

Standards and Procedures

Office of Developmental Disabilities Services

Service Element Title:	Developmental Disabilities Children's Residential Facilities				
Service Element Number:	DD142	Version:	1.0	Effective Date:	7/1/2011

Overview

Children's Residential Facilities (DD 142) services are care, training, and support services delivered in neighborhood homes to individuals primarily under 18 years of age with developmental disabilities who require 24-hour care, supervision, and training in other than the family home or foster care.

Standard and Procedures

I. Service Authorization

Prior authorization for use of all DD142 services must be approved by the Department of Human Services (DHS) Office of Developmental Disability Services (ODDS).

II. General Performance Requirements

A. Standards of Placements

1. Providers of DD 142 services funded through this Agreement must provide those DD 142 services in facility(ies) licensed under one of the following Oregon Administrative Rules, as such rules may be revised from time to time:
 - a. OAR Chapter 411, Division 325 pertaining to 24-Hour Residential Services for Children and Adults with Developmental Disabilities;
 - b. OAR Chapter 413, Division 215 pertaining to Child Welfare Programs, Residential Care and Treatment; or
 - c. OAR Chapter 416, Division 530 pertaining to Oregon Youth Authority, Certification Standards for Private Youth Caring Agencies.

2. Providers of DD 142 services funded through a contract or agreement with DHS must comply with the OARs under which they are licensed.
3. All individuals receiving DD 142 services funded through an agreement with DHS must be referred through a Community Developmental Disability Program (CDDP) and must be eligible for DD services, with eligibility determined in accordance with OAR 411-320, as such rule may be revised from time to time.
4. All individuals referred for DD142 must have a Social Security card, a certified copy of their birth certificate and, if applicable, a legal adoption certificate or current proof of citizenship.
5. All individuals receiving services funded through a contract or agreement with DHS must be eligible for SSI/ Medicaid funding.

B. Standards for Facilities

1. At any facility in which DD 142 services are delivered, regardless of the facility's licensing, Provider must:
 - a. Maintain, at a minimum, one awake direct care staff at any time individuals receiving DD 142 services at the facility are present at the facility. Provider must maintain a staffing pattern as determined by slot rate in the Staffing Requirements matrix as included in the Forms section of this document.
 - b. Furnish each individual served with a separate sleeping room that meets the requirements specified in OAR Chapter 411, Division 325, as such rules may be revised from time to time, regardless of the OARs under which the Provider is licensed.
 - c. Comply with the following requirements for any facility licensed under OAR Chapter 411, Division 325 (pertaining to 24-Hour Residential Services for Children and Adults with Developmental Disabilities), as such rules may be revised from time to time:
 - i. Vacancy Reserve Fund: The Board of Directors (or other governing authority as applicable) of the Provider must define, establish, and maintain a "vacancy reserve" fund in an amount sufficient to ensure that the Provider can continue to provide services that meet applicable statutory, administrative rule, and contract requirements when payments are reduced due to vacancies. If the reserve fund falls below the level established by

the Board/governing authority, the Board/governing authority must develop and implement a plan to replenish the reserve fund in a timely manner. Each Provider must include a line item on its routine financial statements that documents the status of its vacancy reserve fund.

- ii. Must provide Gender Specific Services as defined under the "Definitions" section of this document.
 - iii. ISP Implementation and Documentation: All individuals receiving DD 142 services funded through a contract or agreement with DHS must have an approved ISP. The Individual Support Plan must address Gender Specific Service needs of the Child. Providers of DD 142 services funded through a contract or agreement with DHS must:
 - Maintain documentation, as prescribed by DHS, of each support, activity and service noted in the ISP.
 - Train and educate staff on the content and implementation of the ISP.
 - Implement the ISP as written.
- d. Providers of DD142 Services to Children under the jurisdiction of the Psychiatric Security Review Board (PSRB) must comply with the following:
- i. Coordinate all JPSRB placements and transfers with the designated DHS Residential Specialist.
 - ii. Assure, through policy, employee training, and Individual Support Plans, that all communication to the Psychiatric Security Review Board, its panel members or employees, regarding individuals in service are coordinated through the SPD staff designated for such communication and reporting. Providers of DD142 Services and their staff will communicate to the PSRB regarding children under its jurisdiction within the scope approved by designated SPD staff.
 - iii. May not terminate services for children under the jurisdiction of JPSRB during the contract period. This requirement does not prohibit providers from giving notice to the DHS to terminate all DD142 Services per OAR and contract provisions.

C. Standards for Health, Medical and Behavioral Supports

1. Medication Management: For DD 142 Services provided under a contract or agreement with DHS:
 - a. PRN Psychotropic medication is prohibited. Provider of DD 142 Services shall not administer PRN (i.e., pro re nata or as needed) orders for psychotropic medication to individuals;
 - b. A physician's or qualified health care provider's written and signed order is required prior to the usage of prescription medication and non-prescription medications except over the counter topical;
 - c. Provider of DD 142 Services must administer the medications as ordered by physician;
 - d. All medications must be recorded on an individualized medication administration record for each individual, signed and dated for each administration of medication by Provider; and
 - e. Medication administration records shall be available for review upon request by the SPD Residential Specialist.

2. Behavior Support: For DD 142 Services provided under a contract or agreement with DHS :
 - a. Individualized, positive behavioral support strategies are required for individuals with developmental disabilities;
 - b. Behavioral support strategies must be included in the ISP;
 - c. Provider of DD 142 Services and staff must be trained in the approved strategies;
 - d. Use of punishment, including threats and aversive stimuli, and physical discipline are prohibited;
 - e. Physical interventions and the use of restraints must only be used when the specific techniques are part of a nationally accepted standard of practice and included in the individual's approved ISP or behavior plan;
 - f. Provider of DD 142 Services and staff must be trained in the techniques described in e., above; and
 - g. Use of seclusion rooms is specifically prohibited unless:
 - i. Seclusion is part of a specific mental health treatment intervention;
 - ii. Is not connected to a threat of punishment or punishment;
 - iii. Use of seclusion is included in the individual's ISP;

- iv. Individual resides in a mental health treatment facility, as defined by DHS.
3. Individual's Personal Property: Providers of DD 142 services funded through a contract or agreement with DHS must:
- a. Prepare and maintain an accurate individual written record of personal property that has significant or monetary value to each individual as determined by a documented ISP team or guardian decision. The record must include:
 - i. The description and identifying number, if any;
 - ii. Date of inclusion in the record;
 - iii. Date and reason for removal from the record;
 - iv. Signature of staff making each entry; and
 - v. A signed and dated annual review of the record for accuracy and completeness.
 - b. Ensure that each individual with a developmental disability has a process to safeguard and to track the use of each individual's individual funds, including the SSI equivalent for Room, Board and Personal Funds and other gifted or earned funds.
 - c. Maintain a separate financial record for each individual that includes documentation of:
 - i. Receipt of monthly SPD payment for the SSI equivalent for Room and Board;
 - ii. Receipt of the monthly Personal Funds portion or the SSI equivalent;
 - iii. Receipt of other funds from gifts or earnings;
 - iv. A personal funds disbursement log with corresponding receipts and dates for spending by or on behalf of the individual.
 - v. The Provider of DD 142 Service's staff making the entry to the personal funds disbursement log must sign each entry.
 - vi. The personal funds disbursement log must record the purpose of the disbursement.
 - vii. Receipts must be kept for each individual item or activity expense. The individual's ISP must include information on the individual's approved spending plan and the amount of funds the individual may carry on their person.
 - viii. The individual's spending plan must be approved by the SPD Residential Specialist and the child's guardian.
 - d. Transfer an individual's personal funds with the individual if an individual transfers to another provider or returns to the family home.

- e. Reimburse the individual any funds that are missing due to theft, mismanagement on the part of any Provider of DD 142 Service's staff or for any funds within the custody of the Provider of DD 142 Services that are missing. Reimbursement must be made within 10 working days of the verification that funds are missing.
4. Make all information related to DD 142 Services, service locations and records for individuals funded through a contract or agreement with DHS, including premises and documents available upon request. All DD 142 Services, service locations and records for individuals funded through a contract or agreement with DHS are subject to review and in person monitoring by the SPD Residential Specialist.

III. Special Reporting Requirements

- A. For purposes of Medicaid compliance, DHS must be notified when an eXPRS Disbursement Claim is submitted with a modifier due to absences. Notification must be made to DHS's Seniors and People with Disabilities, Office of Federal Resources and Eligibility Determination, using forms and procedures designated by DHS.
- B. If a Provider of DD 142 Services funded through a contract or agreement with DHS provides such services at a facility licensed under OAR Chapter 413, Division 215 pertaining to Child Welfare Programs, Residential Care and Treatment; or OAR Chapter 416, Division 530 pertaining to Oregon Youth Authority, Certification Standards for Private Youth Caring Agencies, the Provider shall submit documentation of support, activities and services provided under the ISP, to the DHS' designee upon request.
- C. Incident Reports and Emergency Notifications: Provider of DD 142 Services must submit a written report of any injury, accident, acts of physical aggression or unusual incident, as defined in OAR Chapter 411, Division 325 involving the individual to the child's SPD Residential Specialist, CDDP Service Coordinators, and to the individual's legal guardian within five working days of the incident. Copies of incident reports provided to guardians must have any confidential information about other individuals removed or redacted as required by federal and state privacy laws.
- D. Unusual incidents require immediate notification to the SPD Residential Specialist and the CDDP Service Coordinator. Copies of unusual incident reports will not be provided to the child's legal guardian, unless the

guardian is a State agency, when the report is part of an abuse investigation.

- E. Allegations of abuse or neglect and abuse investigations require immediate notification to the SPD Residential Specialist. When an abuse investigation has been initiated, the SPD Residential Specialist will ensure that either the CDDP Services Coordinator or the program is notified, and will also immediately notify the individual's legal guardian of the allegation unless the notification is prohibited by law.

IV. Billing and Payment Procedures

A. Calculation of Service Funds: DHS will provide service funds for DD 142 Services, per the SPD authorized Client Prior Authorization (CPA) for a specific individual for a specified period of time, subject to the following:

- 1. The service funds for a partial month of DD 142 Service will be prorated.
- 2. DHS will not authorize payment for funds that exceed the amount in the authorized CPA or are outside the effective dates of the CPA.

B. DHS will allow payment for certain absences if applicable to the following:

- 1. The individual is residing and overnight care is provided at the Provider's facility immediately prior to the absence and:
 - a. The individual is absent, for not more than 5 consecutive days (excluding weekends and holidays), as a result of incarceration or absence without leave, and it has not been determined that the individual will not be returning to the facility; or
 - b. The individual is absent, for not more than 14 consecutive days, not to exceed 45 days in any one-year period, as a result of being on vacation or family visit and it has not been determined that the individual will not be returning to the facility; or
 - c. The individual is absent, for not more than 45 consecutive days, as a result of being on convalescent leave, or admittance to either a medical hospital, psychiatric hospital, or a State-Operated Community Program, and it has not been determined that the individual will not be returning to the facility. If the individual returns to the same placement within 90 days DHS may authorize up to an additional 15 days of payment, not to exceed 60 days in total.

- C. DHS is not obligated to provide service funds for a unit of DD 142 Service, if a Disbursement Claim for service funds for that unit is not received by DHS by the date 60 days after the earlier of a) termination of a contract or agreement with DHS, or b) termination of DHS's obligation to provide service funds for DD 142 Services.

V. Form(s) that apply:

- DD 142 Staffing Matrix

VI. Definition(s):

- A. For purposes of this Service Description, the terms listed below shall have the following meanings:
1. "Gender Specific Services" are treatment, interventions, educational programs and approaches that comprehensively address the unique needs, strengths and risk factors of each gender and foster positive gender identity development.
 2. "Individual" means a Child with developmental disabilities.
 3. "Juvenile Psychiatric Security Review Board" (JPSRB) is a legal designation by a state of Oregon court and DHS that identifies and designates a child with a Developmental Disability (for purposes of this contract or agreement) requiring a significant increase in supervision, supports, and legal monitoring in lieu of incarceration or placement under Oregon Youth Authority.
 4. "Overnight care" means services that were provided for the full 24 hours of a given date.

VII. Reference(s):

- OAR Chapter 411, Division 320
- OAR Chapter 411, Division 325
- OAR Chapter 413, Division 215
- OAR Chapter 416, Division 530
- OAR Chapter 411, Division 323
- OAR Chapter 411, Division 370
- OAR Chapter 407, Division 120

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