

Oregon's Home and Community-Based Services and Settings

Aging and People with Disabilities

Home and Community-Based Services (HCBS) Regulations



What's Going on?

- New federal regulations define the characteristics of Home and Community Based services.



- States must come into compliance by March, 2019 with key benchmarks starting in 2015.



New Freedoms, Protections, Rights

All individuals receiving services have the following rights and protections.

Individuals Have:

- **Access to the broader community**
- **The choice of a non-disability specific setting**
- **The choice of a private room**
- **A person-centered planning process and plan**
- **Choice of who is on their person-centered care team**

New Freedoms, Protections, Rights

All individuals have opportunities to:

- **Engage in community life**
- **Receive services in the community**
- **Control personal resources**
- **Seek employment and work**

Term to Note:

“Provider owned, controlled or operated” means the provider owns, operates or has a financial interest in the setting.

Additional Protections and Rights

Individuals in ***Residential Settings*** (provider owned, controlled, or operated) including AFHs, ALFs, RCFs and Specialized Living, have the following additional protections or rights.

Additional Protections and Rights

Residential Settings – Additional Rights:

- **Have privacy/locks on bedroom or living unit doors**
- **Decorate and furnish their room**
- **Have visitors any time**
- **Have a choice in roommate (if sharing a room)**
- **Have freedom to control schedules and activities**
- **Have access to food at any time**

Individually Based Limitations

There can be some limits on the rights if:

- **The case manager determines the individual's health and safety are at risk.**
- **The individual does not understand the danger or risk.**
- **The provider has tried and documented other ways to address the issue.**
- **The individual consents to the limits.**

More Information

- Communication materials –
 - Trainings
 - FAQs
 - Fact Sheets
 - Events
- <http://www.oregon.gov/dhs/seniors-disabilities/HCBS/Pages/Index.aspx>



Paid Time Off Changes on Nov. 1

- These changes were agreed upon between APD, the Homecare Commission, and SEIU.
- Questions from Homecare Workers regarding their Paid Time Off benefit should be directed to SEIU or the Oregon Homecare Workers Benefit Trust. Contact information is found under [APD-PT-036](#).
- Leave balances will continue to display in the mainframe until the cash out occurs.

Paid Time Off Changes on Nov. 1

- Change Highlights:
 - Hourly
 - No Paid Leave vouchers should be authorized for any leave that is scheduled for November 1 forward. Leave prior to November 1 may not be retroactively authorized (for example, on November 2, the CEP system will not allow you to authorize a paid leave voucher for October 28). Vouchers that were authorized prior to November 1 may still be paid.
 - Leave balances will remain frozen unless a paid leave voucher that was authorized prior to November 1 is turned in. Any available leave will be cashed out in full on December 15.
 - Any adjustments, voided vouchers, etc. may still affect the leave balance.

Paid Time Off Changes on Nov. 1

- Change Highlights:

- Live-in

- Respite vouchers will continue to be processed in the same way.
- When the respite voucher is issued, the live-in HCW will have their hours reduced automatically as if they are in leave without pay status. This will occur through December 31. The process may change on January 1, 2016.
- Any adjustments, voided vouchers, etc. may still affect the leave balance.
- Leave balances will not accrue after October 31. Any available leave will be cashed out in full on December 15.