

Donna Keddy

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Number: APD-AR-16-003
Issue date: 1/19/2016

Topic: Licensing

Due date:

Subject: HCBS Limited License Adult Foster Homes

Applies to (check all that apply):

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

Action required: The local licensing authority for APD adult foster homes will send a copy of the attached letter to each AFH provider with a **limited** license within the local licensing authority's jurisdiction within five business days of this transmittal's issue date. The letter may be sent electronically if a current e-mail address is known, but must otherwise be sent to each limited license provider by regular mail.

Reason for action: The purpose of this letter is to inform AFH providers with a limited license about the new Home and Community-Based Services (HCBS) rule requirements that become effective on January 1, 2016 and how these new regulations will impact their limited license care setting. It also informs the limited license provider of the transition period where providers licensed prior to January 1, 2016 will have until September 2018 to fully comply with the new HCBS regulations.

Field/stakeholder review: Yes No

If yes, reviewed by: Operations, Jane-Ellen Weidanz

If you have any questions about this action request, contact:

Contact(s):	Sylvia Rieger		
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Email:	Sylvia.A.Rieger@state.or.us		



Date: December 28, 2015
To: Adult Foster Home Providers with a Limited License
From: Aging and People with Disabilities
Office of Licensing and Regulatory Oversight
RE: **New Federal Requirements for Adult Foster Homes**

On January 1, 2016, new regulations will go into effect that impact all care settings where Home and Community-Based Services (HCBS) are provided. Adult foster homes are considered HCBS care settings, and the new requirements will affect you as a care provider with a limited adult foster home license. The changes are primarily based on regulations the Federal agency, "Centers for Medicare and Medicaid Services (CMS), released in January 2014.

What are the new federal requirements?

The new regulations identify key expectations for all HCBS care settings. These expectations assure that the individual's experience is as homelike as possible. The key expectations are explained in plain language for your convenience. The key expectations require you to ensure the individual you care for has the following rights and freedoms:

- Protection against eviction. A written agreement that offers protection against eviction as well as identifies the individual's responsibilities as a tenant.
- Full access to the community. This includes social activities away from your home which may include church activities, club events, hair care appointments, shopping, and more.
- Access to personal resources. The individual may access and use his or her finances, and other resources such as personal property, and real estate.
- Communicate freely with others. This means the individual has access to a phone or other communication tools, and may communicate with others in privacy.
- Full access to typical homelike accommodations. This means the individual may access the kitchen, dining area, family or living room, laundry area, and bathroom.
- Employment. If the individual wants to work, you must support opportunities for him or her to seek employment within the community for competitive wages or better. If the individual

you care for is employed, you are expected to support him or her in planning and meeting the individual's daily needs to access and maintain employment.

- Freedom from coercion. The individual must be free from threats of serious harm or physical abuse from any person, and the abuse or threatened abuse of the legal process. Care providers must not use any form of the following types of restraints without written orders from the individual's prescribing practitioner, and the individual's or as applicable guardian's consent:
 - ❖ Chemical restraints. An example of this is both prescribed and over-the-counter sleep medication.
 - ❖ Mechanical restraints. This means any device that limits an individual's ability to move freely. This includes, but is not limited to, the use of a Geri-chair or a recliner with the footrest up when the individual is unable to independently and safely get out of the chair.
 - ❖ Physical restraints. This means using a physical maneuver that limits an individual's ability to move freely.
- *Control of his or her own schedule. This means the individual you care for may decide when to have meals, when to bathe, and when to do other activities. This includes when to participate in activities outside of the facility alone or with others.
- *Personal privacy. The individual has a single-action lock on his or her bedroom door, and the option to lock the door from the inside for privacy. Appropriate staff have keys for emergency access. The individual has privacy in the bathroom for showering and toileting.
- *Furnishing and decorations. The individual has the freedom to and is supported to have his or her own furnishings and decorations.
- *Access to food at any time. The individual is provided three nutritious meals and snacks every day, but may access food at any time. The individual is able to store and easily access their personal food at any time. The individual's preferences are taken into consideration, and he or she may assist with meal planning and be offered alternatives when the main offering is not preferred.
- *Access to visitors of the individual's choosing. The individual is encouraged and supported to have visitors at any time.
- *Choice of roommates or shared space. The individual has a say in who their roommates are if they share a room.

When do I have to meet the new rule expectations?

The adult foster home rules implementing the new HCBS requirements will become effective January 1, 2016, but Oregon has built in a transition time for current HCBS care settings. As an HCBS provider, you should immediately begin learning about these new requirements, identify what changes, if any, are needed, and make a plan to implement those changes in your home. All providers must be in substantial compliance with the HCBS requirements by September 2018, with measurable progress being made well before that deadline.

Where can I get additional information about the HCBS rules?

You will find additional information online at the Oregon-specific Home and Community-Based Services website: www.oregon.gov/dhs/seniors-disabilities/HCBS/Pages/Resources-Oregon.aspx. This site includes HCBS Fact and Information sheets, Frequently Asked Questions (FAQs), and other resources including a link to the Federal Rules website.

Additional questions regarding HCBS rule changes may be emailed to HCBS.Oregon@state.or.us. Your licensing and case management staff will also be willing to assist you with your questions as the new HCBS rules go into effect.

*These rights and freedoms may be limited for the health and safety of the individual with the consent of the individual or as applicable, the consent of their guardian.