

Policy Title:	Personal Care Services – OAR		
Policy Number:	I-E.5.1.2 413-090-0100 thru 0210	Effective Date:	12/29/2009

Approved By: *on file*

Date Approved:

Policy

Forms, etc.

Definitions

References

Contact

History

Reference(s):

- Oregon Department of Employment Wage Information Report
- Standard Occupation Classifications
- Title XIX State Plan
- ORS 418.005
- I-A.5.2, Contested Case Hearings

Form(s) that apply:

- CF 172B Personal Care Services Referral
- CF 172 PCSA Personal Care Services Assessment
- CF 172 PCSP Personal Care Services Plan
- CF 172 PCSV Personal Care Services Plan Verification

Rules:

413-090-0100

Purpose

The purpose of these rules, OAR 413-090-0100 to 413-090-0210, is to describe the requirements for eligibility and receipt of *personal care services* when a *child* or *young adult* is placed with a *foster parent* or *relative caregiver* by the Department.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-090-0110

Definitions

The following definitions apply to OAR 413-090-0100 to 413-090-0210:

- (1) "Certified family" means an individual or individuals who hold a current Certificate of Approval from the Department to operate a home to provide care, in the home in which they reside, to a *child* or *young adult* in the care or custody of the Department.
- (2) "Child" means a person under 18 years of age.
- (3) "Contract Registered Nurse" means a licensed *registered nurse* under a contract with the Department of Human Services who provides nursing assessment, consultation, teaching, delegation, or on-going nursing services to a *child* or *young adult* in the care or custody of the Department.
- (4) "Delegated nursing task" means a task, normally requiring the education and license of a *registered nurse* (RN) and within the RN scope of practice to perform, that an RN authorizes an unlicensed person to perform.
- (5) "Department" means the Department of Human Services, Child Welfare.
- (6) "Foster parent" means an individual who operates a home that has been approved by the Department to provide care for an unrelated *child* or *young adult* placed in the home by the Department.
- (7) "Legally responsible relative" means the parent or stepparent of a *child* or *young adult* or a person related to the *child* or *young adult* by blood or marriage who has legal custody or legal guardianship of the *child* or *young adult*.
- (8) "Level of personal care" means the payment to a *qualified provider* for performing the *personal care services* for an eligible *child* or *young adult*.
- (9) "Personal Care RN Manager" means a *registered nurse* (RN) who is a licensed *registered nurse* employed by the Department of Human Services to provide oversight of Contract Registered Nurses and *personal care services* authorized through the Children, Adults, and Families Division of the Department of Human Services.
- (10) "Personal care services" means the provision of or assistance with those functional activities described in OAR 413-090-0120 consisting of mobility, transfers, repositioning, basic personal hygiene, toileting, bowel and bladder care, nutrition, medication management, and delegated nursing tasks that a *child* or *young adult* requires for his or her continued well-being.
- (11) "Personal care services assessment" means an evaluation by a registered nurse of a *child* or young adult's ability to perform the functional activities required to meet the *child* or young adult's daily needs.
- (12) "Personal care services plan" means a written plan to provide *personal care services* for the *child* or *young adult* documenting:
 - (a) The determination that the individual is a *qualified provider*;
 - (b) The frequency or intensity of each personal care service to be provided; and

- (c) The date *personal care services* begin.
- (13) "Qualified provider" means an individual who:
- (a) Is authorized by the Department through the *Contract Registered Nurse* or *Personal Care RN Manager*;
 - (b) Demonstrates by background, skills, and abilities the capability to safely and adequately provide the authorized *personal care services*;
 - (c) Maintains a drug-free household;
 - (d) Has been approved through the background check process described in Child Welfare Policy I-G.1.4, "Oregon Computerized Criminal History Checks and Nationwide Criminal History Checks through the FBI for Relative Caregivers, Foster Parents, Other Persons in Household and Adoptive Parents for Children in the Care or Custody of DHS" OAR 413-120-0400 to 413-120-0470 or under OAR 407-007-0200 to 407-007-0370; and
 - (e) Is not the parent, step-parent, or *legally responsible relative* of the *child* or *young adult* eligible for *personal care services*.
- (14) "Registered nurse" means an individual licensed and registered to practice nursing.
- (15) "Relative caregiver" means an individual who operates a home that has been approved by the Department to provide care for a related *child* or *young adult* who is placed in the home by the Department.
- (16) "Young adult" means a person aged 18 through 20 years who remains in the care and custody of the Department, and lives in substitute care or lives independently through the Department's Independent Living Subsidy Program.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-090-0120

Scope of Services

- (1) *Personal care services* are provided directly to the eligible *child* or *young adult* and do not include respite or other services, nor are they implemented for the purpose of benefiting others in the household or the household in general.
- (2) *Personal care services* include:
 - (a) Mobility, transfers, repositioning -- assisting a *child* or *young adult* with ambulation or transfers with or without an assistive device, turning the individual or adjusting padding for physical comfort or pressure relief, or encouraging or assisting with range-of-motion exercises;

- (b) Basic personal hygiene -- providing or assisting a *child* or *young adult* with needs such as bathing (tub, bed bath, shower), washing hair, grooming, shaving, nail care, foot care, dressing, skin care, mouth care, and oral hygiene;
- (c) Toileting, bowel and bladder care -- assisting a *child* or *young adult* to and from bathroom, on and off a toilet, commode, bedpan, urinal or other assistive device used for toileting, changing incontinence supplies, following a toileting schedule, cleansing the individual or adjusting clothing related to toileting, emptying catheter drainage bag or assistive device, ostomy care or bowel care;
- (d) Nutrition -- preparing meals and special diets, assisting with adequate fluid intake or adequate nutrition, assisting with food intake (feeding), monitoring to prevent choking or aspiration, assisting with special utensils, cutting food, and placing food, dishes and utensils within reach for eating;
- (e) Medication management -- assisting with ordering, organizing and administering prescribed medications (including pills, drops, ointments, creams, injections, inhalers, and suppositories), monitoring for choking while taking medications; and
- (f) *A delegated nursing task.*

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-090-0130

Personal Care Services Eligibility

To receive *personal care services* while living with a *certified family*, a *child* or *young adult* in the care or custody of the Department must:

- (1) Be eligible to receive medical services funded through either Title XIX of the Social Security Act or the state general fund;
- (2) Have no available resources from the natural support system of friends, neighbors, or other community resources to provide *personal care services*; and
- (3) Have a documented diagnosed physical or mental impairment and require *personal care services* as determined by a *personal care services assessment*.

Stat. Auth. ORS 418.005

Stats. Implemented: ORS 418.005

413-090-0133

Conducting a Personal Care Services Assessment

- (1) When a *child* or *young adult* with a diagnosed physical or mental impairment appears to require *personal care services* and the caseworker becomes aware of the apparent need for *personal care services*, the caseworker must refer the *child* or *young adult* to the *Contract Registered Nurse* for an assessment.

- (2) Upon receipt of a referral, the *Contract Registered Nurse* or the *Personal Care RN Manager* conducts the assessment.
- (3) To conduct the *personal care services assessment*, the *Contract Registered Nurse* or the *Personal Care RN Manager*:
 - (a) Reviews available medical records of the *child* or *young adult*;
 - (b) Meets with the *child* or *young adult* and the *foster parent* or *relative caregiver*.
 - (c) Gathers information about the *child* or *young adult's* condition and functioning;
 - (d) Assesses the *child* or *young adult's* ability to perform functional activities necessary to meet his or her daily needs at a level appropriate for the *child* or *young adult's* chronological age;
 - (e) Documents the findings of the *personal care services assessment*; and
 - (f) Submits the findings of the *personal care services assessment* to the *Personal Care RN Manager*.
- (4) The *Personal Care RN Manager* must:
 - (a) Review the findings of the *personal care services assessment*;
 - (b) Apply the rating scale to the *personal care services assessment*;
 - (c) Determine whether the *child* or *young adult* meets the threshold for a *level of personal care*;
 - (d) Determine the *level of personal care*; and
 - (e) When the *personal care services assessment* scores a *child* or *young adult's level of personal care* needs at Level 4, convene a meeting with the *foster parent* or *relative caregiver* and others involved in the *child* or *young adult's* care in determining the additional payment and the intensive *personal care services* required to meet the *child* or *young adult's* identified needs.
- (5) The responsibilities set forth in section (4) of this rule may be conducted by another medical professional employed by or under contract with the Department when the *Personal Care RN Manager* is unavailable.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-090-0135

Provider Eligibility

- (1) *Personal care services* may be provided only by a *qualified provider* under OAR 413-090-0110(13); and

- (2) The *Contract Registered Nurse* or the *Personal Care RN Manager* may authorize a *qualified provider* to provide *personal care services* to a *child* or *young adult* in the care or custody of the Department if:
- (a) The *Contract Registered Nurse* or *Personal Care RN Manager* determines that the provider meets the definition of a *qualified provider* in OAR 413-090-0110(13); and
 - (b) The *qualified provider* signs the *personal care services plan* with the Department and agrees to provide the *personal care services* to the *child* or *young adult* described in the *personal care services plan*.

Stat. Auth. ORS 418.005

Stats. Implemented: ORS 418.005

413-090-0136

Developing the Personal Care Services Plan

- (1) After conducting the *personal care services assessment* when it has been determined that a *child* or *young adult* is eligible for *personal care services*, the *Contract Registered Nurse* or *Personal Care RN Manager* must develop a *personal care services plan*.
- (2) The *personal care services plan* must:
 - (a) Specify the frequency or intensity of each personal care service;
 - (b) Identify the *qualified provider* to provide the personal care service;
 - (c) If the plan includes a *delegated nursing task*, the *personal care services plan* must include:
 - (A) The written authorization of the *registered nurse* permitting the *qualified provider* to perform the *delegated nursing task*;
 - (B) The written instructions on how to perform the *delegated nursing task*;
 - (C) How frequently the *child* or *young adult* is to be reassessed with respect to the *delegated nursing task*;
 - (D) How the *qualified provider* is to be supervised; and
 - (E) How frequently the *qualified provider* is to be reevaluated.
 - (d) Identify the date that the *personal care services* are to begin and the date that the *personal care services plan* ends; and
 - (e) Be signed by the *Contract Registered Nurse* or *Personal Care RN Manager* and each *qualified provider* providing services under the *personal care services plan*.

- (3) If the *Contract Registered Nurse* or *Personal Care RN Manager* determines that the *child* or *young adult* requires a *delegated nursing task*, the *Contract Registered Nurse* or *Personal Care RN Manager* must follow the requirements in OAR 851-047-0000 to 851-047-0040.
- (a) An authorization permitting a *qualified provider* to perform a nursing task does not permit the *qualified provider* to perform the task for a different *child* or *young adult* and the authorization may not be transferred.
 - (b) The skill of the *qualified provider* and the condition of the *child* or *young adult* must be reevaluated as appropriate.
 - (c) The *registered nurse* may rescind the delegation, as provided in OAR 851-047-0030(7), and revise the *personal care services plan* accordingly.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-090-0140

Periodic Review of Personal Care Services Eligibility

- (1) A *child* or young adult's eligibility for *personal care services* must be reviewed annually from the initial date of the *personal care services plan*, unless an earlier date for reassessment has been approved in the *personal care services plan*.
- (2) The *child* or young adult's caseworker may refer the *child* or *young adult* for a *personal care services* reassessment earlier than the date approved in the *personal care services plan* if the *child* or young adult's need for *personal care services* has changed. The *Personal Care RN Manager* must approve the referral.
- (3) The Department must send a notice to the *foster parent* or *relative caregiver*, on behalf of the *child* or *young adult*, at least 14 days prior to conducting a *personal care services* reassessment. The notice must include:
 - (a) A description and explanation of the *personal care services assessment* process;
 - (b) An explanation of the process for appealing the results of the *personal care services assessment*; and
 - (c) A description of the *foster parent* or relative caregiver's right, on behalf of the eligible *child* or *young adult*, to set the date, time and place of the *personal care services assessment* at a location that is convenient for him or her and to invite other persons to participate in the *personal care services assessment*.
- (4) The *Contract Registered Nurse* or *Personal Care RN Manager* follows the process set forth in OAR 413-090-0133 when conducting a *personal care services* reassessment.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-090-0150

Payment Determination

- (1) Payment for the *personal care services* identified in the *personal care services plan* is based on the eligible *child* or young adult's *personal care services* at a *level of personal care* that corresponds to the needs identified in the *personal care services assessment* and is determined by the Department. The levels of personal care are set forth in [Exhibit 1](#).
 - (a) If the eligible *child* or *young adult* qualifies as Level 1 (moderate care), the payment is a maximum of \$207 per month based on the days within the month the *child* or *young adult* is eligible for and receives *personal care services*.
 - (b) If the eligible *child* or *young adult* qualifies as Level 2 (intermediate care), the payment is a maximum of \$413 per month based on the days within the month the *child* or *young adult* is eligible for and receives *personal care services*.
 - (c) If the eligible *child* or *young adult* qualifies as Level 3 (advanced care), the payment is a maximum of \$620 per month based on the days within the month the *child* or *young adult* is eligible for and receives *personal care services*.
 - (d) If the eligible *child* or *young adult* qualifies as Level 4 (intensive care), the payment is an amount authorized by the Department, based on the days within the month the *child* or *young adult* is eligible for and receives *personal care services* and on the intensity and frequency of the *personal care services* in conjunction with all other medical services provided for the *child* or *young adult*.
- (2) Payment for *personal care services* is made on a monthly basis, and is calculated based on the number of days *personal care services* were provided to the eligible *child* or *young adult*.
 - (a) General Fund payment for *personal care services* is authorized by the Department on the date the *personal care services assessment* is approved.
 - (b) Title XIX payment for *personal care services* is authorized by the Department on the date the *personal care services plan* was signed by the *qualified provider*.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

[Ed. Note: [Exhibit 1](#) referenced is available from the Department.]

413-090-0210

Termination of Personal Care Services and Payments

- (1) *Personal care services* provided to a *child* or *young adult* are terminated when the *child* or *young adult* no longer meets the eligibility requirements under OAR 413-090-0130.

- (2) *Personal care services* payments are made to the *qualified provider* as described in OAR 413-190-0150(2) until a *personal care services plan* is terminated or the date the *child* or *young adult* is no longer in the care of the *foster parent* or *relative caregiver*, whichever is earlier.

Stat. Auth. ORS 418.005

Stats. Implemented: ORS 418.005

Contact(s):

- **Name:** CAF Reception; **Phone:** 503-945-5600

Policy History

- [07/01/01](#)
- [04/01/02](#)
- [07/31/03](#)
- [11/01/03 thru 04/28/04](#)
- [04/01/04](#)
- [10/13/06 thru 03/31/07](#)
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