

**Developmental Disabilities Services**

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**Number: APD-IM-15-033**

**Issue date: 4/27/2015**

**Topic:** Developmental Disabilities

**Subject:** Current Tier 7 review policy

**Applies to (check all that apply):**

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|--|--|
| <input type="checkbox"/> All DHS employees                       | <input type="checkbox"/> County Mental Health Directors                                    |
| <input type="checkbox"/> Area Agencies on Aging                  | <input type="checkbox"/> Health Services   |
| <input type="checkbox"/> Aging and People with Disabilities      | <input checked="" type="checkbox"/> Office of Developmental<br>Disabilities Services(ODDS) |
| <input type="checkbox"/> Self Sufficiency Programs               | <input type="checkbox"/> ODDS Children’s Intensive<br>In Home Services                     |
| <input checked="" type="checkbox"/> County DD Program Managers   | <input type="checkbox"/> Stabilization and Crisis Unit (SACU)                              |
| <input type="checkbox"/> ODDS Children’s<br>Residential Services | <input checked="" type="checkbox"/> Other ( <i>please specify</i> ): Provider<br>agencies  |
| <input type="checkbox"/> Child Welfare Programs                  |  |

**Message:**

It was requested that ODDS give additional information about what criteria is considered during a Tier-7 review. ODDS will be working with stakeholders to create future processes for our assessment exceptions and reviews, the intent of this memo is only to define the current process around the Tier-7 review criteria as they currently are used in relation to the SIS assessment tier rates.

**THIS TRANSMITTAL IS INTENDED TO CLARIFY:**

- How to interpret and apply a Tier 7 Notification Memo
- How the need for a Tier 7 Review is indicated
- The documentation and material considered during a Review for an Exceptional Tier Level or Tier 7 rate
- Tier 7 Review Committee composition and process

This transmittal is being sent to answer questions concerning how the Tier-7 process works and to be transparent about what the Tier-7 committee considers in a review. It is not a change in policy.

## HOW THE NEED FOR A TIER 7 REVIEW IS INDICATED:

### Objective Scoring Process

After completing a SIS assessment, ReBAR reviews all SIS results and verifies the support Tier. ReBAR requests documentation from the Community Developmental Disability Program (CDDP) Services Coordinator to verify any positive responses to the supplemental questions (see Required Documentation List). If the combination of the SIS results and the supplemental questions indicate that an individual's support needs warrant further review to determine a service rate that reflects those supports, then the individual is referred to the Tier 7 Committee for review.

### Unique Referral Process

In those instances where there is an apparent, significant discrepancy between the identified SIS Tier and the anticipated Tier or former service rate, The assessment unit (ReBAR) may recommend a referral to the Tier 7 Review Committee for a unique referral review. A CDDP representative that identifies a significant discrepancy should fill out a Request for ReBAR Assessment or review form (0744), mark and submit to the ReBAR.Request@state.or.us mailbox (See Action Request Transmittal APD-AR-14-036 for instructions). This desk review may determine that a new SIS is warranted, a Tier-review is warranted, or that the SIS is consistent with the documented supports and no further review is warranted.

## DOCUMENTATION AND MATERIAL CONSIDERED DURING A REVIEW FOR AN EXCEPTIONAL TIER 7 RATE:

The Tier 7 Review Committee bases funding determination on the documentation provided by the CDDP Services Coordinator. The information provided to ODDS should represent a collaboration between the services coordinator and providers to gather any relevant material that documents the individual's exceptional level of need for supports. Typical documents include the individuals Service Plan, Behavior Support Plan, Nursing Care Plan, Risk Tracking Record (or Risk Identification Tool), Synopsis of Behavior Data Tracking, Synopsis of IRs or GERs, and Staffing lists that indicate 1:1 or 2:1 staffing patterns.

## TIER 7 REVIEW COMMITTEE COMPOSTION AND PROCESS:

The Tier 7 committee is composed of an ODDS Field/ policy staff, an ODDS Subject Matter Expert (SME) for 24-hour Residential Services, a representative from ODDS Contracts Administration Unit, and other assigned ODDS staff.

The Tier 7 Committee members review the assessments and documentation submitted by the CDDP Service Coordinator. The Tier 7 Committee utilizes an "Exception

Review Notes" form during the review process. This form is not intended to be completed by the field, but the information submitted to the Review Committee should provide documentation for the committee to use in completing this form.

If necessary, the Tier 7 Committee may require the CDDP Services Coordinator to gather additional information and report back to a member of the Tier 7 Committee.

#### RESULT OF THE TIER 7 REVIEW:

Following the review, the Tier 7 Committee members make a determination about the level of support need and exceptional service rate. The results are memorialized in a memorandum, referred to as a Tier 7 Notification Memo, that is sent to the CDDP Service Coordinator, CDDP Program Manager, and the individual. The results are also entered into and made available in eXPRS. The Tier 7 Notification Memo identifies the tier or unique service rate, start date, the basis upon which the service rate was determined, and the anticipated review cycle.

#### TIER 7 NOTIFICATION MEMO INTERPRETATION AND APPLICATION:

When a Tier 7 Notification Memo is issued by ODDS, the Memo will describe a designated staffing pattern related to the rate that is authorized.

In most circumstances, a Tier 7 designation is based upon an individual requiring an exceptional level of 1:1 or 2:1 supports on a daily or near daily basis. It is the expectation of ODDS that the residential services setting provide staffing support to the individual consistent with what is identified in the Tier 7 Notification Memo.

There may be some situations where the 1:1 or 2:1 supports identified in the Tier 7 Notification Memo are not delivered daily or are delivered in inconsistent amounts on a daily basis. In these situations, the designated amount of 1:1 or 2:1 supports may vary on a daily basis, but would be consistent with the staffing hours described in the Tier 7 Notification Memo when the supports are averaged over a period of time. An example of when the Tier 7 designation is supportive of fluctuation in staffing would be a Tier 7 Notification Memo that identifies that an individual requires 2:1 staffing in the community. The Memo may indicate that the individual requires 2:1 staffing, 2 hours per day for community inclusion provided by the residential services provider. In this situation, the individual may not be provided 2:1 staffing for 2 hours every day, but if the individual is receiving 14 hours of 2:1 staffing from the residential services provider throughout the week for accessing the community, then the weekly average would align with the 2 hours per day of 2:1 for community inclusion.

The language in the Tier 7 Notification Memo is reflective of the intended delivery of

the amount of supports, whether this is a consistent daily support or if there is an allowance for variation, such as in the example of community inclusion hours. Staffing consistent with the Tier 7 Notification Memo should be documented and observable. For example, a case manager completing a monitoring visit to a residential setting site should be able to observe 1:1 exclusive focus staffing for an individual when the individual's Tier 7 Notification Memo identifies 24 hours per day of 1:1 staffing.

There should not be variation in utilization of the exceptional staffing hours between 1:1 and 2:1 hours, unless specifically identified in the Tier 7 Notification Memo. For example, an individual whose Tier 7 Notification Memo identifies 24 hours per day of 1:1 support should not have those hours rearranged to 8 hours of 1:1 and 8 hours of 2:1.

It is the expectation of ODDS that the staffing provided to individuals is consistent with the support identified in the individual's Tier 7 Notification Memo.

If the amount of staffing provided to the individual is less than, or fluctuates greatly on a daily basis from what is outlined in the Memo, the CDDP services coordinator should collaborate with the ISP team, including the residential services provider, to address this. The collaboration effort should identify the reason for variance between the Memo and hours of support that are being delivered. As a result of the ISP team collaboration, it may be appropriate for the services coordinator to contact ODDS. The field may request an amendment to the Tier 7 Notification Memo to add clarifying language to reflect situations where there is great fluctuation in daily delivery of supports, or if the ISP team determines that an individual's need for support is less than what is identified in the Tier 7 Notification Memo, then the services coordinator must contact ODDS for a Tier Review, amendment, or discontinuation of the Tier 7 rate.

#### APPEAL OF THE TIER 7 RATE:

If the individual's ISP team disagrees with the Tier 7 rate determination, the CDDP may submit additional information and request another review. Documentation should be submitted to the ODDS Residential Subject Matter Expert.

#### ONGOING REVIEWS OF EXCEPTIONAL RATES:

The Tier 7 Review Committee provides an ongoing review process of the effectiveness of these additional individualized supports. It is the responsibility of the CDDP to track the time limits on Tier 7 decisions and submit the required information to ODDS for continuation of funding.

In order to ensure that exceptional support needs are being met and that individuals are receiving the support they need, as part of the ongoing review process, the Tier 7 committee must receive updated information from CDDP Service Coordinators to determine if the exceptional supports continue to be required for the individual.

*If you have any questions about this information, contact:*

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