

Number: DO-PT-06-005

Issue Date: 03-16-2006

Authorized Signature _____

Topic: Agency-wide Policy

Transmitting (check the box that best applies):

- New Policy
 Policy Change
 Policy Clarification
 Executive Letter
 Administrative Rule
 Manual Update
 Other: _____

Applies to (check all that apply):

- | | |
|---|---|
| <input checked="" type="checkbox"/> All DHS employees | <input checked="" type="checkbox"/> County Mental Health Directors |
| <input checked="" type="checkbox"/> Area Agencies on Aging | <input checked="" type="checkbox"/> Health Services |
| <input checked="" type="checkbox"/> Children, Adults and Families | <input checked="" type="checkbox"/> Seniors and People with Disabilities |
| <input checked="" type="checkbox"/> County DD Program Managers | <input checked="" type="checkbox"/> Other (please specify): All DHS Contractors |

Policy/Rule Title:	Non-Discrimination on the Basis of Disability for Programs, Services and Activities		
Policy/Rule Number(s):	DHS-010-005	Release No:	1.0
Effective Date:	02/01/2006	Expiration:	N/A
Reference:	OAR Chapter 407, Division 005 – Prohibiting Discrimination Against Individuals with Disabilities		
Web Address:	www.dhs.state.or.us/policy/admin/exec/010_005.htm		

Discussion/Interpretation: In accordance with the Americans with Disabilities Act (ADA) of 1990 and Section 504 of the Rehabilitation Act of 1973, the Federal Food Stamp Act, Title XIX of the Social Security Act and 42 USC, section 1983, DHS has developed Administrative Rules and Department-wide policy and procedures to address how DHS staff will assist persons with disabilities with access to and participation in all DHS programs, services and activities they are eligible for. This policy and procedures are to be implemented statewide and extend to all DHS contractors. The new policy and procedures specifically address the following areas:

- 1) **Accessibility:** Ensures all DHS programs and services are accessible to individuals with disabilities. This means that no individual shall be excluded from participation in any DHS program, service or activity because of needs related to

actual physical access to and within facilities, assistance or alternate formats required in order to communicate or be included in any DHS process. All individuals with disabilities shall have reasonable modifications made and communications formatted for them in a manner that ensures equal access. This policy applies to all DHS related programs, services and activities, including public meetings, hearings, trainings and conferences.

- 2) **Communication:** Ensure that all DHS staff and DHS contractors make every effort to provide the necessary alternate formats, auxiliary aids and services to individuals with disabilities in order to effectively communicate information. These accommodations and alternate formats provided must be equal to the communication that is provided to individuals without disabilities. This policy applies to all DHS related programs, services and activities, including public meetings, hearings, trainings and conferences.
- 3) **Non-Discrimination of Individuals with Disabilities:** Ensure that all DHS staff and DHS contractors will provide equal access and opportunity to individuals with disabilities. This mandates that DHS will not exclude qualified individuals with disabilities from participation in any program or activity, or deny them any benefits they are eligible for, or subject them to any form of discrimination based on their disability. This policy applies to all DHS related programs, services and activities, including public meetings, hearings, trainings and conferences.

Within these policies, some guidelines for implementation are provided, with outline of reasonable parameters and measures to achieve full compliance. It is anticipated that most DHS and contractor offices and facilities already have the necessary provisions and conditions in place to meet these ADA standards. The Department is merely strengthening these practices by the adoption of formal Administrative Rules, Department-wide policy and procedures.

Implementation/Transition Instructions: All DHS and DHS contractor offices should have processes and procedures already in place that fulfill the requirements of these ADA related policies. Immediate action should be taken if this is not the case to acquire and implement these procedures.

Training/Communication Plan: Administrators for all DHS clusters must assure that their agency staff are clear on these requirements. The intent of these policies has been incorporated into DHS training modules, agency transmittals, and provider contract prerequisites. Further training specific to the policy and procedures will be scheduled.

Local/Branch Action Required: All levels of management and staff should review the policy and procedures to determine whether or not their office or service area meets all of the requirements to be in full compliance. For any provisions noted as not being met, the appropriate personnel should arrange for immediate and necessary

action to be taken to resolve matters and achieve full compliance.

Central Office Action Required: Respond to questions or concerns, annually review the policy and any associated procedures or other documents and update as necessary. Conduct process of filing and revising administrative rules as necessary and provide technical assistance to field inquiries.

DHS Assistant Directors shall determine facilitation of this policy and procedures within their cluster and information distribution to the field. __

Field/Stakeholder review: Yes No

If yes, reviewed by: DHS staff, Oregon Disability Commission, Deaf and Hard of Hearing Services Program, State Independent Living Council, State Rehabilitation Council, Governor’s Commission on Senior Services, Food Stamp Review Committee, Child Welfare Advisory Committee, Oregon Area Agencies on Aging, Developmental Disabilities Council, Mental Health Advisory Council, Disability Services Advisory Committee, Oregon Commission for the Blind and the Family Services Commission.

Filing Instructions: No paper copies are distributed for filing. DHS Department-wide Support Services (DWSS) policies are located on the DHS web site at <http://www.dhs.state.or.us/policy/admin/>

If you have any questions about this policy, contact:

Contact(s):	Lori R. Nelson, ADA and Alternate Format Coordinator		
Phone:	(503) 945-5941	Fax:	(503) 378-6532
E-mail:	Lori.R.Nelson@state.or.us		