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Authorized Signature

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 11/15/2004 (corrected)

Topic: Developmental Disabilities

Transmitting (check the box that best applies):

- New Policy
 Policy Change
 Policy Clarification
 Executive Letter
 Administrative Rule
 Manual Update
 Other: _____

Applies to (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> All DHS employees | <input checked="" type="checkbox"/> County Mental Health Directors |
| <input type="checkbox"/> Area Agencies on Aging | <input type="checkbox"/> Health Services |
| <input type="checkbox"/> Children, Adults and Families | <input checked="" type="checkbox"/> Seniors and People with Disabilities |
| <input checked="" type="checkbox"/> County DD Program Managers | <input checked="" type="checkbox"/> Other (please specify): Support Services Brokerage Directors, DD 54 Employment Providers |

Policy/Rule Title:	Adults with Developmental Disabilities 2004 Update #2: Support Services Rate Ranges and Rate Policy		
Policy/Rule Number(s):		Release No:	
Effective Date:	September 1, 2004 (distribution no later than August 16, 2004)	Expiration:	
References:			
Web Address:			

Discussion/Interpretation:

The attached documents identify State approved ranges in cost for services used by adults with developmental disabilities provided Support Services. This material updates Rate Range and Policy Memorandums of October 10, 2002 and SPD 04-004 effective March 1, 2004. The revisions are the result of the periodic review of usual and customary costs for Support Services required under Administrative Rule 411-340-0130 (3) (C) (A). These rates apply only to payment for Support Services provided to persons enrolled in Brokerages. Rates paid for services through the developmental disabilities comprehensive services waiver are not established based upon these guidelines.

Highlights of changes in this update include:

Rate Policy

- Clarifies that this policy document applies to rate ranges established for the use of Support Service funds only, and not to rates approved or paid by the Office of Vocational Rehabilitation Services or the Commission for the Blind.
- Clarifies the types of provider organizations approved in OAR 411-340-0010 through 411-340-0180 and establishes that the approved rate for a “General Business Provider” may not exceed that paid by to a “Provider Organization” for the same service.
- Adds information previously published in the 2002 Rate Setting Manual within this policy document including;
 - Billing and payment must be based upon face to face customer contact unless otherwise noted in the service definition;
 - The rate setting process and established ranges allow for the inclusion of in-direct cost for services
 - Guides the customer and PA to plan and budget services in ISP based upon needed full units of service.
 - Tracking and billing of service is required only to the level of ½ of the chosen unit of service (for example, billing for ½ hour for any level of service if payment unit is by hour or billing for ½ day {2 1/2 hours} if the unit is a 5-hour day.)
- Identifies specific information to be available in Brokerage Provider files to support customer education:

Rate Range Document

- Makes changes in the definitions for time limited and long term Supported Employment designed to clarify:
 - Specific outcome measures should be identified for any time limited service job development, job exploration or job coaching;
 - Rate Ranges do not apply when OVRs or other funds are used;
 - Face to Face customer contact is not required in job development;
 - In Job Coaching and Individual Supported Employment, allows for billable face to face time with the employer, as well as customer/worker with disabilities when defined within the plan; and
 - Federal minimum contact requirements for long term-supported employment are identified to assist the customer and PA in planning and budgeting.

- Changes in Rate Ranges when using Support Service Funds include:
 - **Independent Contractors** The rate range for time limited supported employment or long-term support of an individual in supported employment is established as from \$12 to \$32 per hour.
 - **Provider Organizations** The rate range for time limited supported employment or long-term support of an individual in supported employment is established as from \$20 to \$40 per hour.
 - **Provider Organizations - Crew or Enclave** Identifies a maximum of \$37 per day for on-going supported employment no matter the methodology of rate identification used.

Copies of this Memorandum is available at

<http://www.dhs.state.or.us/policy/spd/transmit.html>

Implementation/Transition Instructions:

The earliest implementation date for these policy changes is projected to be September 1, 2004. Actual implementation may occur in conjunction with established plan dates or meetings requested by parties to a plan and contract. Implementation will require the completion of all the following steps by a Brokerage, Customer, Personal Agent, and Provider or Independent Contractor:

1. Automatic movement to the top of the rate range is not expected or allowed. Providers must complete all required cost analysis to identify actual costs before adopting a new rate. The **2002 Rate Setting Manual** is available on line at http://www.dhs.state.or.us/disabilities/staff_provider_tools/index.html

2. Brokerage review of Rate Ranges must be done as identified with the attached Policy and Rate Setting Manual. As with the initial review, Brokerages and providers should use this time period to clarify service definitions and information that may help them understand and educate customers about the established rates.

3. Plan Revision and Support Specialist approval of Amendments.

4. Revision of related Contract or other payment mechanisms.

Training/Communication Plan:

Local/Branch Action Required:

Central Office Action Required:

Field/Stakeholder review: Yes No

If yes, reviewed by:

Filing Instructions:

If you have any questions about this policy, contact:

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Seniors & People with Disabilities
Office of Home and Community Supports

Subject: Adults with Developmental Disabilities
September 2004 Revision #2 Updated Rate Policy and Ranges for Support Services

Date: August 16, 2004

Background

Oregon Administrative Rule 411-340-0130 (3) (C) (A) Support Services for Adults with Developmental Disabilities requires that the department publish and periodically update written guidelines identifying local and customary costs of services. These guidelines identified as approved rate ranges are designed to:

- (a) Support informed decision-making by brokerage customers and families;
- (b) Assure the availability of qualified individuals and organizations providing efficient and cost effective services to individuals with developmental disabilities; and,
- (c) Provide a tool to assist in the construction of individualized budgets.

Rate ranges are based upon a statewide review of costs among Department of Human Services units including Seniors and People with Disabilities, the Office of Vocational Rehabilitation Services, Children and Family Services and the Oregon Health Plan. These rate ranges apply only for the purchase of support services for adults with developmental disabilities covered under OAR Division 411, Chapter 340. They do not apply to the costing of comprehensive services or to higher rates for services that may be approved by the Office of Vocational Rehabilitation or others.

Application of Rate Ranges

The Support Services for Adults with Developmental Disabilities Oregon Administrative Rule identifies three types of providers meeting the needs of Brokerage customers; a) a

General Business Provider, b) an independent provider who may be an employee of a service recipient/family or a bona fide independent contractor; or c) Provider Organization. The identified Rate Ranges apply to all types of providers. Specific rate ranges are identified for service recipient/family employees, independent contractors and Provider Organizations. A “General Business Provider” is expected to be available for only a limited number of services also used by the general public. For that reason, specific rate ranges were not specifically identified. Instead, these rates are to be based on the usual and customary charges to the public at large. The approved rate for a “General Business provider” may not exceed that paid to a provider organization for the same service.

Rate Ranges have not been established for non-medical transportation due to the great variation in approach and cost.

Establishment of An Approved Rate

1. Use of the Ranges. Brokerages are expected to utilize providers within identified rate ranges in all but extraordinary situations, tied directly to the needs and plans of an individual receiving Support Services. Rate Ranges are intended to support applicable laws, administrative rule requirements, and usual and customary charges. No rate or wage is expected to be below the minimum Rate Range unless justified by a reason consistent with state and federal labor law. Approval above the maximum of a range is done on an exception basis as defined in this bulletin.

2. Establishment of Rates. All approved providers used by customers of the Brokerage will establish a rate for the provision of defined services and support as part of the process of certification and selection. Both Provider Organizations and bona fide independent contractors must establish rates based upon their identified costs in adherence with relevant state and federal regulations. The DHS published **Rate Setting and the Purchase of Self-Directed Support Services from State Licensed or Certified Provider Organizations** remains available to assist in the process or rate setting at:
http://www.dhs.state.or.us/disabilities/staff_provider_tools/rate_setting_2002.html
Some highlighted rate setting expectations are included in this Policy Transmittal to support a clear communication of expectations.
 - a. Billing and payment is based upon direct service delivered. This means that unless otherwise specified in service definitions payment is only made for “face to face” time with a customer. The established rate range allows for the inclusion of indirect costs for activities necessary to deliver the service.
 - b. Established Units of Service Identified rate ranges are based upon the most commonly used units of service i.e., an hour of staff time or a day (5 or more hours) of service. To ease administrative requirements, tracking and billing is

required at the level of one-half the chosen unit of service (1/2 hour or day) and not upon smaller units.

3. Brokerage Review and Documentation of Rates.

- a. The local Brokerage will review all the rates identified by provider organizations or independent contractors to assure that they fall within approved ranges for the service or supports to be provided.
- b. Brokerages will maintain in the provider file information on a provider's, services, rates, and other information gathered to assist in customer choice.

4. Independent Contractor and Provider Organization Documentation. All bona fide independent contractors and Provider Organizations must maintain documentation to support and justify rate-setting decisions in order to address the inquiries of potential customers or respond to a state or federal audit.

5. Selection of Cost Effective Supports. The provider process of establishing rates and the customer selection of local providers shall be based upon the delivery of the most cost effective supports.

Rate Exception Process

1. Individual Exceptions Allowed. A Brokerage may in an extraordinary situation to negotiate an individual plan based upon a rate that exceeds published guidelines. No blanket rate exceptions for a provider or independent contractor will be allowed.

2. Criteria For Exception. Exceptions may be granted by the Brokerage only when the support needs of an individual cannot be addressed within the existing ranges and no alternative exists. Rate exceptions will not be granted for customer absenteeism or other issues that are more appropriately addressed by clarification of contract expectations, changes in plan content, or change in providers.

3. Documentation and Monitoring of An Exception. The Brokerage will document the approval and justification for exception on the submitted ISP and individual budget. All plans will be monitored for continued need and cost effectiveness.

4. Exception for Absenteeism Not Allowed

Review and Utilization of the Rate Range

The Rate Range Chart is designed as a tool for use by customers, brokerages, and providers to support effective communication and informed decision making. Informed

customers will choose providers based upon criteria important to them, including, but not limited to, provider experience, customer comfort, control and cost.

The following information may assist in helping all stakeholders use this tool throughout the process from rate setting to contract negotiation and customer satisfaction.

Cat or Category and Shaded Service Descriptions. These Are federally approved support services funded under Oregon’s waiver. These service titles, if prioritized by a customer, will be clearly identified within the final ISP.

Non Shaded Service Descriptions. The definitions are intended to assist: (a) providers in the development of marketing materials, and (b) customers and PAs in the development and negotiation of individual service agreements and budgets based on desired outcomes.

Types of Providers-Reasons For Rate Ranges and Customer Selection. All providers used by Brokerage customers must be qualified in the delivery of identified services from the first day of operation. The 3 types of providers do have differences that justify the variations in rate ranges and influence customer decision-making.

1. Individual or Business Co-Worker Employed By the Family. This is a person selected by the customer to provide identified supports paid for with support service or other funds. Persons in this category do not generally serve more than one person supported by the Brokerage. Individuals are employees of the customer, or remain employees of the business, and rate ranges are based upon hourly wages.

Please Note: The use or payment of business co-workers for supported employment requires compliance and documentation of specific conditions. These procedures are outlined in a separate document.

Reasons a customer may choose an individual or co-worker:

- ✓ They know and work well with the customer.
- ✓ They understand the employment expectations of the business
- ✓ They can meet the schedule and other expectations of the customer.
- ✓ Cost

2. Independent Contractor or Independent Provider. An individual in the business of providing services and supports to persons with disabilities or other citizens, who does so without the use of employees, contractors, or volunteers. Independent contractors must meet expectations defined in federal and state law.

Reasons a customer may choose an independent provider:

- ✓ Flexibility or individualization of supports
- ✓ Expertise
- ✓ Administrative ease
- ✓ Cost

3. Provider Organization. An organization in business to support individuals with disabilities using employees, contractors, and or volunteers. Provider organizations must be licensed or certified by SPD. A provider organization may serve multiple customers of a Brokerage, as well as individuals in comprehensive services.

Reasons a customer may choose a provider organization

- ✓ Access to multiple options
- ✓ Range of expertise
- ✓ Stability of organization including staff backup
- ✓ Community presence and recourse to resolve grievances
- ✓ Quality assurance

2004 SUPPORT SERVICES RATE RANGES

Cat	Service Title and Description	Independent Provider		Provider Organization
		Individual Employed by Service Recipient/Family	Independent Contractor	
SUPPORTED EMPLOYMENT	<p>Time Limited Employment Supports: All initial phases of supported employment are time limited and must have measurable benchmarks or outcomes. They are services that help the individual to choose a type of work, get a job, and learn the tasks related to a paid community job in an integrated setting. Time limited services end when the goals for employment have been met and the individual is meeting performance expectations of the employer. Vocational Rehabilitation (OVR) or the Oregon Commission for the Blind (OCB) must be used initially if individual meets eligibility criteria. Rate ranges apply to the use of support service funds (DD149) only. Job training provided should be designed to maximize the use of typical business co-workers and staff in supporting an individual's initial and on-going job performance.</p>			
	<p>Job Development and Placement Development, creation, or identification of paid working a community business or self employment setting that meets customer and plan documented expectations related to work tasks, use of co-worker or natural supports, location, integration, hours, wage level, transportation etc. This service may be done in the name of the customer (not require customer attendance at all times).</p>	\$7.05-\$12.26 per hour plus tax	\$12-\$32 per hour	\$14.50-\$40 per hour
	<p>Job Exploration A defined and time limited series of short-term job placements designed as an assessment or "try out" of potential areas of employment identified as interests or strengths in the person's PC employment plan.</p>			
	<p>Job Coaching, or Employment Consultation (time limited) Assessment, job adaptation, environmental accommodation, worker and co-worker training with the goal of assisting the individual to meet job expectations with as much independence and natural co-worker support as possible. Regular and necessary accommodations and supports are to be put in place and available for the life of the job. Coaching and consultation is expected to include the worker (face to face). Limited business training (face to face with designated co-worker or supervisor) may be prior approved in the plan and billing must include documentation of activity and outcome.</p>			
	<p>Long Term Employment Supports or Consultation Providing on-going supports to an employee or an employer at or away from the job site to support success in keeping a job. Enhances what is typically available at the job site as an accommodation (no cost) and directly provides supports only above that level. Provides or arranges for personal care, as needed</p>			
	<p>Individual On-Going Supported Employment Worksite monitoring and interventions that will help assure maintaining employment using and enhancing as much natural support as possible. Focuses consultation on individual and or co-workers. Assists in retraining for job upgrade or restabalization as needed. Provides or arranges for personal care, as needed. Coaching and consultation is expected to include the worker (face to face). Limited business training (face to face with designated co-worker or supervisor) may be prior approved in the plan and billing must include documentation of activity. Federal supported employment regulations require regular (2 x per mo or more) monitoring of all paid and unpaid employment supports.</p>	\$7.05-\$12.26 per hour plus tax OR Payment of Co-worker/Business based on formula SPD IM 04-017 3/14/04	\$12-\$32 per hour	\$14.50-\$40 per hour

2004 SUPPORT SERVICES RATE RANGES

Cat	Service Title and Description	Independent Provider		Provider Organization
		Individual Employed by Service Recipient/Family	Independent Contractor	
	<p>Enclave or Crew</p> <p>Providing on-going supervision and training to a group of workers with disabilities to support integration and performance at the job site. Support must be above what is typically available to non-disabled workers. Paid work must be scheduled for all paid support time. Individualized general work related training and activities may be offered, on a limited basis, if paid work is not available.</p>			<p>Hourly rate ranges above prorated by number in group</p> <p style="text-align: center;">OR</p> <p>\$27-\$37 per day for 5 or more hours</p> <p>NO MATTER RATE METHOD, MAXIMUM PAYMENT ALLOWED \$37/DAY</p>
COMMUNITY INCLUSION	<p>Community Inclusion Support and instruction related to engagement in the community and skills the individual may wish to acquire, retain, or improve related to integration, productivity, and or independence away from home. The goal is to build and utilize as much natural support as possible provided by typical people in a chosen environment.</p>			
	<p>1:1 Inclusion Assessment or Skill Training</p> <p>Time limited assistance to achieve a defined outcome related to: a) identifying essential environmental supports; or b) building relationships and skills related to independent or naturally supported participation in a local group or activity of interest. Staff must have training expertise. The outcome of the service must include a report and plan for implementation by 1:1 or Small Group Inclusion Assistance. Maximum Assessment and Training hours = 100 hours (Assessment 20- Training 80)</p>		\$12-\$30 per hour	\$14.50-\$40
	<p>1:1 Inclusion Assistance</p> <p>Providing on-going training and support for an individual's participation in local groups or community activities of interest. Assistance is necessary due to the communication, personal care, and medical and safety support needs of the individual.</p>	\$7.05-\$12.26 per hour plus tax	\$12-\$20 per hour	\$14.50-\$23 per hour
	<p>Small Group Inclusion Assistance</p> <p>Participation and learning in activities of interest along with others/friends with and without disabilities.</p>		Hourly rate above prorated by number in group	Hourly rate above prorated by number in group

2004 SUPPORT SERVICES RATE RANGES

Cat	Service Title and Description	Independent Provider		Provider Organization
		Individual Employed by Service Recipient/Family	Independent Contractor	
	Facility Based Socialization Providing opportunities for activities and socialization with other people with disabilities. Personalized or group learning activities that match the customer goals and interests are provided.			\$27-\$37 per day
	Facility Based Employment Providing on-going opportunities for paid employment in a small business or workshop setting where the majority of workers are persons with disabilities. Personalized or group learning activities (non paid) related to job exploration, job training, interpersonal skills, money management or mobility may also be provided.			\$27-\$37 per day
FAMILY TRAINING	Family Training Training and counseling for a family to increase their ability to care for, support and maintain an individual with disabilities at home. Services provided by licensed psychologist, social worker, or counselor. Training and education related to information about disability, medical or behavioral conditions care requirements, treatment regimens, or equipment specified in ISP.	A maximum of \$200 per event as needed and justified OR		
			\$50-\$75 per hour	\$25-\$55 per hour
COMMUNITY LIVING	Community Living Supports Services for the purpose of facilitating independence and integration by helping the individual to acquire skills to live as independently as possible in housing of their choice.			
	1:1 Daily Living Assessment or Skill Training Time limited assistance to achieve a defined outcome related to a) identifying essential environmental supports, or b) increase skills to achieve greater independence in activities of daily living. Staff must have training expertise. The outcome of the service must include a report and plan for Daily Living Support implementation. Maximum Assessment and Training hours = 100 hours (Assessment 20, Training 80).		\$12-\$30 per hour	\$14.50-\$40 per hour

2004 SUPPORT SERVICES RATE RANGES

Cat	Service Title and Description	Independent Provider		Provider Organization
		Individual Employed by Service Recipient/Family ■	Independent Contractor	
	<p>1:1 Daily Living Support In home assistance with activities of daily living in the home (meal planning, shopping, bathing) Note: Some variability in rates may occur based upon negotiated strategies and support needs of person(s) in the home. For example the companionship exemption may be utilized or the hourly rate may be prorated if there is more then one person with disabilities receiving support in the home environment.</p>	\$7.05-\$12.26 per hour plus tax	\$12-\$20 per hour	\$14.50-\$23 per hour
CHORE	<p>Chore Services Completion or assistance with heavy household chores to maintain a clean, safe, and sanitary home environment approved only when no household members or others can pay for or perform the service. <u>This is a time-limited service and is not to be used on a regular basis.</u></p>	\$7.05-\$12.26 per hour plus tax	\$12-\$20 per hour	\$14.50-\$23 per hour
HOMEMAKER	<p>Homemaker Services Completion or assistance with general household activities provided by trained homemaker when regular caregiver is temporarily unavailable or unable to perform the tasks. <u>This is a time-limited service approved only when the criteria is met.</u></p>	\$7.05-\$12.26 per hour plus tax	\$12-\$20 per hour	\$14.50-\$23 per hour

2004 SUPPORT SERVICES RATE RANGES

Cat	Service Title and Description	Independent Provider		Provider Organization
		Individual Employed by Service Recipient/Family ■	Independent Contractor	
TRANSPORTATION	<p>Non-Medical Transportation services that allows an individual to gain access to non-medical community activities, services and resources.</p> <p>IF NECESSARY, will negotiate a per mile, per day, or per trip rate with organizations providing group or route based transportation to and from a work or facility site.</p>	Hourly wage for the category of service plus mileage (maximum \$.375 per mile state rate).	Hourly wage for the category of service plus mileage (maximum \$.375 per mile state rate).	Hourly wage for the category of service plus mileage OR Negotiated Rate
	<p>Respite Care short-term care for a person with disability in order to provide caregiver relief. Cannot be provided in order to allow caregiver to attend school or work.</p>			
RESPI TE	Hour	\$7.05-\$12.26 per hour plus tax	\$12-\$20 per hour	\$14.50-\$23 per hour

2004 SUPPORT SERVICES RATE RANGES

Cat	Service Title and Description	Independent Provider		Provider Organization
		Individual Employed by Service Recipient/Family ■	Independent Contractor	
	<p>Overnight (24 Hours)</p> <p><u>Note:</u> ■ Respite Care is a category where there is a high degree of variability in rates based on negotiated strategies, as well as, the support needs of the person. The result may include rate payments below the stated minimums.</p> <p>For instance there may be bona fide exceptions to minimum wage or overtime payments or to the hours requiring payment based on federal and state law. Examples may be the use of a companionship exemption or how sleep time is compensated. Rates paid for respite care may also vary based on such factors as whether supports are provided in an individual or small group, or the person's home or a provider's setting.</p>	Minimum \$156 Max. \$196.16	Min. \$120 Max. \$200	Min. \$125 Max. \$225
SPECIAL SUPPORTS	Specialized Supports Time limited services providing treatment, training, consultation or other services not available through the State Medicaid Plan. Supports include a) needs assessment, b) plan development, c) caregiver training, and d) plan monitoring and revision.			
	Behavior		\$50-\$75 per hour	\$25-\$55 per hour
	Social Sexual		\$50-\$75 per hour	\$25-\$55 per hour
	Licensed RN	\$22-\$33.56 per hour	\$25-\$55 per hour OR \$25-\$35 per hour shift care	\$30-60 per hour OR \$25-\$55 per hour shift care
	Licensed LPN	No Independent rate requires RN supervision.		\$20-\$30 per hour OR \$18.28.50 per hour shift care
	Aides			\$8-\$10 per hour plus administrative overhead

2004 SUPPORT SERVICES RATE RANGES

Cat	Service Title and Description	Independent Provider		Provider Organization
		Individual Employed by Service Recipient/Family ■	Independent Contractor	
	Delegating RN	\$25 per hour	\$25 per hour	\$25-\$30 per hour

- An individual, family, and or brokerage must carefully identify the existence of an employer-employee or independent contractor relationship and follow all relevant State and Federal employment laws. Guidelines are available in Appendix 1 of the Brokerage Support Services Guidebook.