

Policy Title:	Personal Care Services – OAR		
Policy Number:	I-E.5.1.2 413-090-0100 thru 0210		Effective Date: 9/25/09

Approved By: *on file*

Date Approved:

Policy

Forms, etc.

Definitions

References

Contact

History

Reference(s):

- I-A.5.1, Contested Case Hearings
- Oregon Department of Employment Wage Information Report
- ORS 418.005
- Standard Occupation Classifications
- Title XIX State Plan

Form(s) that apply:

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

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 and oxygen 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 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 a 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 and oxygen management -- assisting with ordering, organizing and administering oxygen or prescribed medications (including pills, drops, ointments, creams, injections, inhalers and suppositories), monitoring for choking while taking medications, assisting with the administration of oxygen, maintaining clean oxygen equipment, and monitoring for adequate oxygen supply; 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 relative caregiver or foster parent;
 - (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 personal care services assessment to the Personal Care RN Manager.
- (4) The Personal Care RN Manager must:
- (a) Review the personal care services assessment;
 - (b) Apply the rating scale to the personal care services assessment and record the points on the personal care services assessment results summary;
 - (c) Submit the completed personal care services assessment results summary to the Level of Care Manager who determines a level of personal care; and
 - (d) 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 to determine the additional payment and the intensive personal care services required to meet the child or young adult's identified needs.

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(9); and
- (2) The Contract Registered Nurse or the Personal Care RN Manager may authorize a qualified provider to provide personal care service 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, which is approved by 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 and determining 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 task;
 - (C) How frequently the child or young adult is to be reassessed with respect to the delegated nursing task; and
 - (D) How frequently the qualified provider is to be supervised and reevaluated.
 - (d) Identify the date that the personal care services are to begin and the date that the plan ends; and
 - (e) Be signed by the Contract Registered Nurse or Personal Care RN Manager and each qualified provider providing services under the 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 to another qualified provider.
 - (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 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 reassessment. The notice must include:
 - (a) A description and explanation of the assessment process;
 - (b) An explanation of the process for appealing the results of the 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 assessment at a location that is convenient for him or her and to invite other persons to participate in the assessment.
- (4) The Contract Registered Nurse or Personal Care RN Manager follows the process set forth in OAR 413-090-0133 when conducting a reassessment.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-090-0150

Payment Determination

- (1) Payment for providing the personal care services identified in the personal care services plan is based on the 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 as Exhibit 1.
 - (a) If the child or young adult qualifies as Level 1 (moderate to intermediate care), the payment is \$207 per month.

- (b) If the child or young adult qualifies as Level 2 (intermediate to advanced care), the payment is \$413 per month.
 - (c) If the child or young adult qualifies as Level 3 (advanced to intensive care), the payment is \$620 per month.
 - (d) If the child or young adult qualifies as Level 4 (intensive care), the payment is an amount authorized by the Department based 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 effective on the first day of the month in which an approved personal care services plan was signed or the first day the child or young adult was placed in the home, whichever is later.
 - (3) Personal care authorizations in effect prior to July 1, 2009 remain in effect through August 31, 2009 without the required annual review, unless the child or young adult is no longer placed with the authorized foster parent or relative caregiver.

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

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

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 for the specified personal care services from the effective date of the personal care services plan until the 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](#)
- [04/01/07](#)

- [07/01/09 thru 08/11/09](#)
- [08/12/09](#)

Prior Version