

Information Memorandum Transmittal Developmental Disabilities Services



Anna Lansky

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Number: APD-IM-20-084

Issue date: 7/23/2020

Topic: Developmental Disabilities

Due date:

Subject: Civil Penalties and COVID-19

Applies to (check all that apply):

- | | |
|--|---|
| <input type="checkbox"/> All DHS employees | <input type="checkbox"/> County Mental Health Directors |
| <input type="checkbox"/> Area Agencies on Aging: {Select type} | <input type="checkbox"/> Health Services |
| <input type="checkbox"/> Aging and People with Disabilities | <input checked="" type="checkbox"/> Office of Developmental Disabilities Services (ODDS) |
| <input type="checkbox"/> Self Sufficiency Programs | <input checked="" type="checkbox"/> ODDS Children's Intensive In Home Services |
| <input checked="" type="checkbox"/> County DD program managers | <input type="checkbox"/> Stabilization and Crisis Unit (SACU) |
| <input checked="" type="checkbox"/> Support Service Brokerage Directors | <input checked="" type="checkbox"/> Other (<i>please specify</i>): |
| <input checked="" type="checkbox"/> ODDS Children's Residential Services | Developmental disabilities provider agencies; DD adult foster care providers; children's foster care providers. |
| <input type="checkbox"/> Child Welfare Programs | |

Message: Oregon Revised Statute 427.900, adopted following the 2019 legislative session, granted the Department the authority to impose a civil penalty “on any provider contracting with the department to provide intellectual or developmental disability services for a violation of a statutory requirement or a rule adopted by the department applicable to the provision of services...” The Office of Developmental Disabilities Services (ODDS) intends to keep the people we serve and their caregivers as healthy and safe as it is possible for us to do during the COVID-19 pandemic. In order to assist with this, ODDS is adopting administrative rules that will make non-compliance with measures intended to slow the spread of COVID-19 subject to a civil penalty of up to \$500 per violation. By rule, all agency and foster care providers will be required to implement all the direction coming from:

- A Governor's Executive Order; and
- Written instructions from the local Public Health Agency or the Oregon Health

Agency Public Health Department to the provider that is intended to reduce the spread of the Coronavirus (COVID-19); and

- Department policy related to reducing the spread of the Coronavirus (COVID-19), including any written guidance issued as a policy of the Department.

This includes the reopening guides identified in [PT-20-074](#).

Any civil penalty may be appealed consistent with ORS chapter 183 and rules adopted by the Department.

If you have any questions about this information, contact:

Contact(s): Mike Parr	
Phone:	Fax:
Email: mike.r.parr@dhsosha.state.or.us	