

Cathy Cooper  
Authorized Signature

**Number:** SPD-AR-10-116  
**Issue Date:** 12/20/2010

**Topic:** Developmental Disabilities

**Due Date:**

**Subject:** Developmental Disabilities - Implementation of HB3618 (Individual Support Plans)

**Applies to (check all that apply):**

- |  |  |
|--|--|
| <input type="checkbox"/> All DHS employees                     | <input checked="" type="checkbox"/> County Mental Health Directors   |
| <input 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 checked="" type="checkbox"/> County DD Program Managers | <input checked="" type="checkbox"/> Other (please specify): Support Service Brokerage Directors, DD Licensing Staff, SPD Regional Coordinators, SPD Adult Support Service Coordinators |

**Action Required:** The Oregon Legislature passed HB 3618 during the February 2010 special session. This bill was signed into law. HB 3618 is directed to "Personal Support Workers" who are defined as persons who are hired by the client or the client's family or guardian and paid by public funds. As required by HB 3618, Personal Support Workers will be covered by Workers Compensation Insurance effective 1/1/11. For reference purposes, this bill can be viewed at:

<http://www.leg.state.or.us/10ss1/measpdf/hb3600.dir/hb3618.en.pdf>

On 11/29/10, SPD issued an Action Request (SPD-AR-10-105) titled "Implementation of HB3618 - Workers Compensation Coverage for Personal Support Workers". SPD-AR-10-105 specifically referenced the requirement to collect, report, and submit the Workers' Benefit Fund (WBF) from employees and employers on payroll after January 1, 2011. The WBF is a payroll assessment calculated on the basis of hours worked by all paid workers covered by workers' compensation insurance in Oregon. The WBF payroll assessment is 2.8 cents per hour of work paid to a Personal Support Worker. Generally half of this assessment is deducted from the worker's paycheck and the other half contributed by the employer.

Immediately below is a link to a publication on the Workers' Benefit Fund Assessment. This publication is provided by the Workers' Compensation Division of the Oregon Department of Consumer & Business Services. This publication details the

requirements and expectation of the WBF assessment.

<http://www.oregon.gov/DCBS/FABS/docs/assessment.pdf?ga=t>

For services provided to individuals with developmental disabilities, the employer contribution of the WBF comes from the Individual's Support Plan costs. Since this is a mandatory payroll cost, there is no requirement to convene an ISP team meeting to formally revise current service plans. However service coordinators, personal agents, and others responsible for plan implementation are required to:

1. Assure that plans, including the WBF assessment, are implemented within the currently approved service/plan rate (DD44, DD49, DD151) or benefit levels (DD149, DD150).
2. Place a statement addressing the new requirement of the WBF in the individual program record, attached to the most current ISP, of each affected service recipient. This statement is to document the requirement of the WBF and that this requirement is in effect as of 1/1/11.
3. Have ISP teams, in individual service/support plans revised or created after 1/1/11, document in the plan the existence of the WBF expenses as part of any payroll related costs.

The statement to be placed in the program files of service recipients now required to contribute to the WBF assessment is as follows:

**Starting January 1, 2011, in accordance with HB 3618, all Personal Support Workers are eligible for workers compensation insurance coverage. This insurance coverage requires the assessment of the Workers' Benefit Fund (WBF) to both covered workers and their employers. Current annual Individual Support Plans and job descriptions written prior to January 1, 2011 may not reflect the increased cost of this assessment. All plans written or revised after January 1, 2011 will reflect the assessments related to the WBF.**

Questions about this Action Request should be directed to Mike Maley at the contact information below.

**Reason for Action:** See Above

**Field/Stakeholder review:**     Yes     No

**If yes, reviewed by:**

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

<b>Contact(s):</b>	Mike Maley		
<b>Phone:</b>	503-947-4228	<b>Fax:</b>	503-373-7274
<b>E-mail:</b>	<a href="mailto:Mike.j.maley@state.or.us">Mike.j.maley@state.or.us</a>		