

| | | | | |
|-----------------------|------------------------------------|--|------------------------|------------|
| Policy Title: | Housekeeper Services – OAR | | | |
| Policy Number: | I-C.1 413-050-0000 thru 0050 | | Effective Date: | 03-19-2009 |

Approved By: *on file*

Date Approved:

Policy

Forms, etc.

Definitions

References

Contact

History

Reference(s):

- Child Welfare Policy I-C.1.1, "Managing Housekeeper Services"
- http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-c11.pdf

Form(s) that apply:

- None referenced.

Rules:

413-050-0000

Purpose and Scope

The purpose of these rules (OAR 413-050-0000 to 413-050-0050) is to help meet the basic needs of a family to maintain and strengthen the family so a child can be maintained in the child's own home whenever possible.

Stat. Auth. ORS 418.005

Stats. Implemented: ORS 418.005

413-050-0005

Definitions

The following definitions apply to these rules (OAR 413-050-0000 to 413-050-0050):

- (1) "Department" means the Department of Human Services.
- (2) "District" means a Department service delivery area; a geographic region of one or more counties served by the Department and managed by a district manager.
- (3) "Housekeeping provider" means an individual who carries out tasks in a home, necessary to maintain the functioning of a family.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-050-0010

Service Description

As used in these rules (OAR 413-050-0000 to 413-050-0050):

- (1) "Regular housekeeping services" are those tasks carried out within the home that are routine and necessary to maintain the functioning of a family, performed by an individual who is not a member of the household. Those tasks include, but are not limited to:
 - (a) Routine housecleaning and related chores;
 - (b) Laundry; and
 - (c) Food preparation and dish washing.
- (2) "24-hour emergency housekeeping services" are services provided when temporary emergency circumstances require live-in housekeeping services along with *regular housekeeping services*. *24-hour emergency housekeeping services* must be deemed necessary to keep the family intact and include temporarily providing all routine household functions, including child care, during the incapacity or short-term absence (usually not exceeding seven days) of the caregiving individual in the household.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-050-0020

Eligibility

- (1) Payment for *regular housekeeping services* (see OAR 413-050-0010) and *24-hour emergency housekeeping services* (see OAR 413-050-0010) rendered for a child welfare client is made only on behalf of a child who is receiving Child Protective Services (CPS), Substitute Care, or Family Support Services, and:
 - (a) A family who currently is receiving SSI, TANF, or is within the 0-79 percent State Median Income range.
 - (b) A foster child in the care and custody of the Department, and living in the care of a foster family.
- (2) Service criteria. *Regular housekeeping services* or *24-hour emergency housekeeping services* may be authorized when the Department determines the services offer an adequate solution to either of the following conditions:
 - (a) Incapacity or short-term absence (usually not exceeding seven days) of the caregiving individual in the household who is unable to fulfill routine, necessary household duties due to conditions such as chronic or acute illness, severe emotional stress, physical handicap, complication of pregnancy, medically prescribed rest, or childbirth. The need and duration of need related to physical conditions must be confirmed orally or in writing by an attending physician unless the degree of incapacity is obvious (individual is physically immobile).

- (b) Certain unusual requirements for care of an ill child or a child with a disability, when the need for care and duration of care is verified by the child's attending physician, that preclude the carrying out of routine, necessary housekeeping duties by the caregiving individual in the household.
- (3) Payment for *regular housekeeping services* and *24-hour emergency housekeeping services* rendered may be made only to a *housekeeping provider* (see OAR 413-050-0005) approved through the Department background check requirements of this rule and Division 407, Chapter 007.
- (a) The *housekeeping provider* must submit a completed Department Criminal History Request form (DHS 301 CP). The *housekeeping provider* and each individual identified under paragraph (3)(f)(A) of this rule is considered a *subject individual* under OAR 407-007-0210 and must complete and sign an authorization for a records check and, if necessary, an authorization to release information and fingerprint cards. The *housekeeping provider* must fully disclose all requested information as part of the records check. The Department may approve the *housekeeping provider* or other *subject individual* unless the Department determines, based upon the information available (including information considered under OAR 407-007-0300), following a preliminary or final fitness determination (as provided in OAR 407-007-0320) and CPS records check, that the *housekeeping provider* or other *subject individual* is not eligible to provide housekeeping services.
 - (b) The *housekeeping provider* or other *subject individual* must not have a history of behavior that indicates a substantial risk to the health or safety of a child in the care of the *housekeeping provider*. A single incident may be sufficient grounds for ineligibility. This determination is based on a review of Criminal History (CH) and CPS records, an investigation of complaints, if any, and information provided by other agencies.
 - (c) The Department may conduct a national criminal history check through the Oregon State Police and the Federal Bureau of Investigation as specified in OAR 407-007-0250 and may withhold authorization for payment to a *housekeeping provider* until the national criminal history check is complete.
 - (d) If the Department obtains information, with respect to a *housekeeping provider* or other *subject individual*, of a potentially disqualifying crime, condition, or child protective services history, as described in OAR 407-007-0280 to 407-007-0300, the Department will conduct a weighing test under OAR 407-007-0200 to 407-007-0370 to determine whether the *housekeeping provider* or other *subject individual* may be approved by the Department to participate in *regular housekeeping* or *24-hour emergency housekeeping services*.
 - (e) If the Department obtains information regarding eligibility under this rule that indicates a substantial risk to the health and safety of a child in the care of the housekeeping provider, the Department may conduct a *weighing test* (see OAR 407-007-0210) as described in OAR 407-007-0200 to 407-007-0370 to determine whether the *housekeeping provider* or other *subject individual* may be approved by the Department to participate in *regular housekeeping* or *24-hour emergency housekeeping services*.

- (f) Each *housekeeping provider* must meet all of the following requirements:
 - (A) Submit the names of each of the following individuals together with their completed and signed authorizations for records checks through the Oregon State Police CH records system and the Department's CPS records system: The *housekeeping provider*, each individual the *housekeeping provider* uses to perform housekeeping services, and each individual who accompanies the housekeeping provider during the performance of housekeeping services.
 - (B) Report to the Department, with respect to any individual covered by paragraph (A) of this subsection, any arrest and any child protective services history.
 - (C) Report to the Department any change to the name of any individual covered by paragraph (A) of this subsection within 10 days of the name change.
 - (D) Report suspected child abuse of any child at a site receiving housekeeping services to CPS or a law enforcement agency.
 - (E) Provide, in a manner specified by the Department, information required to conduct CH and CPS records checks.
 - (F) Complete and submit a new Criminal History Request form (DHS 301 CP) every two years for the Department to review eligibility.
- (g) Ineligibility for payment may result from any of the following:
 - (A) A finding of "failed". The Department may determine, based on available information, that a *housekeeping provider* does not meet the eligibility requirements in this rule. A *housekeeping provider* with a status of "failed" may reapply at any time by submitting a new application, additional documents, and information to the Department for review. If the additional documents and information show that the *housekeeping provider* meets the eligibility requirements, the Department may approve the *housekeeping provider* for payment if there is no other basis for ineligibility.
 - (B) A finding of "denied". If, after conducting a *weighing test* as described in this rule, the Department finds substantial risk to the health and safety of a child, the *housekeeping provider* must be denied approval and is ineligible for payment.
- (4) Hearing rights. If the *housekeeping provider* is denied, the *housekeeping provider* has hearing rights under OAR 407-007-0330.
 - (a) A *housekeeping provider* has a right to a contested case hearing only as provided by these rules (OAR 413-050-0000 to 413-050-0050) to contest a fitness determination resulting in a denial of eligibility for payment for *regular housekeeping services* or *24-hour emergency housekeeping services*. A hearing

to contest a fitness determination resulting in a denial under these rules is governed by OAR 407-007-0330.

- (b) *A housekeeping provider* whose application is denied and who fails to request a hearing within 45-days after notice of the denial was mailed to the *housekeeping provider* is not eligible to reapply for approval until 180 days following the date of the denial notice.
- (c) If a *housekeeping provider* requests a hearing to contest a fitness determination resulting in a denial of eligibility for payment, the *housekeeping provider* remains ineligible for payment pending the hearing.

Stat. Auth.: ORS 181.534, 418.005

Stats. Implemented: ORS 181.534, 181.537, 418.005

413-050-0030

Eligible Children Served Jointly with Other Department Programs

- (1) The Department is committed to coordination at either the worker or supervisor level to carry out the joint provision of services. The Child Welfare caseworker must coordinate housekeeper services with workers from self sufficiency programs and Seniors and People with Disabilities Division (SPD) programs to avoid duplication of services, when similar services are authorized through those programs.
- (2) The Child Welfare caseworker is responsible for all other case planning and service implementation for the family as needed to assure the safety and well-being of a child.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-050-0040

Authorization of Service

- (1) Preauthorization of services. *Regular housekeeping services* or *24-hour emergency housekeeping services* (see OAR 413-050-0010) must be authorized in advance of rendering the services.
- (2) Authorization period. Each authorization for *regular* or *24-hour emergency housekeeping services* is for a specific duration based on a reasonable estimate of the need, not to exceed 90 days for *regular housekeeping services*, six months for *regular housekeeping services* for a parent with a disability and a child in the household, and seven days for *24-hour emergency housekeeping services*. A supervisor may approve an extension of up to three months for *regular housekeeping services* or seven days for *24-hour emergency housekeeping services*.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-050-0050

Policies Governing Payment

- (1) Except as provided in this rule, the payment rate is the minimum established by the Oregon Wage and Hour Regulations. Payment may be made for *regular housekeeping services* (see OAR 413-050-0010) for up to 40 hours per week. Overtime is paid at time and a half for each work hour above 40 hours per week, not to exceed a maximum of 10

hours per week overtime. Overtime is calculated by determining the hours worked for each sequential 7 day period beginning with the first day worked. All hours worked over 40 for the week are overtime hours regardless of hours worked for any one day.

- (2) Payment rates per day for *24-hour emergency housekeeping services* may not exceed a maximum cash payment equal to 10 hours per day for hours negotiated by the family.
- (3) An exception to the payment rates for *regular or 24-hour emergency housekeeping services* established under this rule may be made by the district manager or designee taking into consideration the local housekeeping budget constraints and the justification of such an exception under either of the following conditions:
 - (a) When the authorized responsibilities of the *housekeeping provider* (see OAR 413-050-0005) include use of the housekeeper's personal vehicle for purposes essential to maintaining the family, such as grocery shopping, reimbursement may be made at the standard rate for state employee mileage reimbursement. The Department assumes no liability resulting from use of the housekeeper's personal vehicle.
 - (b) Where the local rates for housekeeping services are generally higher than the rates established in this rule, and to the extent competent housekeeping providers are not available for Department services, a higher rate may be established by the district manager or designee. The district manager or designee must notify staff in the local area affected and the Department's Family Based Services program manager of the increased rates.
- (4) Social Security taxes will be withheld from vendor payments. The Department pays the employer's share of Social Security taxes, except as provided in section (5) of this rule.
- (5) When payment for housekeeping services is made to a business or non-profit agency, the business or agency must withhold and pay the applicable Social Security taxes.
Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005

Contact(s):

- **Name:** CAF Reception; **Phone:** 503-945-5600

Policy History

- 12/29/95
- 01/07/03