

Cathy Cooper

Authorized Signature

Number: SPD-PT-10-039
Issue Date: 11/17/2010

Topic: Long Term Care

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 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 checked="" type="checkbox"/> Seniors and People with Disabilities |
| <input type="checkbox"/> County DD Program Managers | <input type="checkbox"/> Other (please specify): |

Policy/Rule Title:	Update on the Buckley Bill Notice Requirements and the View Direct Reports for assessments due, past due and coming due		
Policy/Rule Number(s):	OAR 411-015-0008	Release No:	
Effective Date:	Immediately	Expiration:	
References:			
Web Address:	http://www.dhs.state.or.us/policy/spd/rules/411_015.pdf		

This transmittal will provide updated information on the following:

- Reiteration of Buckley Bill Notice Requirements
- Expansion of service clients who are automatically sent the 70B Buckley Bill Notice
- Service clients who must still be sent a manual 70B Buckley Bill Notice
- Modification of dates to ensure consistency between the 70B Buckley Bill Notice and the two View Direct Reports of Assessment Due and Past Due (SJC3080R-A) and Assessments Coming Due (SJC3080R-B)

Discussion/Interpretation:

In accordance with OAR 411-015-0008:

- ▶ Individuals will be sent a notice of the need for re-assessment a minimum of fourteen (14) days in advance of assessing the individual.
- ▶ This notice requirement is to allow time for the individual to request the presence of their representative or natural supports at the assessment.
- ▶ The one exception to the requirement for notice of service re-assessments is based on a change in the individual's condition or needs. In this circumstance, the 14-day advance notice is exempt from this requirement. This provision is to protect individuals who need an immediate re-assessment due to a sudden, urgent increase in needs. These individuals should not be penalized by having to wait 14-days to allow time for the notice. All other re-assessments should be scheduled far enough in advance to allow for the required minimum 14 day advance notice.
- ▶ For additional detail on assessment requirements due to the Buckley Bill, please review Policy Transmittal [SPD-PT-06-024 Assessments](#).

The 70B Buckley Bill Notice must be automatically or manually sent

1. Expansion of clients that will automatically be sent the notice:

Due to system upgrades, requirements in Action Request [SPD-AR-10-083 Buckley Bill Notice Requirement](#) are no longer necessary, as the system issues have now been resolved.

At least one month prior to services ending, all clients with the following Service Category/Benefit type will now automatically be sent the 70B Buckley Bill Notice:

▶ APD – In Home	▶ ICP	▶ MF6
▶ APD – Residential	▶ MF1 – NF to APD	▶ NFC–Basic All Inclusive
▶ APD - SPH	▶ MF4 – MF to ICP	▶ PAC

2. Early Re-assessments require a manually sent notice:

The automatic notices are sent mid-month, the month before the services end date. For example on 10/15/2010 the notices for the end of November (11/30/2010) are printed and sent. Since this notice is automatically generated based on the SELG End Date, a manual notice must be sent by the case manager to all clients that are re-assessed prior to the automatic notice being issued. This form is located on the [SPD Staff Tools Form Server](http://dhsforms.hr.state.or.us/forms/databases/FMPRO?-db=FormTbl.fp5&-lay=Main&-format=Findforms_FMP.htm&-findany) website at: http://dhsforms.hr.state.or.us/forms/databases/FMPRO?-db=FormTbl.fp5&-lay=Main&-format=Findforms_FMP.htm&-findany

To find out when the automatic notices will be generated, check the [Monthly systems/production calendar](#) found on [SPD Staff Tools](#). Look for the job named "10 Day System Generated Notice Produced".

Administrative Hearings: It is important that all clients entitled to a 70B Buckley Bill Notice, either receive an automatic or manual notice, as the Department may not be upheld in an administrative hearing based on a reduction of services for clients that did not receive this notice.

View Direct Reports and 70B Buckley Bill Notice are triggered by the same date: Effective October 2010, the two View Direct Reports [Assessment Due and Past Due (SJC3080R-A) and Assessments Coming Due (SJC3080R-B)] and the 70B Buckley Bill Notice are now aligned and automatically generated based on the mainframe SELG End Date.

The date used for these notices and the reports is the service category/benefit end date. The following dates should all be the same. If there is a discrepancy between OACCESS and the mainframe, these reports and notices will be based on the mainframe date.

These dates can be seen:

- On SELG as the End Date
- On SSEI as the Svc Cat End Dt
- In the CAPS Service Planning section as the Service Category/Benefit End Date

Prior to October, these View Direct reports were pulled using the SELG-SSEI Valid Until Dt [date] (this is the same date as the CAPS Assessment Valid Until date), and the 70B Buckley Bill Notice was sent based on the SELG-SSEI End Date. By using the same date item, it will ensure that the client's re-assessment will be listed on the View Direct Reports during the same month the client receives the 70B Buckley Bill Notice.

For further detail on the two View Direct reports, see Information Memorandum Transmittal [SPD-IM-10-021 View Direct Reports for assessments due, past due and coming due.](#)

Training/Communication Plan: None scheduled.

Local/Branch Action Required: To be in compliance with OAR 411-015-0008, a 70B Buckley Bill Notice must be manually sent by the case manager to all clients that are re-assessed prior to the automatic notice being issued. This form is located on the [SPD Staff Tools Form Server](#) website at:
http://dhsforms.hr.state.or.us/forms/databases/FMPRO?-db=FormTbl.fp5&-lay=Main&-format=Findforms_FMP.htm&-findany

Central Office Action Required: Provide technical assistance as needed.

Field/Stakeholder review: Yes No

Operations Committee and SPD Policy Workgroup

If you have any questions about this policy, contact:

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