



Agreement Number 148087

**AMENDMENT TO  
STATE OF OREGON  
INTERGOVERNMENTAL AGREEMENT  
FOR THE FINANCING OF  
COMMUNITY DEVELOPMENTAL DISABILITY SERVICES**

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This is amendment number 01 (the "Amendment") to Intergovernmental Agreement Number 148087 (the "Agreement") between the State of Oregon, acting by and through its Department of Human Services, hereinafter referred to as "DHS" and Yamhill County ("County").

**AMENDMENT**

1. This Amendment shall become effective on the date this Amendment has been fully executed by every party and, when required, approved by Department of Justice.
2. The Agreement is hereby amended as follows:
  - a. **EXHIBIT A DEFINITIONS** is supplemented to add a new section 3. "Career Development Plan" as follows. The remaining sections of EXHIBIT A are renumbered consecutively.
    3. "Career Development Plan" or "CDP" has the meaning set forth in OAR 411-317-0000 (25).
  - b. **Effective July 1, 2015, EXHIBIT B PART 1, FINANCIAL TERMS AND CONDITIONS**, is supplemented to include a new section 6. "County Responsibilities with regards to Lane v. Brown et al Settlement Agreement" as follows.
    6. **County Responsibilities with regards to Lane v. Brown et. al. Settlement Agreement**

County shall develop a Career Development Plan (CDP) consistent with ODDS policy and administrative rules as well as Executive Order 15-01 as part of the ISP for all Individuals of working age including transition age Individuals prior to their expected exit from school or within one year of an unexpected exit from school.

B.O. 112-392

- a. County shall submit copies of the CDP documents to DHS upon request or cooperate with ODDS field review to verify compliance with timely development of CDPs.
- b. In the event the County fails to develop a CDP for any Individual, the County shall take corrective action and develop the CDP within 90 days of the date the County is notified by DHS or self identifies the absence of a required CDP. The development must meet the requirements as outlined in ODDS' policy and administrative rule. These newly developed CDPs must be submitted to ODDS for a quality assurance review.
- c. DHS has elected to add this requirement as a performance based measure and failure to comply shall subject County to the process described in Section 8 Performance Measure Requirements of Exhibit B Part 1.

The remaining sections of **EXHIBIT B PART 1** are renumbered consecutively as follows: language to be deleted or replaced is ~~struck through~~; new language is **underlined and bold**.

- ~~6-7.~~ **Other performance requirements.**
- ~~7-8.~~ **Performance Measure Requirements.**
- ~~8-9.~~ **Process for Settlement.**
- ~~9-10.~~ **Carryover.**
- ~~10-11.~~ **Quality Assurance.**

- c. **EXHIBIT B PART 2, SERVICE ELEMENT STANDARDS AND PROCEDURES**, is hereby amended as follows: The following Service Element Standards and Procedures are superseded and restated in their entirety, as set forth in the Service Element Standards and Procedures attached hereto and incorporated herein by this reference.

- DD 02 Local Administration (LA)
- DD 48 Waivered / Targeted Case Management (WCM/TCM)
- DD 50 Residential Facilities
- DD 51 Supported Living Services
- DD 55 Abuse Investigation Services
- DD 58 Adult Foster Homes
- DD 58 Child Foster Homes
- DD 142 Children's Residential Facilities
- DD 157 Regional Crisis and Back-Up Services

3. Except as expressly amended above, all other terms and conditions of the original Agreement and any previous amendments are still in full force and effect. County certifies that the representations, warranties and certifications contained in the original Agreement are true and correct as of the effective date of this amendment and with the same effect as though made at the time of this amendment.

4. Signatures.

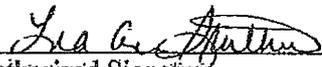
Yamhill County

By:

 Chair, Board of Commissioners 9/29/16  
Authorized Signature Title Date

State of Oregon, acting by and through its Department of Human Services

By:

 ODHS, CO 10/12/16  
Authorized Signature Title Date

Approved for Legal Sufficiency:

/s/ Dee K Carlson September 7, 2016  
Assistant Attorney General Date

Accepted by Yamhill County  
Board of Commissioners on  
9.29.16 by Board Order  
# 16-392

## Service Element DD 02 Standards and Procedures

**Effective Date:** July 1, 2015  
**Service Name:** Local Administration (LA)  
**Service ID Code:** DD 02

### 1. Overview.

DD 02 Services encompass the activities related to the general administration and management of a Community Developmental Disability Program (CDDP). In addition to administrative and management activities, DD 02 involves the:

- a. Planning and coordination of needed community services;
- b. Specific functions required for the effective implementation of services (e.g., eligibility determination, quality assurance, abuse investigation, etc.); and
- c. Planning, access and oversight of specific services such as Family Support Services, In-Home Support Services for Children, Comprehensive In-home Support Services for Adults, etc.

### 2. Standards and Procedures.

#### a. General Performance Requirements

(1) In providing DD 02 Services for DHS, County shall:

- (a) Comply with OAR Chapter 411, Division 320, as such rules may be revised from time to time.
- (b) Develop, maintain, and effectively implement systems and procedures for the timely and accurate documentation of Services.
- (c) Comply with all DHS requirements designed to assure the timely and accurate enrollment, service authorization, and service payment for Individuals receiving Intellectual or Developmental Disability Services (I/DD Services). These requirements include, but are not limited to, the following:
  - i. Completion of eligibility determination and redetermination;
  - ii. Completion of initial Level of Care (LOC);
  - iii. Annual LOC and Individual Support Plan (ISP) reviews;
  - iv. Completion of all documentation required by DHS policies and procedures in a timely manner for each Individual;
  - v. Completion of annual assessments for each Individual for the I/DD Services the Individual receives, as applicable; and

- vi. Submission of all required budgets, forms, etc., to DHS in a timely manner as specified in the DHS policies and procedures.
- (d) Comply and track compliance with Oregon Administrative Rules, DHS policies and procedures, and Transmittals, including those related to implementation of the DHS Employment First Policy and Executive Order 15-01.
- (e) Assist DHS with the implementation of and compliance with Executive Order 15-01 and OAR Chapter 407, Division 025 that are designed to:
  - i. Improve Oregon's delivery of employment services so as to provide the best possible opportunities for success and Choice for Individuals receiving employment services; and
  - ii. Improve Oregon's delivery of employment services, with the goal of achieving integrated employment for Individuals with I/DD consistent with their abilities and Choices.
- (2) County, as a Provider of DD 02 Services that are funded by DHS, must:
  - (a) Employ an identified individual as an Eligibility Specialist, as defined in OAR 411-320-0020 (39), or have an agreement with another county to perform eligibility determination for the County receiving the DD 02 funding. If there is an agreement with another county to perform eligibility determinations, the agreement must include the provision of DD 02 Services in that county's geographic Program Area. Eligibility Specialists employed to provide eligibility services must:
    - i. Meet the criteria of a Services Coordinator as defined in OAR 411-320-0020 (102), as such rules may be revised from time to time;
    - ii. Complete a competency based training given by DHS' Diagnosis and Evaluation Coordinator within one year of hire;
    - iii. Participate in DHS sponsored training on an annual basis; and
    - iv. Participate in a minimum of 20 hours of training related to Developmental Disabilities or eligibility on an annual basis.
  - (b) The Provider of DD 02 Services funded by DHS, whether County, a CDDP, or Subcontractor, must employ the staff indicated on its workload model in the specific position type indicated for local administrative services. The Provider must hire as many employees as possible for each identified position per the funding allocated to Provider.

- (c) Employ sufficient staff to perform the eligibility determinations for its own County and the county with whom it is subcontracting if performing eligibility determinations for another county.
- (d) Use DHS approved forms and procedures for eligibility determination services.
- (e) Inform DHS' Office of Developmental Disability Services (ODDS) of the name(s) of the County's designated Eligibility Specialist(s), and notify ODDS if the County assigns a new Eligibility Specialist.
- (f) Follow the processes established by DHS to complete the Level of Care determination when an Individual is initially eligible for Developmental Disability Services.
- (g) Ensure any Provider of DD 02 Services for County completes the Eligibility Specialist section of the DHS Level of Care form within 10 calendar days of the date of initial eligibility. The LOC must be completed in its entirety as soon as possible after eligibility is determined, in compliance with OAR 411-320. Upon completion, the LOC must be submitted to ODDS within 30 calendar days.
- (h) Work with all Individuals and their ISP Teams to reevaluate the need for institutional LOC on an annual basis or more often if there is a change in an Individual's need or an Individual requests a review.
- (i) Terminate from Level of Care any Individual that does not meet the LOC eligibility requirements and refer the Individual to other non-waiver or non-K Plan Services.
- (j) Ensure that all Individual Service Plans address an Individual's assessed needs (including health and safety risk factors) and personal goals, either by waived service or other means as appropriate and allowed under the OARs.
- (k) Contact Individuals or their designated representatives as identified in an Individual's ISP and outlined in OAR 411.
- (l) Monitor and audit Provider performance at least annually or more frequently as required by OAR 411-320-0130 and when warranted more often to verify that I/DD Services are being delivered in accordance with the Individual's ISP and LOC, including the type, scope, amount and duration and frequency of Services as specified in the ISP.
- (m) Verify on a quarterly basis that each Provider is providing I/DD Services to eligible Individuals and Provider has not been sanctioned.

- (n) Coordinate with DHS to accomplish the full implementation of the DHS Employment First Policy and Executive Order 15-01, or any subsequent related State of Oregon Executive Orders, including but not limited to:
  - i. Increasing competitive integrated employment opportunities for eligible Individuals.
  - ii. Making good faith efforts, within available budgetary resources, to ensure that there are a sufficient number of qualified employment providers to deliver the services and supports necessary for Individuals to receive employment services consistent with the terms of Executive Order 15-01 or any related State of Oregon Executive Orders.
  - iii. Implementing any memoranda of understanding between the Office of Developmental Disability Services and DHS' Vocational Rehabilitation or the Oregon Department of Education that relate to the provision of employment services for eligible Individuals with I/DD in the County's geographic Program Area.
  - iv. Engaging in collaborative and cooperative planning and implementation activities with local partners such as DHS' Vocational Rehabilitation, support services brokerages and local education agencies. These activities include but are not limited to incorporating implementation efforts into the CDDP Management Plan and discussing plans and implementation status with the CDDP advisory group.
  - v. Completing career development plans for Individuals, as outlined in Executive Order 15-01, and Oregon Administrative Rule 411-345.
  - vi. Engaging in community outreach and awareness activities.
  - vii. Assuring County staff are trained and qualified to implement the provisions of the DHS Employment First Policy and Executive Order 15-01.
  - viii. Providing information and referral information to Individuals with I/DD and their families or representatives about the opportunities for and benefits of competitive integrated employment.
  - ix. Engaging in quality assurance and quality improvement activities as described in and required by the Agreement and the Service Element Standards and Procedures.
  - x. Collecting and reporting the following required data for working-age, eligible Individuals with I/DD in the County's geographic Program Area:

- A. The number of Individuals receiving employment services;
  - B. The number of Individuals working in the following settings: competitive integrated employment, self-employment, sheltered employment, and small group employment (eight or less);
  - C. The number of Individuals working in an integrated employment setting;
  - D. The number of hours worked per week and hourly wages paid to those Individuals;
  - E. The Choices made by Individuals between competitive integrated work, sheltered work, and not working; and
  - F. Complaints and grievances.
- (o) On an ongoing basis identify, address and seek to prevent instances of abuse, neglect and exploitation.
- (3) Upon DHS' request, County staff shall, per OAR 411-318-0025:
    - (a) Participate in informal conferences with DHS; and
    - (b) Testify at contested case hearings regarding eligibility reviews, adult needs assessments or child needs assessments findings.
- b. **Special Reporting Requirements**  
County shall supply, upon DHS' request, data and information relative to the implementation and administration of DD 02 Services.
  - c. **Billing and Payment Procedures**
    - (1) DHS will provide County with funding for DD 02 Services via the Service Element Prior Authorizations (SEPA) based on the approved CDDP funding formula model.
    - (2) DHS will disburse funding for DD 02 Services, for a specified period of time, in an amount equal to the monthly amount set forth in the accepted SEPA and approved in the Provider Prior Authorization (PPA), as such amounts may be updated from time to time, subject to the following:
      - (a) DD 02 Services delivered under the SEPA shall not exceed the total funds awarded for DD 02 Services as specified in the SEPA for DD 02 Services funded through the Agreement;
      - (b) If County fails to deliver DD 02 Services for part of a month, the funding for DD 02 Services for that month of will be prorated and DHS may reduce future disbursements of DD 02 funds accordingly.

- (c) If requested by DHS, County shall also accept an appropriate SEPA Adjustment to amend funding for DD 02 Services as a result of County's failure to deliver the DD 02 Services for a full month;
  - (d) DHS may, once every six months if applicable, increase County's monthly allotments based on Individual enrollment as identified through the County's DD 48 Case Management Services in eXPRS; and
  - (e) DHS may, upon written request of County, adjust monthly allotments.
  - (f) County shall accept a SEPA adjustment to reduce funding for DD02 Services to cover out of cycle processing costs, from the financial management service, at rate of \$150.00 per request plus \$27.50 per out of cycle payment issued, when the out of cycle payment is necessary due to County error.
- (3) Any local match funding applied for and received by County is to be used to assist with excess DD 02 Services rendered that were not previously covered by Federal Funds during the time period that funds are requested to cover, not to create a source of excess funding for previous expenditures or future needs.

d. Settlement

Settlement will be used to confirm and reconcile any discrepancies that may have occurred during the term of the Agreement between actual DHS disbursements of funding awarded for DD 02 Services under a particular line of the Service Element Prior Authorization and the amount of qualifying billable DD 02 Services actually delivered.

3. CFDA Number(s).

In accordance with the State Controller's Oregon Accounting Manual, policy 30.40.00.102, and DHS procedure "Contractual Governance", DHS' determination is that County is a vendor.

The Catalog of Federal Domestic Assistance (CFDA) #(s) of Federal Funds to be paid through the Agreement: 93-778.

## Service Element DD 48 Standards and Procedures

**Effective Date:** July 1, 2015  
**Service Name:** Waivered / Targeted Case Management (WCM/TCM)  
**Service ID Code:** DD 48

### 1. Overview.

Case Management Services (DD 48 Services) are delivered to Individuals who are eligible for Intellectual or Developmental Disability Services (I/DD Services) funded by DHS in an identified County's geographic Program Area. DD 48 Services include but are not limited to:

- a. Assuring the presence of the completed initial Level of Care determination (DD 02) and completing annual redeterminations for each Individual eligible for I/DD Services and Community First Choice State Plan Services or Home and Community-Based Waivered Services.
- b. Ensuring the development of an Individual Support Plan (ISP), as defined in OAR 411-320-0020 (61), for each Individual eligible for DD 48 Services.
- c. Monitoring the implementation and outcomes of the ISP for each Individual.
- d. Monitoring health and safety for Individuals receiving DHS-funded Services as per their ISP and in accordance with Oregon Administrative Rules.
- e. Assistance to Individuals or their families in accessing and obtaining available community services and supports.
- f. Assessing an Individual's eligibility for comprehensive services or support services and coordinating the Individual's access to those services. This includes assessing eligibility for and coordination of Services related to career development planning and employment, as described in OAR Chapter 411, Division 345.
- g. Monitoring the implementation of DD Services as described in OAR 411- 320-0020.
- h. Reporting abuse, providing protective services and assuring ongoing follow up as indicated in an investigative report as described in OAR Chapter 411, Division 320 for Individuals aged 18 and over, when a need for these Services is identified.

### 2. Standards and Procedures.

- a. General Performance Requirements
  - (1) For each eligible Individual receiving DD 48 Services, the County shall create and submit a Client Prior Authorization (CPA) in eXPRS for DD 48 Services within five business days of the County's determination that the Individual is eligible for DD 48 Services. Updates or changes to an Individual's eligibility or service period for DD 48 Services must be

reflected in the Individual's CPA within five business days of the County's receipt of notification of change. The DD 48 CPAs that are submitted successfully by the County and are accepted through eXPRS will serve as the County enrollment roster for DD 48 Services;

- (2) Providers of DD 48 Services funded by DHS shall:
  - (a) Comply with the requirements of OAR Chapter 411 Division 320, as such rules may be revised from time to time;
  - (b) Employ the staff indicated on its workload model in the specific position type indicated for case management services, whether County, a CDDP, or Subcontractor. The Provider must hire as many employees as possible for each identified position per the funding allocated to Provider.
  - (c) Complete annual plan entry into eXPRS Plan of Care for In-Home Services within 30 days of final signature on the ISP utilizing TBD for any Services where a Provider has not yet been identified. DHS shall not pay for any Services provided that were not authorized in POC prior to this 30 day deadline.
  - (d) Develop, maintain, and effectively implement systems and procedures for the timely and accurate documentation of DD 48 Services;
  - (e) Comply with all DHS requirements designed to assure the timely and accurate enrollment, service authorization, and service payment for Individuals receiving DD 48 Services;
  - (f) Provide, at minimum, one annual qualifying billable Claim for each Individual enrolled in DD 48 Services;
  - (g) Ensure that all Claims billed are for activities that meet DHS guidelines as qualifying billable Claims;
  - (h) Ensure each Individual receiving DD 48 Services is eligible for DD Services, with eligibility determined in accordance with OAR Chapter 411, Division 320, as such rule may be revised from time to time; and
  - (i) Complete and submit DD 48 Service eligibility or enrollment information via established methods, and update forms following instructions and forms(s) or method(s) designated by DHS. Failure to submit the DD 48 Service eligibility or enrollment form may delay the approval of the CPA for DD 48 Services.

**b. Special Reporting Requirements**

- (1) Upon the request of DHS, the County shall supply data and information relative to the implementation of DD 48 Services.
- (2) County shall respond to DHS staff inquiries or request for additional information within five business days of a request pertaining to a

complaint or administrative hearing to include but not be limited to eligibility or service complaints and hearings.

**c. Billing and Payment Procedures**

(1) Funding for DD48 Services are:

(a) Based upon the amount of qualified billable encounters or Claims submitted by the Provider of DD 48 Services, up to the monthly amount authorized by the County's DD 48 Services Provider Prior Authorization (PPA);

(b) Paid to the County after the Claims processing cycle on the 15<sup>th</sup> of the month based on:

i. Title XIX eligible Claims cleared since the first of the month; and

ii. Title XIX eligible Claims made for the previous month(s) that have cleared but have not previously been paid, will also be processed for payment at this time up to the monthly authorized amount.

*Note: Exception to this process is for those billings made prior to the effective date of the transition to the billable encounters or claims system, which are unpaid because they exceeded the payment cap for the month. These unpaid billings will be reconciled at the end of the biennium.*

iii. General fund Claims submitted for the time period between the 1<sup>st</sup> of the month and the 15<sup>th</sup> of the month will be held until the next monthly Claims processing cycle described in 2.c.(1)(c) of this DD 48 Standards and Procedures.

(c) Paid to County after the Claims processing cycle on the last day of the month based on:

i. If any funds remain or are available in the monthly authorized amount;

ii. Title XIX eligible Claims cleared since the 15<sup>th</sup> will be processed and paid first;

iii. Title XIX eligible Claims cleared but not yet paid for the previous month(s) will be processed and paid second up to the maximum monthly authorized amount;

iv. If any funds remain or are available for the month after payment of the Title XIX eligible Claims, general fund Claims that have cleared that month will be processed and paid third; and

- v. General fund Claims cleared but not yet paid for the previous month(s) will be processed and paid fourth until the monthly authorized amount is exhausted.

*Note: Exception to this process is for those billings made prior to the effective date of the transition to the billable encounters claims system. Any encounter entered before the effective date but not covered by previous allotment payments will be taken into account at the time of the final biennial settlement.*

- (2) DHS is not obligated to provide funding for any DD 48 Services that are not properly documented in Individual case files, or are not properly reported through eXPRS by the date 60 calendar days after the earlier of expiration or termination of the Agreement; termination of DHS' obligation to provide funding for DD 48 Services; or termination of County's obligation to include the Program Area in which DD 48 Services fall in its Community Developmental Disability Program (CDDP).
- (3) Provider of DD 48 Services shall resolve all Provider Liability Accounts (PLA) as shown in eXPRS relating to DD 48 Services, by ensuring the PLA ending balance is zero, within 60 calendar days after the earlier of expiration or termination of the Agreement with DHS; termination of DHS' obligation to provide funding for DD 48 Services; or termination of County's obligation to include the Program Area, in which DD 48 Services fall, in its Community Developmental Disability Program.
- (4) Each Individual receiving DD 48 Services must have an active, accepted CPA within eXPRS for the period DD 48 Services are provided to the Individual in order for Provider to submit a qualifying Claim.
- (5) For each unit of DD 48 Services reported in eXPRS as delivered to an Individual, a qualifying billable DD 48 Service must have been delivered to the Individual and sufficiently documented in progress notes within the Individual's file. DHS will not provide funding for more than one billable DD 48 Service or unit per Individual per day.
- (6) Settlement will be used to confirm and reconcile any discrepancies that may have occurred between actual DHS disbursements of funding awarded for DD 48 Services through a Service Element Prior Authorization (SEPA) and the amount of qualifying billable DD 48 Services actually delivered.

### 3. CFDA Number(s).

In accordance with the State Controller's Oregon Accounting Manual, policy 30.40.00.102, and DHS procedure "Contractual Governance", DHS' determination is that County is a vendor.

The Catalog of Federal Domestic Assistance (CFDA) #(s) of Federal Funds to be paid through the Agreement: 93-778.

## Service Element DD 50 Standards and Procedures

**Effective Date:** July 1, 2015  
**Service Name:** Residential Facilities  
**Service ID Code:** DD 50

### 1. Overview.

Residential Facilities Services (DD 50 Services) consist of 24-hour residential care and supervision to eligible Individuals in community licensed service settings.

### 2. Standards and Procedures.

#### a. Service Authorization

DD 50 Services must be authorized in advance by the County in which the Individual is enrolled and is receiving DD 48 Case Management Services. This authorization must be obtained and documented in accordance with Oregon Administrative Rules and DHS policies and procedures.

#### b. General Performance Requirements

- (1) Providers of DD 50 Services funded by DHS will provide those DD 50 Services in facilities licensed under the applicable Oregon Administrative Rule (OAR), as such rules may be revised from time to time.
  - (a) OAR Chapter 411, Division 325, 24 Hour Residential Services for Children and Adults with Developmental Disabilities;
  - (b) OAR Chapter 411 Division 054, Residential Care and Assisted Living Facilities;
  - (c) OAR Chapter 309, Division 035, Residential Care Facilities for Mentally or Emotionally Disturbed Persons.
- (2) Providers of DD 50 Services funded by DHS must comply with the OARs under which they are licensed.
- (3) Providers of DD50 Services must comply with 42 CFR § 441.530 that identifies the standards of Home and Community Based Services (HCBS) settings, and with Oregon's HCBS global transition plan and Oregon Administrative Rules regarding HCBS.
- (4) If a Provider of DD 50 Services provides such Services at a setting licensed under OAR Chapter 411, Division 325, 24 Hour Residential Services for Children and Adults with Developmental Disabilities, Provider shall comply with the following requirement:

The Board of Directors (or other governing authority of the residential facility, as applicable) of a Provider of DD 50 Services funded by DHS will define, establish, and maintain a "Vacancy Reserve" fund in a dollar amount sufficient to ensure that the Provider can continue to provide

Services that meet applicable statutory, administrative rule, and contract requirements, when payments to Provider are reduced due to vacancies. The Board or governing authority will implement the plan to replenish the Vacancy Reserve fund in a timely manner when the Vacancy Reserve fund falls below the level established by the Provider's Board or governing authority. Each Provider subject to the Vacancy Reserve fund requirement will include a line item on its routine financial statements that documents the status of its Vacancy Reserve fund. These financial statements must be made available to DHS or its designee upon request by DHS.

c. Special Reporting Requirements

- (1) If a Provider of DD 50 Services funded by DHS provides such Services at a setting licensed under OAR Chapter 411, Division 325, 24-Hour Residential Services for Children and Adults with Developmental Disabilities, the Provider will report to DHS the direct service staff wages and turnover data for each DD 50 Service type, using forms and procedures designated by DHS. Failure by a Provider to comply with this reporting requirement may result in a delay in payment to the Provider.
- (2) For purposes of Medicaid compliance, DHS must be notified when an eXPRS Disbursement Claim is submitted with a Modifier Code due to absence of the Individual receiving DD 50 Services, as identified under section 2.e. (2) of this Standards and Procedures. Provider of the DD 50 Services will notify DHS' Information Technology Business Support Unit/Technical Assistance Unit (ITBSU/TAU), using forms and procedures designated by DHS.

d. Placement, Rates, and Authorizations

- (1) Upon agreement between County and the Provider for Individual placement into a DD 50 Services setting, County will submit a Client Prior Authorization (CPA) for the specific Individual for DD 50 Services the County authorized at the DHS approved rate for a specified period of time. County shall not request payment for DD 50 Services provided prior to the submission of the CPA.
- (2) CPA Monthly Rate
  - (a) The CPA monthly rate for DD 50 Services in a 24-hour residential setting for adults is based upon the Individual's assessed tier and the licensed capacity of the home where the Individual resides as of the effective date of the CPA. The website <http://www.oregon.gov/dhs/DD/rebar/Pages/st-rate-info.aspx> details the current rates for each assessed tier and the licensed capacity. These rates are subject to change upon notice from DHS.  
  
For an Individual age 16 or older receiving DD 50 Services in a 24-hour residential setting for adults, who has been assessed by DHS through the Restructuring Budgets, Assessments, and Rates

(ReBAR) process for establishing DD 50 Service rates based on client service needs, the Individual's monthly rate shall be established as described above.

For an Individual less than age 18 (Child) receiving DD 50 Services in a 24-hour residential setting for children, a support needs assessment profile (SNAP) will be done to determine the monthly rate for the Child.

- (b) An Individual selecting a residential setting in accordance with OAR Chapter 411, Division 054 Residential Care and Assisted Living Facilities or OAR Chapter 309, Division 035 Residential Care Facilities for Mentally or Emotionally Disturbed Persons will have a DD 50 Service rate established by the application of the Individual's DD Functional Needs Assessment to the specific residential setting published rates for Services. The rates are subject to change upon notice from DHS.
  - (c) The CPA monthly rates for (a) and (b) above are established in eXPRS by the County.
- (3) For an Individual whose DD 50 Service needs exceed the assessed tier, an exception rate may be established by DHS. Notification of the DHS approved rate, with a specific effective date, will be submitted to the County and the Provider. This exception rate is considered a temporary rate enhancement and may be approved or discontinued at the discretion of DHS in conjunction with evaluation of the Individual's assessed support needs.

e. Billing and Payment Procedures

- (1) DHS will disburse funds to a Provider of DD 50 Services for amounts documented in a Disbursement Claim submitted to DHS by County for Services authorized by County and approved by DHS in a CPA, as soon as reasonably possible after submission and processing of the Disbursement Claim, in accordance with OAR Chapter 411, Division 370 and OAR Chapter 407, Division 120.

Payments from DHS to Provider for DD 50 Services will be reduced or offset by the amount paid directly to the Provider from the Individual's resources for support of residential care and services. Provider shall be responsible for the billing and collection of the offset amount.

- (2) DHS will allow payment for certain absences if the Individual receiving DD 50 Services is residing at the Provider's facility and overnight care is provided immediately prior to the absence, and:
- (a) The Individual is absent for not more than five consecutive days, as a result of incarceration or absence unreported to the Provider, and it has not been determined by Provider and County that the Individual will not be returning to the Provider's DD 50 Services facility; or

- (b) The Individual is absent for not more than 14 consecutive days, not to exceed 45 calendar days in any 12 consecutive month period, as a result of being on vacation or family visit(s), and it has not been determined by Provider and County that the Individual will not be returning to the Provider's DD 50 Services facility; or
  - (c) The Individual is absent for not more than 45 consecutive days, as a result of being on convalescent leave or admittance to either a medical hospital, a psychiatric hospital, or a DHS Stabilization and Crisis Unit, and it has not been determined by Provider and County that the Individual will be not be returning to the Provider's facility. If the Individual returns to the same DD 50 Service Provider placement within 90 calendar days, DHS may authorize up to an additional 15 calendar days of payment, but not to exceed 60 calendar days in the aggregate.
- (3) DHS is not obligated to provide funding for DD 50 Services if a Claim for Services is not submitted by the Provider within 12 months of the date such Services were provided, as described in OAR Chapter 407-120-0340 (7).

**3. CFDA Number(s).**

In accordance with the State Controller's Oregon Accounting Manual, policy 30.40.00.102, and DHS procedure "Contractual Governance", DHS' determination is that County is a vendor.

The Catalog of Federal Domestic Assistance (CFDA) #(s) of Federal Funds to be paid through the Agreement: 93-778.

## Service Element DD 51 Standards and Procedures

**Effective Date:** July 1, 2015  
**Service Name:** Supported Living Services  
**Service ID Code:** DD 51

### 1. Overview.

Supported Living Services (DD 51 Services) consist of individual support, delivered in a personalized manner, to adults with Developmental Disabilities based on the Individual's needs and preferences. These DD 51 Services include attendant care, training, and support that promote opportunities for Individuals to live in their own home or apartment or in their family home and to be part of and participate in the communities in which they live.

### 2. Standards and Procedures.

#### a. Service Authorization

DD 51 Services must be authorized in advance by the County in which the Individual is enrolled and is receiving DD 48 Case Management Services. This authorization must be obtained and documented in accordance with DHS policies and procedures.

#### b. General Performance Requirements

- (1) Providers of DD 51 Services funded by DHS must comply with OAR Chapter 411, Division 328, as such rules may be revised from time to time.
- (2) The Board of Directors (or other governing authority, as applicable) of a Provider of DD 51 Services funded by DHS must define, establish, and maintain a "Vacancy Reserve" fund in a dollar amount sufficient to ensure that the Provider can continue to provide Services that meet applicable statutory, administrative rule, and contract requirements, when payments to Provider are reduced due to vacancies. The Board or governing authority must implement the plan to replenish the Vacancy Reserve fund in a timely manner when the Vacancy Reserve fund falls below the level established by the Provider's Board or governing authority. Each Provider subject to the Vacancy Reserve fund requirement must include a line item on its routine financial statements that documents the status of its Vacancy Reserve fund. These financial statements must be made available to DHS or its designee upon request by DHS.

#### c. Special Reporting Requirements

- (1) For purposes of Medicaid compliance, DHS must be notified when an eXPRS Disbursement Claim is submitted with a Modifier Code due to absence of the Individual receiving DD 51 Services, as required by section

2.e.(2) of this Standards and Procedures. Provider of DD 51 Services will notify DHS' Information Technology Business Support Unit/Technical Assistance Unit (ITBSU/TAU), using forms and procedures designated by DHS.

- (2) Providers of DD 51 Services funded by DHS must report to DHS the direct service staff wages and staff turnover data for each DD 51 Service type provided to Individuals, using forms and procedures designated by DHS. Failure by a Provider to comply with this reporting requirement may result in a delay in payment to the Provider.

d. Placement, Rates, and Authorizations

- (1) Upon agreement between the County and the Provider for Individual placement into a DD 51 Services setting, County will submit a Client Prior Authorization (CPA) for the specific Individual for DD 51 Services the County authorized at the DHS approved rate for a specified period of time. County shall not request payment for DD 51 Services provided prior to submission of the CPA.
- (2) The CPA monthly rate for DD 51 Services is based upon the Individual's needs assessment and the approved DHS budget tool. The budget tool provides the approved hourly rates and limitations to other program expenses. The hourly rates and limitations may not be changed by the County or Provider when using the DHS budget tool. These rates are subject to change upon notice from DHS. County shall draft the CPA in eXPRS authorizing the DD 51 Service and submit it prior to the start of DD 51 Services.
- (3) Individuals receiving DD 51 Services from a Provider are not eligible for rent subsidies paid by DHS through ODDS.

e. Billing and Payment Procedures

- (1) DHS will disburse funds to a Provider of DD 51 Services for amounts documented in a Disbursement Claim submitted to DHS by County for Services authorized by County and approved by DHS in a CPA, as soon as reasonably possible after submission and processing of the Disbursement Claim in accordance with OAR Chapter 411, Division 370 and OAR Chapter 407, Division 120.

Payments from DHS to Provider for DD 51 Services will be reduced or offset by the amount paid directly to the Provider from the Individual's resources for support of residential care and services. Provider shall be responsible for the billing and collection of the offset amount.

- (2) DHS will allow payment for certain absences if the Individual receiving DD 51 Services is residing at the Provider's facility and overnight care is provided immediately prior to the absence, and:
  - (a) The Individual is absent for not more than five consecutive days, as a result of incarceration, or absence unreported to Provider, and

it has not been determined that the Individual will not be returning to Provider's DD 51 Services facility; or

- (b) The Individual is absent for not more than 14 consecutive days, not to exceed 45 calendar days in any 12 consecutive month period, as a result of being on vacation or family visit(s), and it has not been determined that the Individual will not be returning to Provider's DD 51 Services facility; or
  - (c) The Individual is absent for not more than 45 consecutive days as a result of being on convalescent leave, or admittance to either a medical hospital or a psychiatric hospital, or a DHS Stabilization and Crisis Unit, and it has not been determined that the Individual will not be returning to the Provider's facility. If the Individual returns to the same DD 51 Service Provider placement within 90 calendar days, DHS may authorize up to an additional 15 calendar days of payment, but not to exceed 60 calendar days in the aggregate.
- (3) DHS is not obligated to provide funding for DD 51 Services, if a Claim for DD 51 Services is not submitted by the Provider in a timely manner, as described in OAR 407-120-0340 (7).

**3. CFDA Number(s).**

In accordance with the State Controller's Oregon Accounting Manual, policy 30.40.00.102, and DHS procedure "Contractual Governance", DHS' determination is that County is a vendor.

The Catalog of Federal Domestic Assistance (CFDA) #(s) of Federal Funds to be paid through the Agreement: 93-778.

## Service Element DD 55 Standards and Procedures

**Effective Date:** July 1, 2015  
**Service Name:** Abuse Investigation Services  
**Service ID Code:** DD 55

### 1. Overview.

Abuse Investigation Services (DD 55 Services) for adults include responding to abuse allegations and assuring that the abuse allegations are appropriately screened, investigated and reported.

### 2. Standards and Procedures.

#### a. General Performance Requirements

- (1) When providing DD55 Services for DHS, County will:
  - (a) Comply with OAR Chapter 411, Division 320, as such rules may be revised from time to time.
  - (b) Comply with OAR Chapter 407, Division 045, as such rules may be revised from time to time.
  - (c) Comply with DHS policies and procedures or DHS Transmittals requesting action or providing policy information.
- (2) County shall employ an identified individual as an Abuse Investigation Specialist or have an agreement with another county or CDDP to perform abuse investigation activities which includes the provision of DD 55 Services in its geographic Program Area.
- (3) The Provider of DD 55 Services funded by DHS, whether County, a CDDP, or Subcontractor, must employ the staff indicated on its workload model in the specific position type indicated for abuse investigation services. The Provider must hire as many employees as possible for each identified position per the funding allocated to Provider; or must have an agreement with another county or CDDP to perform DD 55 Services for its Program Area. If at any time the FTE staffing level falls below the number indicated on its workload model, DHS reserves the right to decrease funding of the DD 55 Services.

FTE staff employed for abuse investigations:

- (a) May not be currently employed in the primary capacity of a case manager or services coordinator;
- (b) Must have a Bachelor's degree in human, social, behavioral or criminal science and two years human services, law enforcement, or investigative experience; or an Associate's degree in the human,

social, behavioral or criminal science and four years human services, law enforcement, or investigative experience;

- (c) Must take competency based training given by DHS' Office of Adult Abuse Prevention and Investigations (OAAPI) and be able to meet core competencies as determined by OAAPI within one year of hire.
- (4) DHS may approve an exception to the performance requirements set out in (2) and (3) above. Approval in writing from DHS is required prior to implementing a variance to the performance requirements set out in (2) and (3) above.
- (5) Providers of DD 55 Services must use DHS approved forms and procedures for screening, reporting and documentation of findings regarding abuse allegations.
- (6) A Provider of DD 55 Services must complete the abuse investigation form within 45 calendar days of date of receiving notification of an alleged abuse. If an extension for submission of the investigation form is needed, the Provider shall request the extension in writing and must receive written approval for an extension from OAAPI prior to implementing the revised due date.
- (7) Providers of DD 55 Services must participate in quarterly meetings held by OAAPI.
- (8) A Provider of DD 55 Services may identify a back-up abuse investigator who is also a case manager or service coordinator. Back-up abuse investigators must complete the basic back-up abuse investigations training as delivered by OAAPI. A back-up abuse investigator may be used in a situation where the primary Abuse Investigation Specialist is absent or unavailable.

**b. Special Reporting Requirements**

Upon DHS request, County will provide data and information relative to the implementation of DD 55 Services within the time specified by DHS in its request to County.

**c. Billing and Payment Procedures**

- (1) DHS will provide County with funding for DD 55 Services by entering a Service Element Prior Authorization (SEPA) and Provider Prior Authorization (PPA) based on the approved County workload model or its funding level for FTE staff.
- (2) DHS will disburse funding for DD 55 Services, for a specified period of time, in an amount equal to the monthly amount set forth in the accepted SEPA and approved in the PPA, as such amounts may be updated from time to time, subject to the following:

- (a) If County fails to deliver DD 55 Services for part of a month, the funding for DD 55 Services for that month will be prorated and DHS may reduce future disbursements of DD 55 funds accordingly.
- (b) If requested by DHS, County shall also accept an appropriate SEPA Adjustment to amend funding for DD 55 Services as a result of the County's failure to deliver the DD 55 Services for a full month.

d. Settlement

Settlement will be used to confirm and reconcile any discrepancies that may have occurred during the term of the Agreement between actual DHS disbursements of funding awarded for DD 55 Services under a particular line of the SEPA and the amount of qualifying billable DD 55 Services based on the Service delivery and County staffing levels.

3. CFDA Number(s).

In accordance with the State Controller's Oregon Accounting Manual, policy 30.40.00.102, and DHS procedure "Contractual Governance", DHS' determination is that County is a vendor.

The Catalog of Federal Domestic Assistance (CFDA) #(s) of Federal Funds to be paid through the Agreement: 93.778.

## Service Element DD 58 Adult Foster Home Services Standards and Procedures

**Effective Date:** July 1, 2015  
**Service Name:** Adult Foster Homes  
**Service ID Code:** DD 58 Adults

### 1. Overview.

DD 58 Adult Foster Home Services governs the delivery of residential care and services to Individuals who are 18 years or older with an Intellectual or Developmental Disability (I/DD) in adult foster homes. DD 58 Adult Foster Home Services include 24-hour supervision, room and board, and assistance with the activities of daily living, instrumental activities of daily living and other activities, including recreation, socialization and access to services which help the Individuals develop appropriate skills to increase or maintain their level of functioning in accordance with each Individual's person-centered plan.

### 2. Standards and Procedures.

#### a. Service Authorization

DD58 Adult Foster Home Services must be authorized in advance by County in which the Individual is enrolled and is receiving DD 48 Case Management Services. This authorization must be obtained and documented according to the applicable DHS policies and procedures.

Prior to authorization of DD 58 Adult Foster Home Services, County shall ensure that each Individual receiving DD 58 Adult Foster Home Services funded by DHS is eligible for Developmental Disability Services, with eligibility determined in accordance with OAR Chapter 411, Division 320, as such rules may be revised from time to time.

#### b. General Performance Requirements

(1) County shall assist DHS in licensing or certifying the Adult Foster Homes to provide DD 58 Adult Foster Home Services for Individuals with Intellectual or Developmental Disabilities (AFH-DD). County shall assist in the performance of the following tasks within the timelines required in accordance with OAR Chapter 411, Division 360.

(a) For new AFH-DD licenses and for inspection of those Adult Foster Homes, the following forms, as prescribed by DHS, must be completed and submitted timely by the AFH-DD to DHS.

- i. Adult Foster Home License or Certification Application;
- ii. Foster Home Inspection Form;
- iii. Background Check; and

- iv. Any other information necessary for licensing or certifying the Adult Foster Home.
- (b) For renewal of existing AFH-DD licenses and for inspection of the Adult Foster Homes, the Foster Home License/Certification Evaluation forms, as prescribed by DHS, must be completed and submitted timely by the AFH-DD to DHS.
- (c) To meet the statutory requirements for training and testing, County shall assist the AFH-DD currently providing or seeking to provide DHS funded DD 58 Adult Foster Home Services, and currently licensed or seeking to be licensed under OAR Chapter 411, Division 360, by:
  - i. Maintaining a link to the Adult Foster Home training website where the "Basic Training Course and Self-Study Manual" and associated information are maintained and distributing that information upon request;
  - ii. Making test site(s) available, administering tests provided by DHS, and sending completed tests promptly to DHS for scoring; and
  - iii. Completing Background Checks.
- (2) DHS will make the final determination on issuance and renewal of licenses and certifications on the basis of information submitted to DHS.
- c. Special Reporting Requirements
  - (1) For purposes of Medicaid compliance, DHS must be notified when payment has been authorized for DD 58 Adult Foster Home Services. County will notify DHS using forms and procedures designated by DHS.
  - (2) County shall submit to DHS Information Technology Business Support Unit/Technical Assistance Unit (ITBSU/TAU) a completed DD Eligibility/Enrollment/Update Form (DHS0337) within 45 calendar days of the DD 58 Adult Foster Home Services delivery date.
  - (3) All Individuals receiving DD 58 Adult Foster Home Services shall be enrolled in the community based care system and, at minimum, in DD 48 Case Management Services in the eXPRS Payment System.
- d. Billing and Payment Procedures
  - (1) DHS provides funding for DD 58 Adult Foster Home Services solely through DHS funds. DD 58 Adult Foster Home Services funding is disbursed by DHS directly to Providers of DD 58 Adult Foster Home Services at the monthly rates authorized by County for the Providers. All payment rates for DD 58 Adult Foster Home Services authorized by County must meet the following requirements:
    - (a) Monthly payment rates for Individuals receiving DD 58 Adult Foster Home Services will be established through an assessment

process approved by DHS and are calculated on the basis of the Individual's residential care and service needs, the Foster Care Support Needs Assessment Profile, or the current approved Functional Needs Assessment tool.

- (b) Behavior consultation services may only be included in the DD 58 Adult Foster Home Services monthly rates for a total of 90 calendar days per Individual unless the Individual has a support needs assessment that requires regular oversight or revision of the behavior consultation services. The Provider of DD58 Adult Foster Home Services shall maintain a separate accounting of the funds for behavior consultation services, and County shall monitor the separate accounting in accordance with DHS monitoring guidelines.
- (2) County shall not authorize payments for DD 58 Adult Foster Home Services funded by DHS in excess of the DD Adult Foster Home established monthly rate for an Individual. DD 58 Adult Foster Home Services monthly rates are individualized and are not transferable to another eligible Individual.
- (3) The monthly rate for DD 58 Adult Foster Home Services for an Individual will be prorated for any month in which DD Adult Foster Home Services are not provided to the Individual for a portion of the month.
- (4) Payments from DHS to the Provider for DD 58 Adult Foster Home Services will be reduced or offset by the amount paid directly to the Provider from the Individual's resources for support of residential care and services. Provider shall be responsible for the billing and collection of the offset amount.
- (5) Payment for DD 58 Adult Foster Home Services to the Provider will be made by DHS through the eXPRS Payment and Reporting System after County submits a DD Eligibility/Enrollment/Update form (DHS0337). DHS0337 is the source document for all DD 58 Adult Foster Home Service and rate authorizations, and it must be completed by County in conformance with instructions from DHS.
- (6) County shall submit a new DHS0337 with the budget summary pages from the Individual's most current DD Foster Care Support Needs Assessment Profile (SNAP), or the current DHS approved Functional Needs Assessment tool, to generate payment for DD 58 Adult Foster Home Services to the Provider.
- (7) County shall submit a new or updated DHS0337 form as soon as possible when changes to the DD 58 Adult Foster Home Services or monthly rate occur. When an Individual is absent from the AFH-DD, the DHS0337 authorizes payment for the absence.
- (8) If the Individual is out of the AFH-DD due to time spent in another institutional setting, incarceration, or nursing facility or is otherwise

determined ineligible for the funding, then payment for DD 58 Adult Foster Home Services will be made by DHS through the eXPRS Payment and Reporting System directly to the County. Payment will be monthly at the beginning of the month after DHS has approved a Service Element Prior Authorization (SEPA), County has accepted it, and DHS has completed a Provider Prior Authorization (PPA).

- (9) For purposes of the Adult Foster Home agreement between DHS and the Provider, an Individual is deemed to have received DD 58 Adult Foster Home Services, and DHS will allow payment to the Provider, when the Individual is residing at the AFH-DD where overnight care is provided, and one of the following conditions is met:
- (a) The Individual had been receiving DD 58 Adult Foster Home Services at the AFH-DD immediately prior to an absence and the Individual is absent for not more than five consecutive days, as a result of incarceration or an absence unreported to Provider, and it has not been determined by Provider and County that the Individual will not be returning to the AFH-DD; or
  - (b) The Individual had been receiving DD 58 Adult Foster Home Services at the AFH-DD immediately prior to the absence and the Individual is absent for not more than 14 consecutive days, not to exceed 45 calendar days, in any consecutive 12 month period, as a result of being on vacation, a family visit, or in relief care, and it has not been determined by Provider and County that the Individual will not be returning to the AFH-DD; or
  - (c) The Individual had been receiving DD 58 Adult Foster Home Services at the AFH-DD immediately prior to the absence and the Individual is absent for not more than 90 consecutive days, as a result of being on convalescent leave or admittance to either a medical hospital, a psychiatric hospital, or a DHS Stabilization and Crisis Unit, and it has not been determined by Provider and County that the Individual will not be returning to the AFH-DD.

**3. CFDA Number(s).**

In accordance with the State Controller's Oregon Accounting Manual, policy 30.40.00.102, and DHS procedure "Contractual Governance", DHS' determination is that County is a vendor.

The Catalog of Federal Domestic Assistance (CFDA) #(s) of Federal Funds to be paid through the Agreement: 93-778.

## Service Element DD 58 Child Foster Home Services Standards and Procedures

**Effective Date:** July 1, 2015  
**Service Name:** Child Foster Homes  
**Service ID Code:** DD 58 Children

### 1. Overview.

DD 58 Child Foster Home Services governs the delivery of residential care and services in child foster homes to Children who are less than 18 years of age who have an intellectual or developmental disability (I/DD). The purpose of DD 58 Child Foster Home Services is to provide 24-hour supervision, room and board, and structure and daily activities designed to promote the physical, social, intellectual, cultural, spiritual, and emotional development of the Child.

### 2. Standards and Procedures.

#### a. Service Authorization

DD58 Child Foster Home Services must be authorized in advance by the County in which the Child is enrolled and is receiving DD 48 Case Management Services. This authorization must be obtained and documented according to Department of Human Services (DHS) policies and procedures.

Prior to authorization of the DD 58 Child Foster Home Services, County shall ensure all Children receiving DD 58 Child Foster Home Services are eligible for Developmental Disability Services, with eligibility determined in accordance with OAR Chapter 411, Division 320, as such rules may be revised from time to time.

#### b. General Performance Requirements

(1) County shall assist DHS in certifying Child Foster Homes (CFH) to provide DD 58 Child Foster Home Services. County shall assist in the performance of the following tasks within the timelines set out in and in accordance with OAR Chapter 411, Division 346.

(a) For new CFH certifications and for inspection of those homes, County must complete and submit to DHS in a timely manner the following forms, as prescribed by DHS.

- i. Child Foster Home Certification Application;
- ii. Child Foster Home Inspection Form;
- iii. Background Check; and
- iv. Any other information necessary for certifying the Child Foster Home.

(b) For renewal of existing CFH certifications and for inspection of the homes, the County must complete and submit to DHS in a timely

manner the Child Foster Home Certification Evaluation forms, as prescribed by DHS.

- (c) To meet statutory requirements for training and testing, County shall assist the CFH currently providing or seeking to provide DHS funded DD 58 Child Foster Home Services, and currently certified or seeking to be certified under OAR Chapter 411, Division 346, by maintaining and distributing copies of DHS' "Basic Training Course and Self-Study Manual" and associated video tapes.
- (2) DHS will make the final determination on issuance and renewal of certifications on the basis of information submitted to DHS.
- (3) County shall provide DD 48 Case Management Services, including protective services for children, to Children in the County receiving DD 58 Child Services funded by DHS. County shall provide the DD 48 Services in accordance with OAR Chapter 411, Division 320.

c. Special Reporting Requirements

- (1) For purposes of Medicaid compliance, County must notify DHS using forms and procedures designated by DHS when payment has been authorized for DD 58 Child Foster Home Services.
- (2) County shall submit to DHS Information Technology Business Support Unit/Technical Assistance Unit (ITBSU/TAU) a completed DD Eligibility/Enrollment/Update form (DHS0337) within 45 calendar days of the DD 58 Child Foster Home Service delivery date.
- (3) All Children receiving DD 58 Child Foster Home Services shall be enrolled in the community based care system and, at a minimum, in DD 48 Case Management Services in the eXPRS Payment System.

d. Billing and Payment Procedures

- (1) DHS provides funding for DD 58 Child Foster Home Services solely through DHS funds. Child Foster Home funding is disbursed by DHS directly to Providers of DD 58 Child Foster Home Services and is based on monthly rates authorized by County for the Provider. All payment rates for DD 58 Child Foster Home Services authorized by County must meet the following requirements:
  - (a) Monthly payment rates for Children receiving DD 58 Child Foster Home Services will be established using an assessment process approved by DHS and are based on the Child's residential care and service needs and the current Functional Needs Assessment tool.
  - (b) Behavior consultation services may only be included in the DD 58 Child Foster Home Services monthly rates for a total of 90 calendar days per Child unless the Child has a support needs assessment that requires regular oversight or revision of the behavior consultation services. The Provider of DD58 Child Foster Home Services shall maintain a separate accounting of the

funds for behavior consultation services, and County shall monitor the separate accounting in accordance with DHS monitoring guidelines.

- (2) County shall not authorize payments for DD 58 Child Foster Home Services in excess of the DD 58 Child Foster Home Services established monthly rate for the Child. DD 58 Child Foster Home Services monthly rates are individualized and are not transferable to another eligible Child.
- (3) The monthly rate for DD 58 Child Services for a Child will be prorated for any month in which DD Child Foster Home Services are not provided to the Child for a portion of the month.
- (4) Payment for DD 58 Child Foster Home Services to the Provider will be made by DHS through the eXPRS Payment and Reporting System after County submits a DD Eligibility/Enrollment/Update form (DHS0337). DHS0337 is the source document for all DD 58 Child Foster Home Services and rate authorizations. County must complete the Foster Care section of the DHS0337 in conformance with instructions from DHS for payment to be made.
- (5) County must submit a new DHS0337 with the budget summary pages from the Child's most current DD Foster Care Support Needs Assessment Profile (SNAP), or current DHS-approved Functional Needs Assessment tool, to generate payment for DD 58 Child Foster Home Services.
- (6) County must submit a new or updated DHS0337 as soon as possible when changes to the DD 58 Child Foster Home Services or monthly rate occur. When a Child is absent from the CFH, the DHS0337 authorizes payment for the absence.
- (7) If the Child is out of the CFH due to time spent in another institutional setting, incarceration, or nursing facility or is otherwise determined ineligible for the funding, then payment for DD 58 Child Foster Home Services will be made by DHS through the eXPRS Payment and Reporting System directly to the County. Payment will be monthly at the beginning of the month after DHS has approved a Service Element Prior Authorization (SEPA), County has accepted it, and DHS has completed a Provider Prior Authorization (PPA).
- (8) For purposes of the Child Foster Home Contract, as defined in OAR 411-346-0100 (17), between DHS and the Provider, a Child shall be deemed to have received DD 58 Child Foster Home Services, and DHS will allow payment to the Provider, when the Child is residing at the CFH where overnight care is provided, and one of the following conditions is met:
  - (a) The Child had been receiving DD 58 Child Foster Home Services at the Provider's CFH immediately prior to an absence and the Child is absent for not more than five consecutive days, as a result of absence unreported to Provider, and it has not been determined

by Provider and County that the Child will not be returning to the CFH;

- (b) The Child had been receiving DD 58 Child Foster Home Services at the Provider's CFH immediately prior to the absence and the Child is absent for not more than 14 consecutive days, not to exceed 45 calendar days in any consecutive 12 month period, as a result of being on vacation, a family visit, or in relief care, and it has not been determined by Provider and County that the Child will not be returning to the CFH; or
- (c) The Child had been receiving DD 58 Child Foster Home Services at the Provider's CFH immediately prior to the absence and the Child is absent for not more than 90 consecutive days, as a result of being admitted to either a medical hospital, a psychiatric hospital, or a DHS Stabilization and Crisis Unit, and it has not been determined by Provider and County that the Child will not be returning to the CFH.

**3. CFDA Number(s).**

In accordance with the State Controller's Oregon Accounting Manual, policy 30.40.00.102, and DHS procedure "Contractual Governance", DHS' determination is that County is a vendor.

The Catalog of Federal Domestic Assistance (CFDA) #(s) of Federal Funds to be paid through the Agreement: 93-778.

## Service Element DD 142 Standards and Procedures

**Effective Date:** July 1, 2015  
**Service Name:** Children's Residential Facilities  
**Service ID Code:** DD 142

### 1. Overview.

Children's Residential Facilities Services (DD 142 Services) are care, training, and support services, primarily delivered in neighborhood homes, to individuals less than 18 years of age (each a Child) with Developmental Disabilities who require 24-hour care, supervision, and training in an environment other than the Child's family home or foster care.

### 2. Standards and Procedures.

#### a. Service Authorization

All DD142 Services must be approved in advance by the Department of Human Services (DHS) Office of Developmental Disability Services (ODDS).

#### b. Standards of Placements

- (1) Provider must provide those DD 142 Services in facilities licensed under the following Oregon Administrative Rules (OAR), as such rules may be revised from time to time:
  - (a) OAR Chapter 411, Division 325 - 24 Hour Residential Services for Children and Adults with Developmental Disabilities;
  - (b) OAR Chapter 413, Division 215 - Private Child Caring Agencies (DHS Child Welfare Programs); or
  - (c) OAR Chapter 416, Division 530 - Youth Offender Foster Care Certification (Oregon Youth Authority).
- (2) Provider must comply with the OARs under which they are licensed.
- (3) County shall ensure all Children receiving DD 142 Services funded by DHS are eligible for DD Services, with eligibility determined in accordance with OAR Chapter 411, Division 320, as such rules may be revised from time to time.
- (4) All Children referred for DD142 Services must have a Social Security card, a certified copy of his/her birth certificate, and, if applicable, a legal adoption certificate or proof of US citizenship and current Oregon residence.
- (5) All Children receiving DD 142 Services funded by DHS through a Provider Enrollment Agreement (PEA) between the DD 142 Service Provider and DHS must be eligible for Oregon Health Plan Plus (OHP)

Plus) or Oregon Supplemental Income Program-Medical (OSIPM), and must meet Level of Care eligibility.

c. Standards for Facilities

At any facility in which DD 142 Services are delivered, regardless of the facility's licensing, Provider will:

- (1) Maintain at the facility, at a minimum, one direct care staff that is awake at any time a Child receiving DD 142 Services is present at the facility. Provider must maintain staffing levels appropriate to the number of Children served as required by OAR 411-325-0170 Staffing Requirements and as stated in the Provider's contract.
- (2) Furnish each Child receiving DD 142 Services with a separate sleeping room that meets the requirements specified in OAR Chapter 411, Division 325, regardless of the OARs under which the Provider is licensed.
- (3) Comply with the following requirements for any residential facility licensed under OAR Chapter 411, Division 325 (24 Hour Residential Services for Children and Adults with Developmental Disabilities):
  - (a) Vacancy Reserve Fund. The Board of Directors (or other governing authority of the residential facility, as applicable) of a Provider of DD 142 Services funded by DHS will define, establish, and maintain a "Vacancy Reserve" fund in a dollar amount sufficient to ensure that the Provider can continue to provide Services that meet applicable statutory, administrative rule, and contract requirements when payments to Provider are reduced due to vacancies. The Board or governing authority will implement a plan to replenish the Vacancy Reserve fund in a timely manner when the Vacancy Reserve fund falls below the level established by the Provider's Board or governing authority. Each Provider subject to the Vacancy Reserve fund requirement will include a line item on its routine financial statements that documents the status of its Vacancy Reserve fund. These financial statements must be made available to DHS or its designee upon request by DHS.
  - (b) Gender Specific Services. Provider will provide DD 142 Services that comprehensively address the unique needs, strengths and risk factors of each gender and foster positive gender identity development.
  - (c) Individual Support Plan (ISP) Implementation and Documentation. All Children receiving DD 142 Services must have an ISP, and the ISP must address the gender specific needs of the Child.  
  
Provider will maintain documentation, as prescribed by DHS, of each support, activity, and service noted in the ISP; will train and educate Provider's staff on the content and implementation of the ISP; and will implement the ISP as written.

- (4) Comply with the following when providing DD142 Services to Children under the jurisdiction of the Juvenile Psychiatric Security Review Board (JPSRB):
  - (a) Provider will coordinate all JPSRB placements and transfers with the designated DHS Residential Specialist.
  - (b) Provider will assure, through policy, employee training, and Individual Support Plans, that all communication to the JPSRB, its panel members or employees, regarding Children receiving DD 142 Services, are coordinated with the DHS staff designated for such communication and reporting. Providers of DD142 Services and their staff will communicate to the JPSRB regarding Children under its care within the scope approved by designated DHS staff.
  - (c) Provider will not terminate DD 142 Services for Children under the jurisdiction of JPSRB during the term of the Provider's contract with DHS. This requirement does not prohibit Providers from giving notice to the DHS' Residential Specialist to terminate all DD142 Services per OAR and the provisions of Provider's contract.

d. Standards for Health, Medical and Behavioral Supports

- (1) Medication Management.
  - (a) Provider must not administer psychotropic medications on an as needed or pro re nata (PRN) basis to Children. PRN psychotropic medications are prohibited.
  - (b) A physician's, or licensed health care provider's, written and signed order is required prior to the administration by the Provider of prescription medications and non-prescription medications except over-the-counter topical agents.
  - (c) Provider must administer medications as ordered by a physician or other licensed health care provider.
  - (d) Provider must record all medications for a Child on an individualized medication administration record for that Child. The medication administration record must be signed and dated for each administration of medication by Provider.
  - (e) Provider's medication administration records must be available for review upon request by the DHS Residential Specialist.
- (2) Behavioral Support.
  - (a) Individualized, positive behavioral support strategies are required for Children with Developmental Disabilities receiving DD 142 Services.
  - (b) Provider must include the Child's behavioral support strategies in the Child's ISP.

- (c) Provider's staff must be trained in the delivery and implementation of the behavioral support strategies.
  - (d) Provider is prohibited from using punishment, including threats and aversive stimuli, and physical discipline.
  - (e) Provider may use physical interventions and restraints when the specific techniques are part of a nationally accepted standard of practice and when included in the Child's approved ISP or behavioral support plan.
  - (f) Provider's staff must be trained in the use of physical intervention and restraint techniques described in (e).
  - (g) Use of seclusion rooms by Provider is specifically prohibited unless:
    - i. The seclusion is part of a specific mental health treatment intervention for the Child.
    - ii. The seclusion is not connected to a threat of punishment or punishment of the Child.
    - iii. The use of seclusion is included in the Child's ISP.
    - iv. The Child resides in a mental health residential treatment facility, as defined in OAR 309-035-0105 (42).
- (3) Children's Personal Property.
- (a) Provider must prepare and maintain an accurate written record of each Child's personal property that has significant or monetary value to the Child as determined by a documented ISP team or guardian decision. The personal property record must include:
    - i. The description and identifying number, if any, of the personal property;
    - ii. The date the personal property was included in the record;
    - iii. The date and reason the personal property was removed from the record;
    - iv. The signature of staff making each entry in the personal property record; and
    - v. An annual review (signed and dated by Provider) for accuracy and completeness of the personal property record.
  - (b) Provider will ensure that each Child has a process to safeguard and track the use of his/her funds, including the Supplemental Security Income (SSI) equivalent for room, board and personal funds and other gifted or earned funds.
  - (c) Provider will maintain a separate financial record for each Child. The Child's financial record must include:

- i. Documentation that the Child received any or all of the following payments or funds:
    - the monthly DHS payment for the SSI equivalent for room and board;
    - the monthly personal, gifted or earned funds or the SSI equivalent; and
    - other funds from gifts or earnings.
  - ii. A personal funds disbursement log with corresponding receipts and dates for spending by or on behalf of the Child. Receipts must be kept for each item or activity expense of the Child.
  - iii. An entry by the Provider in the Child's personal funds disbursement log to record the purpose of a disbursement, the date of the entry, and the signature of the Provider's staff.
  - iv. The approved spending plan and the amount of funds the Child may carry on their person according to the Child's ISP. The Child's spending plan must be approved by the DHS Residential Specialist and the Child's guardian.
- (d) Provider must transfer a Child's personal funds with the Child if a Child transfers to another Provider or returns to the family home.
  - (e) Provider must reimburse a Child any funds that are missing due to theft or mismanagement on the part of Provider's staff; or any funds within the custody of the Provider that are missing. Reimbursement to the Child must be made within ten working days of the date the missing funds are verified.
- (4) Availability of Information.

All information or documents related to the provision of DD 142 Services, the service locations or premises, and the Child's records must be made available to DHS upon request. The information, documents, Child's records and service locations for DD 142 Services are subject to review and in person monitoring by the DHS Residential Specialist.

e. Special Reporting Requirements

- (1) For purposes of Medicaid compliance, DHS must be notified when an eXPRS Disbursement Claim is submitted with a Modifier Code due to an absence of a Child receiving DD 142 Services. Provider of the DD 142 Services must notify ODDS using forms and procedures designated by DHS.
- (2) If Provider provides DD 142 Services at a facility licensed under OAR Chapter 413, Division 215 Private Child Caring Agencies (DHS Child Welfare Programs), or OAR 416-530-0000 to 416-530-0090 Youth

Offender Foster Care Certification (Oregon Youth Authority), Provider shall submit documentation of support, activities and services provided under the Individual Support Plan to DHS' designee upon request.

- (3) Incident Reports and Emergency Notifications. Provider shall submit a written report of any injury, accident, act of physical aggression, or unusual incident involving a Child (Incident Report, as defined in OAR 411-325-0020 (41)), to the DHS Residential Specialist, County Service Coordinator, and the Child's legal guardian within five business days of the date of the incident. Copies of Incident Reports provided to legal guardians must have any personal or confidential information about other Individuals removed or redacted as required by federal and state privacy laws.
- (4) Unusual Incidents, as defined in OAR 411-325-0020 (77), require immediate notification by the Provider to the DHS Residential Specialist and the CDDP Services Coordinator. Provider will not provide copies of Unusual Incident reports to the Child's legal guardian when the report is part of an abuse investigation, unless the guardian is a State agency.
- (5) Allegations of abuse or neglect and abuse investigations require immediate notification to the DHS Residential Specialist by the Provider. When an abuse investigation has been initiated, the DHS Residential Specialist will ensure that either the CDDP Services Coordinator or ODDS is notified. The DHS Residential Specialist will also immediately notify the Child's legal guardian of the allegation unless notification is prohibited by law.

f. Billing and Payment Procedures

- (1) Calculation of Service Payments. DHS will provide payment for DD 142 Services, per the DHS authorized Client Prior Authorization (CPA), for a specific Child, for a specified period of time, subject to the following:
  - (a) Payment for a partial month of DD 142 Service will be prorated.
  - (b) DHS will not authorize payment for DD 142 Service that exceeds the amount in the authorized CPA or are outside the effective dates of the CPA.
- (2) DHS will allow payment for certain absences if the Child receiving DD 142 Services is residing at the Provider's facility and the Services are provided for the full 24 hours immediately prior to the absence, and:
  - (a) The Child is absent for not more than five consecutive days, as a result of incarceration or absence unreported to the Provider, and it has not been determined by Provider and County that the Child will not be returning to the Provider's DD 142 Services facility; or
  - (b) The Child is absent for not more than 14 consecutive days, not to exceed 45 calendar days in any consecutive 12 month period, as a result of being on vacation or family visits, and it has not been

determined by Provider and County that the Child will not be returning to the Provider's DD 142 Services facility; or

- (c) The Child is absent for not more than 45 consecutive days, as a result of being on convalescent leave, or admittance to either a medical hospital, a psychiatric hospital, or a DHS Stabilization and Crisis Unit, and it has not been determined by Provider and County that the Child will not be returning to the Provider's facility. If the Child returns to the same Provider placement within 90 calendar days, DHS may authorize up to an additional 15 days of payment, not to exceed 60 days in the aggregate.
- (3) DHS is not obligated to provide payment for a unit of DD 142 Service, if a Disbursement Claim for that unit is not received by DHS by the date that is 60 calendar days after the earlier of:
- (a) Termination of the contract or agreement with DHS, or
  - (b) Termination of DHS' obligation to provide payment for DD 142 Services.

**3. CFDA Number(s).**

In accordance with the State Controller's Oregon Accounting Manual, policy 30.40.00.102, and DHS procedure "Contractual Governance", DHS' determination is that County is a vendor.

The Catalog of Federal Domestic Assistance (CFDA) #(s) of Federal Funds to be paid through the Agreement: 93-778.

## Service Element DD 157 Standards and Procedures

**Effective Date:** July 1, 2015  
**Service Name:** Regional Crisis and Back-Up Services  
**Service ID Code:** DD 157

### 1. Overview.

Regional Crisis and Back-Up Services (DD157 Services) are provided by a Management Entity established in a Region (as defined below) to assist in the response to Individuals with Intellectual or Developmental Disabilities (I/DD) who are in crisis or service transition status; and to increase or strengthen the capacity of the service delivery system as a whole to respond to crisis situations and service transition needs. Coordination of DD 157 Services is the responsibility of a geographic group defined by DHS (a Region) composed of CDDPs and brokerages.

The responsibilities of the Management Entity of a Region involve:

- a. Assessing whether an Individual with I/DD meets eligibility for crisis diversion services in accordance with OAR Chapter 411, Division 320, as such rules may be revised from time to time.
- b. Directing Individual crisis intervention services and coordinating crisis intervention services with other developmental disability services that may be ongoing through the crisis, such as employment, community inclusion, and transportation services, in order to provide continuity of services and continue to meet the Individual's identified Individual Support Plan (ISP) goals.
- c. Providing training and technical assistance to CDDPs, brokerages, service Providers, Individuals with I/DD, and their families to better respond to crisis system needs and provide pro-active support strategies for the purpose of averting crisis.
- d. Developing services to meet the capacity demands to support Individuals with I/DD and their families.
- e. Assisting CDDPs and brokerages in collaboration to facilitate and to improve access to effective services for Individuals facing mental health and addiction recovery challenges exacerbated by I/DD.
- f. Delivering other I/DD services, related to the response, prevention, and mitigation of crisis-related situations, which the CDDPs and brokerages agree can be delivered more effectively or economically in the Region.
- g. Coordinating and collaborating with the DHS Stabilization and Crisis Unit (SACU), CDDPs and brokerages for changes in service settings for adults and children in transition.
- h. Provide Personal Support Worker (PSW) New Worker Orientations using content and materials provided by the Oregon Home Care Commission (OHCC). No

orientation shall be provided when fewer than five PSWs have pre-registered. The frequency of the orientations for each County in the Region will be identified in the SEPA for each region and specific to each county in that region.

**2. Standards and Procedures.**

**a. General Performance Requirements**

In providing DD 157 Services, the Management Entity must:

- (1) Comply with OAR Chapter 411, Division 320.
- (2) Develop, maintain, and effectively implement systems and procedures for the timely and accurate documentation of DD 157 Services.
- (3) Comply with all DHS requirements designed to assure the timely and accurate enrollment, Service authorization, and Service payment for Individuals receiving the DD 157 Services.
- (4) Comply with DHS policy or Transmittals requesting action or providing policy information related to DD 157 Services.
- (5) Develop and submit for approval a Regional Crisis and Back-up Services Plan to DHS in accordance with the instructions and timelines of DHS.
- (6) Implement DD 157 Services in accordance with the approved Regional Crisis and Back-Up Service Plan.

**b. Special Reporting Requirements**

The Management Entity must:

- (1) Provide data and information relative to the implementation of DD 157 Services upon request from DHS.
- (2) Submit semi-annual performance reports using the formats, instructions, and time lines set by DHS.
- (3) Submit a final biennial report of actual revenues and DD 157 expenditures within 60 calendar days after the end of the biennium. The biennial report provided to DHS must be in a format and with a level of detail acceptable to DHS.
- (4) For Personal Support Worker Orientation, submit the following:
  - (a) An annual schedule of PSW Orientation Trainings within 30 days of the Effective Date of the Agreement, or within 30 days of each fiscal year, as applicable; and
  - (b) A monthly report including the name and Provider number of each participant, date of orientation, and other information outlined by the Oregon Home Care Commission.

**c. Billing and Payment Procedures**

- (1) DD 157 funds, other than funds provided for PSW Orientation Trainings, are financial assistance provided to the Management Entity for the

exclusive delivery of DD 157 Services. Accordingly, DHS will not track delivery of DD 157 Services or the Management Entity's service capacity on a per unit basis. This funding for DD 157 Services will be subject to the following:

- (a) Total disbursements for all DD 157 Services delivered by Management Entity and funded by DHS shall not exceed the total funds awarded for DD 157 Services as specified in the Service Element Prior Authorization (SEPA).
  - (b) DHS' obligation to provide funding for DD 157 Services is predicated upon DHS' receipt of the Management Entity's Regional Crisis and Back-Up Services Plan, as described section 2.a.(5) of this Standards and Procedures.
  - (c) If the DD 157 expenditures reported in a semi-annual report described in section 2.b.(2) are less than 80% of the DD 157 Services funds disbursed during the period covered by the semi-annual report, DHS may unilaterally reduce the total funding for DD 157 Services to make it consistent with the actual expenditure of DD 157 Services funds. The Management Entity shall review and accept the SEPA to reflect that reduction.
  - (d) The Management Entity may request the utilization of DD 157 Services funds for an additional position to provide part-time DD 157 Services to address a short term staffing need. The Management Entity must deliver to DHS for approval a clearly defined position description that delineates the DD 157 Services related duties to be performed for the Management Entity, the duration of the position, and a precise accounting of all funding sources for the position.
- (2) DD 157 funds for PSW Orientation Trainings are based on the coordination and delivery of the training. The DD 157 service rate for the orientation activity is \$45.63 per hour. The maximum allowable orientation time per training is 2.5 hours of class time, 1.5 hours set-up time, and 2.0 hours for administration. Mileage is reimbursable at \$0.575 per mile. Lodging and per diem may be billed when the training site is more than a four hour round trip drive from the regional office.
  - (3) DHS will disburse the funding awarded for DD 157 Services, other than PSW Orientation Training, in substantially equal monthly allotments during the period specified in the SEPA, unless a different disbursement method is specified in the SEPA, subject to the following:
    - (a) DHS may adjust monthly allotments, upon the written request of the Management Entity.
    - (b) DHS shall adjust monthly allotments, as necessary, to reflect changes in the funds awarded for DD 157 Services in the SEPA upon acceptance of the SEPA by the Management Entity.

- (c) DHS' obligation to disburse funds for DD 157 Services after June 30, 2016 is conditioned on DHS' receipt of a revised Regional Crisis and Back-Up Services Plan, as described in section 2.a.(5).
- (4) PSW Orientation Trainings will be funded through an accepted SEPA in eXPRS and the training must be provided before ODDS will release the DD 157 funding.
- (5) Management Entity will submit an invoice on a form prescribed by DHS along with copies of the PSW Orientation Training sign-in sheets to [CAU.Invoice@state.or.us](mailto:CAU.Invoice@state.or.us). Invoices for PSW Orientation Training must be submitted by Management Entity within 90 calendar days from the date of the orientation.
- (6) ODDS will release payment to Management Entity upon receipt of a complete and accurate invoice by creating a PPA in eXPRS. ODDS shall release payments to Management Entity on or around the first and 15th of each month.
- (7) Settlement will be used to confirm and reconcile any discrepancies that may have occurred between the actual DHS disbursements of funding awarded for DD 157 Services through a SEPA and the amount of DD 157 Services provided by the Management Entity based on reports required or permitted by these Standards and Procedures or an applicable special condition. All DD 157 Services funds that the Management Entity requests DHS allow to be carried over to the following fiscal year must be used solely to deliver future DD 157 Services.

3. **CFDA Number(s).**

In accordance with the State Controller's Oregon Accounting Manual, policy 30.40.00.102, and DHS procedure "Contractual Governance", DHS' determination is that County is a vendor.

The Catalog of Federal Domestic Assistance (CFDA) #(s) of Federal Funds to be paid through the Agreement: 93-778.