



TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

APD 33-2020

CHAPTER 411
DEPARTMENT OF HUMAN SERVICES
AGING AND PEOPLE WITH DISABILITIES AND DEVELOPMENTAL DISABILITIES

FILED

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ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: ODDS: Expanded Family Support Funds Ending July 29, 2020 (COVID-19)

EFFECTIVE DATE: 07/29/2020 THROUGH 10/23/2020

AGENCY APPROVED DATE: 07/28/2020

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NEED FOR THE RULE(S):

On April 27, 2020, the Department of Human Services, Office of Developmental Disabilities Services (ODDS) immediately adopted temporary rules in OAR chapter 411, division 306 to prescribe standards, responsibilities, and procedures for Community Developmental Disabilities Program to authorize purchases with expanded family support funds due to the Coronavirus (COVID-19) state of emergency.

ODDS needs to immediately amend OAR 411-306-0020 to end expanded family support funds on and after July 29, 2020. ODDS needs to proceed by filing temporary rule changes to immediately end eligibility for expanded family support funds because the funding is no longer available.

JUSTIFICATION OF TEMPORARY FILING:

Failure to act promptly and immediately amend OAR 411-306-0020 will result in serious prejudice to the public interest, Community Developmental Disabilities Programs, and ODDS.

Failure to act promptly and immediately amend OAR 411-306-0020 will prevent ODDS from ending access to expanded family support funds on and after July 29, 2020.

OAR 411-306-0020 needs to be immediately amended to end eligibility for expanded family support funds because the funding is no longer available.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

APD-PT-20-055, Expanded Supports for Families During COVID-19
Available at: <http://www.dhs.state.or.us/policy/spd/transmit/pt/2020/pt20055.pdf>

ADOPT: 411-306-0020

SUSPEND: Temporary 411-306-0020 from APD 13-2020

RULE SUMMARY: ODDS is immediately amending OAR 411-306-0020 about Eligibility to no longer provide expanded family support funds on and after July 29, 2020 because the funding is no longer available.

CHANGES TO RULE:

411-306-0020

Eligibility

(1) NON-DISCRIMINATION. A child considered for Department-funded services may not be denied services or otherwise discriminated against on the basis of race, color, religion, sex, gender identity, sexual orientation, national origin, marital status, age, disability, source of income, duration of Oregon residence, or other protected classes under federal and Oregon Civil Rights laws. ¶

(2) ELIGIBILITY. To be eligible for expanded family support funds, a child must meet all of the following requirements: ¶

(a) Be under the age of 18. ¶

(b) Be determined eligible for developmental disabilities services by the CDDP and enrolled into case management services. ¶

(c) Reside in the family home. ¶

(d) Have an Annual Plan or ISP that documents current support needs. ¶

(e) Have an urgent need for a specific item or service that meets the conditions of purchase described in OAR 411-306-0030. ¶

(3) A child becomes ineligible for expanded family support funds when any of the following occurs: ¶

(a) The child turns 18 years of age. ¶

(b) The child is no longer eligible for developmental disabilities services determined by the CDDP of the county of origin as described in OAR 411-320-0080. ¶

(c) The child no longer resides in the family home. ¶

(d) The child no longer resides in Oregon. ¶

(4) No child shall be eligible for expanded family support funds on and after July 29, 2020. ¶

(5) When a child is denied access to expanded family support funds under section (3) of this rule, or has expanded family support funds terminated, a written Notification of Planned Action must be provided as described in OAR 411-318-0020. ¶

(6) When expanded family support funds are terminated under section (4) of this rule, the child does not receive a Notification of Planned Action or fair hearing rights.

Statutory/Other Authority: ORS 409.050, 417.346, 427.104, 430.662

Statutes/Other Implemented: ORS 417.340-417.344, 417.346-417.350, 427.005, 427.007, 427.104, 430.610, 430.620, 430.662-430.670