

Cathy Cooper

Authorized Signature

Number: SPD-AR-10-059

Issue Date: 7/1/2010

CORRECTED

Topic: Other

Due Date: Upon Receipt

Subject: Oregon Project Independence

Applies to (check all that apply):

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

Action Required: State funding for the OPI program will unfortunately be eliminated effective August 1, 2010 as a result of the Governor's direction to state agencies to achieve a 9% general fund budget reduction in this biennium due to state revenue shortfalls. SPD has had to make some very difficult decisions and out of necessity will be implementing many significant reductions to programs providing critically needed services to seniors and people with both developmental and physical disabilities in the coming months.

We know how difficult it can be for clients to cope with the loss of services they have come to rely upon. Additionally, we understand how challenging it can be for staff to be asked to place their energy toward assisting their clients not only cope with this unforeseen change in circumstances but also to creatively sort out options and potential replacement or transition resources when those staff may be facing the loss of their own employment as well. We commend you in advance for the compassion and dedication we know will be demonstrated as you and your staff go about the very difficult work of transitioning clients from receiving OPI services.

Several actions must be taken in order to properly notify OPI clients and service providers of the elimination of funding for the OPI program. We provide the following direction and guidance in order for you to have the information you need and to use it to provide the required notification with as much advance notice as possible and to allow your staff time to help clients plan for the transition to a reduction in paid services.

1. Written notices to clients must be sent by each AAA, as much in advance of the effective date as possible and absolutely prior to the actual end date of service

provision. We strongly suggest not less than a 10 day advance notification and certainly the most advance notice possible is desirable.

2. To assure legal sufficiency, notices must include the following:

The client's name, a reference to the actual type of service(s) and the specific date that the client's services will end.

The reason for the service reduction.

The client's right to your AAA grievance procedure and how to make their request for your review under that procedure. (Reference OAR 411-032-0020(4)) You must also state that they will receive a written notice related to your decision on any grievance review requested.

A statement that the client does not have a right to continue to receive services pending your review and decision on any grievance review requested. The reason is because the elimination of funding for this program is occurring statewide due to lack of revenue and not specific to the individual and as such is not subject to OAR 411-032-0020(4)(a) Continuation of Services.

3. Please provide SPD with a list of all clients to whom you have sent service reduction notices by Aug 1, 2010. Please include client names, addresses, and phone numbers as well as a sample letter of the notices sent by your AAA. If you prefer to send copies of all actual notices sent in lieu of a list of clients and a sample letter, that is acceptable as well. Please submit electronically to ryan.e.kibby@state.or.us. We are requesting this information so that SPD can collect information related to specific services eliminated and gather additional information about client outcomes related to the loss of OPI services.
4. If a client is receiving OPI services through the use of a Home Care Worker, in order to comply with the SEIU Home Care Worker collective bargaining agreement, the HCW must be notified of the reduction in authorized in-home service hours and the effective date of the reduction. The contract requires that notices must be given at least the day prior or the day of the service reduction, but out of respect and consideration for the hardship these reductions will cause to the HCWs, we request that you send these notices as well with as much advance notice as possible. SDS Form 4105 can be utilized for this purpose.
5. Notices to all other service providers should be made in accordance with your individual contractual obligations. If for any reason your notice to providers might be preceding your notice to clients, please inform the providers that you will be issuing written notices to clients and try to assure that they won't place themselves in the position of informing the clients of the service reduction prior to

your ability to notify clients.

We encourage you to work with clients to develop transition plans utilizing natural and community supports and resources. Any AAA OPI program income you have available may be retained and used for direct client services and assistance in transitioning from on-going paid services. We request that you track your use of program income specific to each client and will request a report of this utilization by year end 2010. We ask for it in order to incorporate this information and analysis as part of our tracking of client outcomes.

Additionally, your Older Americans Act funding is a potential resource to be utilized according to program guidelines and as best fits the needs of specific clients. In limited situations, it may provide a small amount of care-giving critical to maintaining a client's independence in the community.

Please contact our State Unit on Aging program staff with questions or for assistance in working through these difficult but necessary steps.

Reason for Action: Included above

Field/Stakeholder review: Yes No

If yes, reviewed by:

If you have any questions about this action request, contact:

Contact(s):	Elaine Young, Jeanette Burket		
Phone:	503/373-1726, 503.947.5064	Fax:	503/373-1133
E-mail:	Elaine.Young@state.or.us		

Secretary of State
Certificate and Order for Filing
TEMPORARY ADMINISTRATIVE RULES
A Statement of Need and Justification accompanies this form..

I certify that the attached copies* are true, full and correct copies of the TEMPORARY Rule(s) adopted on [upon filing] by the
Date prior to or same as filing date

Department of Human Services, Seniors and People with Disabilities Division 411

Agency and Division	Administrative Rules Chapter Number
Christina Hartman	(503) 945-6398
500 Summer Street NE, E-10 Salem, OR 97301-1074	

Rules Coordinator	Address	Telephone
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to become effective [upon filing] through [December 28, 2010].
Date upon filing or later A maximum of 180 days including the effective date.

RULE CAPTION

Elimination of State Funding for the Oregon Project Independence Program Effective August 1, 2010

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

List each rule number separately, 000-000-0000.
Secure approval of new rule numbers (Adopted rules) with the Administrative Rules Unit prior to filing

ADOPT:

AMEND:

411-032-0001

SUSPEND:

Temporary Rule 411-032-0001(T)

Stat. Auth.: ORS 409.050, 410.070, & 410.420

Other Auth.: ORS 291.261 and Oregon Laws 2009, Chapter 901

Stats. Implemented: ORS 410.410 to 410.480

RULE SUMMARY

The Department of Human Services, Seniors and People with Disabilities Division (SPD) is temporarily amending OAR 411-032-0001 to allow Area Agencies on Aging to modify eligibility and service determinations due to the elimination of State funding for the Oregon Project Independence Program. The Oregon Project Independence Program will not be funded after August 1, 2010.

Signed Catherine A. Cooper, Deputy Assistant Director

July 1, 2010

Signature

Date

STATEMENT OF NEED AND JUSTIFICATION

A Certificate and Order for Filing Temporary Administrative Rules accompanies this form.

Department of Human Services, Seniors and People with Disabilities Division 411

Agency and Division

Administrative Rules Chapter Number

In the Matter of: **The temporary amendment of 411-032-0001 and the suspension of temporary rule 411-032-0001(T) relating to the elimination of State funding for the Oregon Project Independence Program.**

Rule Caption: (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

Elimination of State funding for the Oregon Project Independence Program Effective August 1, 2010.

Statutory Authority: **ORS 409.050, 410.070, & 410.020**

Other Authority: **ORS 291.261 and Oregon Laws 2009, Chapter 901**

Stats. Implemented: **ORS 410.410 to 410.480**

Need for the Temporary Rule(s):

The Oregon Project Independence Program will no longer be funded after August 1, 2010. SPD needs to temporarily amend OAR 411-032-0001 to allow Area Agencies on Aging to account for the loss of State funding in making eligibility and service determinations effective August 1, 2010.

The loss of State funding of the Oregon Project Independence Program is in compliance with Governor Kulongoski's requirement to reduce agency expenditures which the agency must implement effective August 1, 2010, for this program in order to meet the required reductions.

Documents Relied Upon, and where they are available:

SPD Detail of Allotment Reduction to 2009-2011 Legislatively Approved Budget Level Available at:

http://www.oregon.gov/DAS/BAM/Allot_Reduction_Pages/DHS_SeniorsPeopleWithDisabilities.pdf

Justification of Temporary Rule(s):

Failure to act promptly will result in serious prejudice to SPD and Area Agencies on Aging as SPD will no longer have funds to authorize Area Agencies on Aging to administer the Oregon Project Independence Program. These rules need to be adopted promptly to allow the Area Agencies on Aging to manage the Oregon Project Independence effective August 1, 2010, without the assistance of State funding.

Signed Catherine A. Cooper, Deputy Assistant Director

July 1, 2010

Signature

Date

**DEPARTMENT OF HUMAN SERVICES
SENIORS AND PEOPLE WITH DISABILITIES DIVISION
OREGON ADMINISTRATIVE RULES**

**CHAPTER 411
DIVISION 32**

OREGON PROJECT INDEPENDENCE

411-032-0001 Elimination of State Funding for the Oregon Project Independence Program Effective August 1, 2010
(Temporary Effective 7/1/2010 – 12/28/2010)

- (1) Effective August 1, 2010, State funding for the Oregon Project Independence Program is eliminated.
- (2) Notwithstanding any other rules, Area Agencies on Aging have discretion to consider the lack of State funding in making eligibility and service determinations.
- (3) The Area Agency on Aging shall provide notice to clients of any decision to reduce or terminate services. Area Agency on Aging decisions to reduce or terminate service authorizations based upon lack of available State funding which are applied across the board and are not based upon an individualized eligibility or service determination are not subject to OAR 411-032-0020(4)(a), continuation of services.

Stat. Auth.: ORS 409.050, 410.070, & 410.420
Stats. Implemented: ORS 410.410 to 410.480