

James Toews
Authorized Signature

Number: SPD-PT-10-041
Issue Date: 11/30/2010

Topic: Developmental Disabilities

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 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): Regional Crisis Coordinators, Adult Support Service Brokerage Directors, ODDS Regional Coordinators, ODDS Adult Support Service Coordinators, ODDS Children's Intensive In-Home Support Managers, ODDS Children's Residential Services Managers |

Policy/Rule Title:	OAR Chapter 411, Division 320 - Community Developmental Disabilities Programs – Expenditure Clarifications		
Policy/Rule Number(s):	411-320-160	Release No:	
Effective Date:	12/01/2010	Expiration:	
References:			
Web Address:			

Discussion/Interpretation:

This transmittal is related to the expenditure of Crisis/Diversion (DD44) dollars within the developmental disability service system. This transmittal is one of several that are anticipated to announce changes in policy and expected practice related to the use of DD44 funding.

The specific policies and practices covered in this transmittal go into effect for crisis

plans newly approved or extended on or after 12/01/2010. The applicable expenditure and rate guideline documents, as well as the applicable administrative rules are being adjusted to reflect these changes and will be distributed under separate cover.

The specific purpose of this transmittal is to clarify the interpretation of allowable expenditures made with DD44 funds for crisis services as outlined in OAR 411-320-160. In some cases this transmittal will also establish new limitations or conditions on certain types of expenditures.

The contents of this transmittal must also be reviewed and enacted consistent with the Policy Transmittal [SPD-PT-10-040](#), distributed 11/23/10, which provides additional policy guidelines for the use of DD44 funding.

Expenditure Area: Respite for a primary caregiver(s) – short term.

Description:

This is the provision of periodic respite for temporary relief from duties for a primary caregiver(s). This guideline relates to individuals living in their homes with family or other natural caregivers and no service payments are being provided. This guideline applies to in-home services (DD150, DD151, DD49, DD149) whether or not long-term funding for services exists.

Limitations or Conditions:

- The use of respite is limited to a total of four (4) days during the time period in which the individual is in crisis status. Days are defined as any number of hours within a consecutive 24-hour period up to, and including, a 24-hour provision of respite.
- Respite may be provided on intermittent or consecutive days but may not surpass the four (4) day total limitation.
- Crisis respite care using DD44 funds is not available to caregivers/staff in the following services:
 - DD51 (Supported Living for Adults)
 - DD50 (24-Hour Residential Services for Adults)
 - DD142 (Residential Services for Children)
 - DD143 (Proctor Care for Children)
 - DD58 (Foster Care for Children and Adults)

Policy and Practice Expectation:

- The CDDP or Regional Crisis program must, in its professional judgment, determine that out of home placement for the individual is imminent (within 30 days of evaluation) or that other risk factors exist, as identified in administrative rule, and the individual therefore qualifies for crisis diversion services.
- The CDDP or Regional Crisis program must, in its professional judgment, determine that provision of respite will:
 - Delay or eliminate the need for out-of-home place, or

- Stabilize the situation so other long-term strategies to address the risk factors can be identified and implemented.
- The CDDP or Regional Crisis program, as applicable, must determine that all other resources (including other natural supports) have been reviewed, prioritized and determined not available to meet the crisis respite needs. For individuals receiving in-home support funding, the individual's support team must review the crisis situation and determine how existing resources can be re-structured to provide crisis respite. This includes a review of the existing plan to the extent that respite care has been included as a service.

Exceptions:

There are no exceptions to the provisions outlined above.

Expenditure Area: Respite for a primary caregiver(s) – Absence of primary caregiver(s)

Description:

This is the provision of periodic respite for temporary relief from duties for a primary caregiver(s) in the absence of other primary caregiver(s) due to an emergency or unanticipated circumstance. The individual is determined eligible for crisis diversion services by meeting the risk factors and criteria of a crisis as defined in administrative rule.

This guideline relates to individuals living in their homes with family or other natural caregivers and no service payments are being provided. This guideline includes in-home services (DD150, DD151, DD49, DD149) whether or not long-term funding for services exists.

Limitations or Conditions:

- The use of respite is limited to a total of fourteen (14) days during the time period in which the individual is in crisis status. Days are defined as any number of hours within a consecutive 24-hour period up to, and including, a 24-hour provision of respite.
- Respite may be provided on intermittent or consecutive days but may not surpass the fourteen (14) day total limitation.
- Crisis respite care using DD44 funds is not available to caregivers/staff in the following services:
 - DD51 (Supported Living for Adults)
 - DD50 (24-Hour Residential Services for Adults)
 - DD142 (Residential Services for Children)
 - DD143 (Proctor Care for Children)
 - DD58 (Foster Care for Children and Adults)
 - DD54 (Employment and Alternatives to Employment)

Policy and Practice Expectation:

- The CDDP or Regional Crisis program must, in its professional judgment determine that provision of respite is necessary to:
 - Stabilize the crisis situation until return of availability of the primary caregiver(s) or
 - Stabilize the situation so other long-term strategies to address the risk factors can be identified and implemented.
- The CDDP or Regional Crisis program, as applicable, must determine that all other resources (including other natural supports) have been reviewed, prioritized and determined as not available to meet the crisis respite needs. For individuals receiving in-home support funding it is required that the individual's support team reviews the crisis situation and determines how existing resources can be re-structured and prioritized to provide the needed crisis respite. This includes a review of the existing plan to the extent that respite care has been included as a presumed service.

Exceptions:

An exception to the fourteen (14) day limit may be granted in circumstances where a minimal number of extra of respite days are needed because the return of primary caregiver(s), whose absence created the crisis situation, has been delayed beyond the initially planned date. It is anticipated that this would be very limited in scope and not surpass an additional seven (7) days.

This exception can only be granted after first 14 days of respite are exhausted and the CDDP or Regional Crisis program, as applicable, determines that additional days are needed to maintain a stable situation until return of the primary care giver(s). This exception must be in the form of a variance request.

Expenditure Area: Purchase of Behavior Consultation Services

Description:

This is the purchase of services of a qualified behavior support consultant to conduct a functional analysis, develop a behavior support plan, assist in implementing the behavior support plan or other services typically performed by such a consultant.

Limitations or Conditions:

- The involvement of a behavior support specialist is temporary in nature and does not constitute a long-term consultation arrangement with the ongoing service provider entity. In general, this would mean that the consultations arrangement would not exceed a 90-day period.

Policy and Practice Expectation:

- Behavior consultation services using DD44 funds is not available to individuals in the following services:

- DD51 (Supported Living for Adults)
- DD50 (24-Hour Residential Services for Adults)
- DD142 (Residential Services for Children)
- DD143 (Proctor Care for Children)
- DD58 (Foster Care for Children and Adults)
- DD54 (Employment and Alternatives to Employment)

Exceptions:

In general there are no exceptions to the provisions outlined above. However, individual exceptions to the exclusion of a comprehensive out-of-home service may be requested. These exceptions are made at the state level only with requests made by CDDP or Regional Crisis staff through the SPD Regional Coordinator assigned to the applicable geographic area.

Expenditure Area: Purchase of Supplies and Equipment

Description:

Current administrative rules allow for the purchase of certain supplies and equipment with DD44 funds. This transmittal is to reinforce and confirm that the purchase of such items must be short-term and related solely to mitigating the circumstances creating the risk factors and crisis criteria outlined in administrative rule.

Limitations or Conditions:

- The purchase of supplies and/or equipment must relate directly to mitigating or eliminating the risk factors and crisis criteria making the individual eligible for crisis services.
- DD44 funds cannot be used to purchase supplies and/or equipment if the individual's or family insurance, including the Oregon Health Plan or Healthy Kids program, will provide the items.
- Only the most cost-efficient means and options for providing the supplies or equipment must be considered.
- The purchase of supplies and/or equipment is temporary in nature and does not constitute a long-term purchase arrangement with the ongoing service provider entity. In general, this would mean that such purchases would be one-time in nature or would not exceed a 90-day period.
- The bulk or advance purchase of supplies or equipment that would effectively surpass the 90-day limitation is not allowable.
- Purchase of equipment is not allowed when it is experimental or not generally-accepted, or absolutely prohibited by the Oregon Health Plan.

Policy and Practice Expectation:

- The CDDP or Regional Crisis program, as applicable, must determine that all other resources have been reviewed, prioritized and determined as not available to purchase supplies and/or equipment. For individuals receiving long-term funding for in-home services this requires that the individual's support team reviews the crisis situation and determines how existing resources can be re-

structured to provide the supplies and/or equipment as a priority need. This includes a review of the existing plan to the extent that the purchase of supplies or equipment has been included as a service.

- The purchase of supplies and equipment using DD44 funds is not available to individuals in the following services:
 - DD51 (Supported Living for Adults)
 - DD50 (24-Hour Residential Services for Adults)
 - DD142 (Residential Services for Children)
 - DD143 (Proctor Care for Children)
 - DD58 (Foster Care for Children and Adults)
 - DD54 (Employment and Alternatives to Employment)

Exceptions:

In general there are no exceptions to the provisions outlined above. However, individual exceptions to the exclusion for individuals served in a comprehensive out-of-home service may be requested. These exceptions are made at the state level only with requests made CPPD or Regional Crisis staff through the SPD Regional Coordinator assigned to the applicable geographic area.

Expenditure Area: Purchase of Employment/Alternatives to Employment or Community Inclusion Services

Description:

Current administrative rules allow for the purchase of short-term “vocational” services with DD44 funds. This transmittal is to clarify the interpretation of that rule and to place new conditions on the use of DD44 funds for those services as well as community inclusion activities.

Limitations or Conditions:

- In general, the use of DD44 funding for DD54 (Employment or Alternatives to Employment) or other employment or community inclusion services is not allowed. Exceptions will be granted as outlined below.

Policy and Practice Expectation:

- The CDDP or Regional Crisis in contemplating a request for an exception must:
 - Determine that funding for DD54 or other similar employment or community inclusion services are directly related to the immediate mitigation or elimination of the crisis situation.
 - Determine that all other resources have been reviewed, prioritized and determined as not available to purchase employment, alternatives to employment, or community inclusion services. For individuals receiving long-term funding for in-home services this requires that the individual’s support team review the crisis situation and determine how existing resources can be re-structured to provide the employment, alternatives to employment, or community inclusion services as a priority need. This includes a review of the existing plan to the extent that the purchase is not duplicative to an existing service.

Exceptions:

In general there are no exceptions to the provisions outlined above. However, individual situational exceptions to the purchase of employment, alternatives to employment, or community inclusion activities may be requested. The criteria for granting exceptions will be based on assuring continuity of services as the person in crisis transitions from one living situation to another, **as a critical component to assure stability**. These exceptions are made at the state level only with requests made by CDDP or Regional Crisis staff through the SPD Regional Coordinator assigned to the applicable geographic area.

Expenditure Area: Purchase of Adaptations to Residences

Description:

Current administrative rules allow for the use of DD44 funds to purchase adaptations to the eligible individual's residence to increase accessibility or security. This transmittal is to clarify the interpretation of that rule and place new conditions on the use of DD44 funds for those purchases.

Limitations or Conditions:

The use of DD44 funding for the purchase of adaptations to residences must meet several criteria as it relates to crisis services. These include, but are not limited to:

- Adaptation must relate specifically and directly to the risk factors and criteria that makes the individual eligible for crisis services.
- The adaptation must lead to the planned and intended increased longevity of the individual staying in their current residence.
- The adaptation must be cost effective in terms of (1) the alternatives and options considered (e.g. types of flooring, windows, fencing, etc.), (2) the actual cost of purchase, construction, or installation (e.g. considering the various bid options), and (3) overall support cost implications (e.g. reducing the existing need for paid staffing, avoiding the need to add additional paid staff, etc.).
- Adaptations are limited to the primary residence of the individual.
- DD44 funds are not available for the purchase of adaptations to residences to individuals in the following services:
 - DD51 (Supported Living for Adults)
 - DD50 (24-Hour Residential Services for Adults)
 - DD142 (Residential Services for Children)
 - DD143 (Proctor Care for Children)
 - DD58 (Foster Care for Children and Adults)

Policy and Practice Expectation:

- The CDDP or Regional Crisis program, as applicable, must determine that all other resources have been reviewed and prioritized and determined as not available to purchase adaptations for residences. For individuals receiving long-term funding for in-home services this requires that the individual's support team reviews the crisis situation and determines how existing resources can be re-

structured to provide for the needed adaptation as a priority need. This includes a review of the existing plan to the extent that the purchase of an adaptation has been included as a presumed plan purchase.

- The SPD Community Housing Section must be consulted to confirm that the adaptation does not fall under the purview of that work unit. Generally this Unit has responsibility for all Community Integration Project houses.
- All other provisions in administrative rule relating to the use of DD44 funds for adaptations must be followed (e.g. SPD approval for purchases/projects over \$5,000).

Exceptions:

In general there are no exceptions to the provisions outlined above. However, individual situational exceptions to the exclusion of a comprehensive out-of-home service may be requested. These exceptions are made at the state level only with requests made by CDDP or Regional Crisis staff through the SPD Regional Coordinator assigned to the applicable geographic area.

Expenditure Area: Purchase of Specialized Diets

Description:

Current administrative rules do not specifically address the purchase of specialized diets with DD44 funds. This transmittal is to clarify the interpretation of the rules on the use of DD44 funds for those purchases.

Limitations or Conditions:

The use of DD44 funding for the purchase of specialized diets is not allowed.

Policy and Practice Expectation:

The CDDP, Regional Crisis, or Support Service staff may provide technical assistance in determining what resources, excluding DD44 funds, may be available for the purchase of specialized diets for an individual eligible for crisis services.

Exceptions:

There are no exceptions to the provisions outlined above.

Implementation/Transition Instructions: Regional Crisis Coordinators and CDDP Managers will need to assure that all applicable staff in their organizations are aware of and implementing the provisions of this transmittal.

Training/Communication Plan: Regional Crisis and/or CDDP staff must inform affected providers if the situations described above exist and the policies are therefore implemented. This communication will be addressed by SPD staff at upcoming meetings of stakeholders affected by the policy/practice changes.

Local/Branch Action Required: Begin implementation of the policy and practices outlined above as of the implementation date.

Questions about implementation of this policy are to be directed to the SPD staff listed below.

Central Office Action Required: Updating and distribution of funding decision matrix, crisis expenditure guidelines, and other written policies/guidelines to support the implementation of this transmittal.

Field/Stakeholder review: Yes No

If yes, reviewed by: While this specific transmittal was not reviewed, it is based on recommendations of a SPD work group that included Regional Crisis Staff and CDDP Program Managers. The general outcomes of that specific work group were discussed at general meetings of the Regional Crisis Coordinators and CDDP Program Managers.

Filing Instructions:

If you have any questions about this policy, contact:

Contact(s):	Kristine Duffy Corissa Neufeldt Mike Maley		
Phone:	503-945-9791 503-945-6742 503-947-4228	Fax:	503-373-7274
E-mail:	Kristine.duffy@state.or.us Corissa.neufeldt@state.or.us Mike.j.maley@state.or.us		