Oregon Health Authority (OHA) Health Systems Division or Behavioral Health may also utilize residential settings licensed by ODDS, with an approved variance from ODDS.

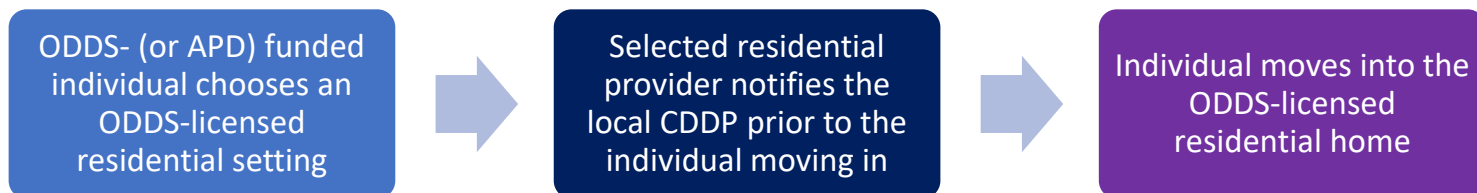
**OAR requires notification to the local Community Developmental Disabilities Program (CDDP) of the intended entry *prior* to an individual moving into an ODDS-licensed home.** (OAR 411-325-0390(3)(a)(A); OAR 411-348-0390(3)(a)(A); and OAR 411-360-0190(3)(a)(A)). The local CDDP is the CDDP geographically associated with the physical location of the licensed home. The notification requirement applies regardless of an individual's eligibility, services, or funding source.

In addition to the required notification, a residential setting provider must submit a variance requesting permission from ODDS to admit a person who does not meet the current OAR entry standards of eligibility for ODDS or APD services.

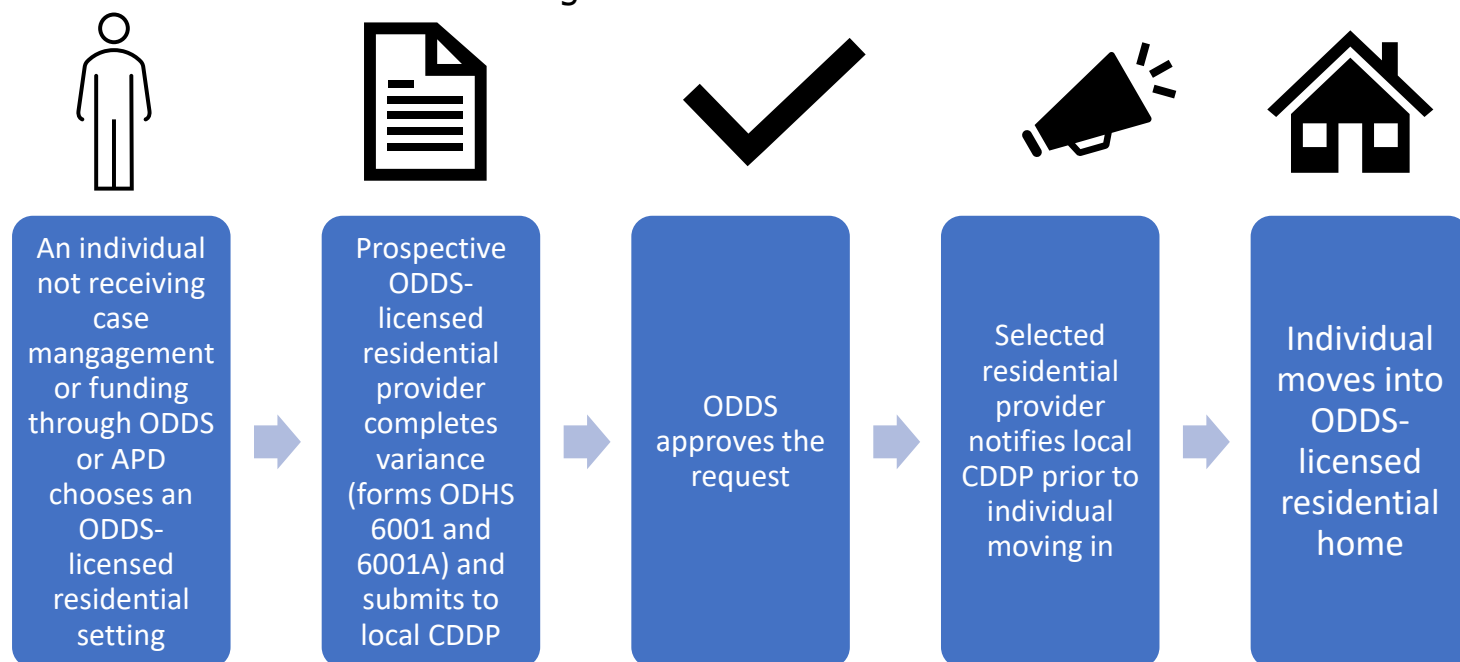
A variance is also required to request permission from ODDS to allow adults (persons aged 18 or over) to receive services in the same foster home setting as a minor (children under the age of 18). 24-hour homes serving mixed age populations must have prior approval from the Department through ODDS Licensing and a license age change request must be approved by ODDS.

ODDS or APD Funded Individual Entering an ODDS-Licensed Residential Setting






### Individual with Funding from a Source Other Than ODDS or APD



The variance must be requested on the ODDS form- ODHS 6001 "ODDS Variance Request" and submitted by the provider to the local CDDP. The form may be found at <https://sharedsystems.dhsoha.state.or.us/DHSForms/Served/de6001.docx>

Instructions for completing the variance form may also be found on the ODHS Forms Server- form DHS 6001i- Instructions for Completing (DHS 6001) ODDS Variance Form: <https://sharedsystems.dhsoha.state.or.us/DHSForms/Served/de6001i.docx>

## ODDS Variance Request



**Oregon Department  
of Human Services**  
OFFICE OF DEVELOPMENTAL DISABILITIES SERVICES

☐ New Request     
 ☐ Previously Approved/Continuing Request     
 ☐ Urgent Request\*

This form must be completed by the provider requesting the variance and submitted to the appropriate case management entity. Instructions to complete this form are here ([DHS 6001i](#)) or on the forms server. The CDDP or Brokerage will submit the request to ODDS. CDDPs and Brokerages requesting a variance may send the request directly to ODDS. Only electronic variance requests will be accepted. Submit requests to: [ODDS.Variances@dhsoha.state.or.us](mailto:ODDS.Variances@dhsoha.state.or.us).

The form must be electronically completed with all parts filled out. The rule citation for the variance to permit entry of an individual who receives case management or funding from a source other than ODDS or APD will be one of the following:

- 24-Hour Residential Program Settings: OAR 411-325-0390(2)(a);
- Host Home Settings: OAR 411-325-0390(2)(a); or
- ODDS-Licensed Adult Foster Homes: OAR 411-360-0190(2)(a).

The variance request must include a plan for monitoring of services and safety in the home as well as a plan for ongoing communication and coordination with the DD services CME.

Generally, service monitoring is the responsibility of the program funding the services for the individual. However, if an ODDS program case management staff observes a situation where support (or the lack of) or conditions appear to be in conflict with rules, policies, or regulations, they are expected to take appropriate action. This includes notification to the appropriate parties such as the case management entity responsible for funding and monitoring services for the individual, ODDS licensing, or abuse reporting, etc. ODDS licensing (or its designee) will have operational oversight and compliance monitoring responsibility of the provider related to all applicable ODDS rules for all residents of the home.

The provider must also assess the safety risk associated with the entry of the proposed resident. The safety assessment must be documented on the DHS 6001A form and submitted with the variance request. The form must be completely filled out, including identifying risks associated with the proposed new resident and all current individual residents in the home.

Please note the form is titled "ODDS Variance Supplement Safety Assessment-Provider Serving Children and Adults in the Same Home". This form is to be used whenever there is a variance to serve someone outside of ODDS or APD-funded services, regardless of age differences (or not) between the proposed resident and other individual residents in the home.

The DHS 6001A form may be found on the ODHS form server site at <https://sharedsystems.dhsoha.state.or.us/DHSForms/Served/de6001a.doc>.

**ODDS Variance Supplement  
Safety Assessment-Provider  
Serving Children and Adults  
in the Same Home**



**Oregon Department  
of Human Services**

**OFFICE OF DEVELOPMENTAL DISABILITIES SERVICES**

**This form must be submitted with the ODDS Variance Request Form (DHS 6001) for each individual whose chronological age is outside the target population of a provider's license or certificate.**

Provider:   
Physical Home Address:   
Home License Type: ☐ CW-foster ☐ DD-CFH ☐ DD-AFH ☐ DD 24-HR ☐ DD Host Home  
Home Capacity:  Number of Individuals w/DD-Funded Placement in the Home:   
Number of other children and vulnerable adults in the home:   
Individual:  Date of birth:

The provider must affirm the following information as part of the variance request:

- The provider has completed a thorough screening regarding the proposed new resident, including assessment of:
  - Support needs and safety risks; and
  - How the introduction of the new resident may impact other occupants of the home.
- The provider must attest that they are equipped to meet the needs of the proposed new resident, including details such as whether the admission of the individual will require a change in licensing or adding additional staff or other modifications to the home or its operation; and
- The provider is familiar with and understands that accepting an individual for admission to the home may result in the provider being responsible for compliance with all relevant ODDS Oregon Administrative Rules (OARs), statutes, policies, transmittals, federal regulations, contracts and enrollment agreements, as well as any relevant OARs, policies, and contracts, etc. from the funding program.

The CDDP must review the request and may provide a recommendation regarding approval or denial before sending the request to ODDS. ODDS will then review and make a determination of the request. ODDS will notify the provider and CDDP of the decision.

Approval of a variance is required **prior** to entry of an individual who does not have

current eligibility and access to Oregon ODDS- or APD-funded services.

When a variance is approved for the entry to occur, the provider must still provide notification of the intended entry to the local CDDP. Providers are also expected to notify their local ODDS case management entity when a resident from another program moves out of the home. The provider is requested to provide notification to the CDDP of an exit from the home by an individual as well.

## Frequently Asked Questions

**Q: Is a background check required for persons entering the home if they are from another service system or private pay?**

A: No, individual service recipients are not subject to background check requirements. The provider is expected to thoroughly screen prospective residents, including requesting available information and making an assessment of safety risks as part of the decision to enter a new resident into a licensed home.

**Q: Are ODDS case management entities responsible for service monitoring for residents from other service systems?**

A: No, ODDS case managers and services coordinators are only responsible to provide service monitoring for those individuals assigned to their CME. However, a CME representative who observes potential licensing violations or concerns is expected to report these to ODDS licensing for follow up. Any suspected abuse or neglect must be reported per mandatory reporting requirements.

**Q: Are ODDS and CDDP licensors responsible for reviewing compliance of the provider related to services for residents from other service systems?**

A: Generally, yes. ODDS and CDDP licensing evaluate the provider's compliance with ODDS requirements. The individual from a service system outside of ODDS might not be included in a sample review of compliance, however, ODDS and CDDP licensing have the authority and responsibility to ensure that providers are meeting ODDS requirements per rule, contract, statute, and policy for the operation of and all services provided in the setting. Licensing may issue citations (or take any other appropriate corrective action) for any violations observed, regardless of which individuals reside in the home.

**Q: How is the service rate determined for an individual from service system outside of ODDS?**

A: The service rate for an individual from outside of ODDS funding must be consistent with the ODDS rates for the same or similar services. Individuals from other service systems or private pay may not be charged a service rate less than an ODDS service rate for a similar service.

**Q: Do the same rules apply for individuals from other service systems living in ODDS-licensed settings?**

A: Yes, the provider is bound under the services and setting rules for which they are licensed and endorsed. This includes individual rights and home and community-based services (HCBS) and settings protections. Even when individuals are funded from non-HCBS sources, compliance with individual rights and settings requirements still must occur. Providers are responsible for knowing and following any applicable rules and regulations specific to the individuals entered into the home from other service systems and payment sources in addition to compliance with all applicable ODDS-related rules and regulations.

**Form(s) that apply**

- [ODHS 6001: ODDS Variance Request](#)
- [ODHS 6001A: ODDS Variance Supplement Safety Assessment- Provider Serving Children and Adults in the Same Home](#)
- [ODHS 6001i: Instructions for Completing \(DHS 6001\) ODDS Variance Request](#)

**Reference(s)**

**Oregon Administrative Rules (OARs)**

- [411-00: Home and Community-Based Services and Settings and Person-Centered Service Planning](#)
- [411-318: Individual Rights, Complaints, Notification of Planned Action and Contested Case Hearings for Developmental Disabilities Services](#)
- [411-325: 24-Hour Residential Programs and Settings for Children and Adults with Intellectual or Developmental Disabilities](#)
- [411-348: Host Home Programs and Settings for Children with Intellectual or Developmental Disabilities](#)

**Oregon Revised Statute**

- [Chapter 427: Persons With Intellectual or Developmental Disabilities](#)

**Code of Federal Regulation**

- [42 CFR 441.530 Home and Community-Based Setting](#)

## **ODDS Policy Transmittal**

- [DD-PT-22-013: ODDS Variances](#) - New Forms and Instructions Available

## **Contact(s)**

### **Submission of Variance to ODDS:**

[odds.variance@odhs.oregon.gov](mailto:odds.variance@odhs.oregon.gov)

### **Licensing-Related Questions:**

*(including requests for change in capacity and ages served in 24-hour homes)*

[dd.licensing@odhs.oregon.gov](mailto:dd.licensing@odhs.oregon.gov)

### **Policy Questions Related to ODDS-Licensed Residential Settings:**

[rose.k.herrera@odhs.oregon.gov](mailto:rose.k.herrera@odhs.oregon.gov)