



Oregon

Kate Brown, Governor

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Dear Employer of Record,

There are some rule changes coming November 1, 2019 that impact Personal Support Workers (PSWs). This email contains a summary of the two main changes: **Serious Incident Reporting** and **Dual Roles**, and how this impacts you as an Employer of Record. Please read this information carefully.

Dual Roles

Effective January 1, 2020, PSWs may not be authorized or reauthorized to also provide skills training or attendant care services as a Community Living Support agency staff or Direct Support Professional (DSP) to the same person. This is called a dual role.

What does this mean for me as an Employer of Record?

This means if you employ a Personal Support Worker, you cannot employ that same person from an agency as a Direct Support Professional.

What happens if the PSW currently works for an agency?

Services Coordinators and Personal Agents (case managers) will be working with PSWs, agencies, employers and other members of the person's team to identify ways for the person to continue to get their needs met.

A case manager will not be able to reauthorize services where a PSW is also an agency staff for the same person.

The rule requires that changes happen at the time that the person's annual Individual Support Plan, or ISP, renews. By December 31, 2020, all existing dual roles must be ended.

Are there any exceptions?

"Assisting People to Become Independent, Healthy and Safe"

PSWs who work for an agency to provide Employment or Day Support Activities to the same person are not included in this rule change. What this means is that a PSW may provide Activities of Daily Living (or ADL/IADL) in-home services as a PSW and employment or Day Support Activities with a provider agency. A PSW may not provide employment services as a PSW and employment services as a provider agency as this does not work with the current employment model. If there are questions specific to this, please e-mail employment.first@state.or.us.

PSWs can continue to work for agencies if they provide services to different people that they do not work for as a PSW.

Serious Incident Reporting

Effective November 1, 2019, Personal Support Workers must report serious incidents to a supported person's case manager (Services Coordinator or Personal Agent) immediately, but no later than one business day after an incident happens. You can help your PSW understand what is now required of them.

What kinds of things are PSWs required to report?

- Serious illness that will result in hospitalization, bodily injury, or death without treatment.
- Serious injury that risks a person's life or permanent injury without treatment.
- Physical aggression resulting in injury to the person, PSW, or others.
- Person receives emergency medical care.
- Person is missing beyond the time frame established in their ISP.
- Person is admitted to a psychiatric hospital.
- Person attempts suicide.
- Person has an unplanned hospitalization.
- A medication error that results in harm or puts the person's health and safety at risk.

- A safeguarding intervention or the use of safeguarding equipment included in a Positive Behavior Support Plan results in injury.
- The use of a physical restraint that is not included in a Positive Behavior Support Plan.
- Death

What must be included in the report?

- Name of the person
- Date, time, duration, type, and location of the incident
- What happened before, or leading up to, the incident
- Detailed description of the incident, including what you did
- Description of injury, if injury occurred
- Name of the PSW and any other witnesses to the incident
- Actions by the PSW or others to keep the incident from happening again

Where can I get more information?

ODDS has created a training for PSWs and other providers to learn about their responsibilities to report incidents. See more information in this transmittal: [APD-IM-19-068 Provider and Partners CAM training in iLearn.](#)

More information, including this communication in other languages, is available online at: <https://www.oregon.gov/DHS/SENIORS-DISABILITIES/DD/PROVIDERS-PARTNERS/Pages/psw-resources.aspx>