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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

FILED
10/16/2025 3:52 PM
ARCHIVES DIVISION
SECRETARY OF STATE

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

FILING CAPTION: ODDS: Employment Services for Individuals with Intellectual or Developmental Disabilities (411-345)

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 11/28/2025 11:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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Filed By:
Christina Hartman
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 11/18/2025
TIME: 11:00 AM
OFFICER: Staff

REMOTE HEARING DETAILS
MEETING URL: Click here to join the meeting
PHONE NUMBER: 1-669-254-5252
CONFERENCE ID: 1601967112
SPECIAL INSTRUCTIONS:
A rule hearing is a chance for people to share comments about the proposed rule changes. Please join within the first 15 minutes. The rule hearing will end after 30 minutes if no one joins or provides comments.

Questions about the rule content or other developmental disabilities services are not answered during a rule hearing. If you have questions about the rules or need help registering for the rule hearing, please email ODDS.Rules@odhs.oregon.gov or call (971) 413-4225.

Language Access and Support:
https://www.oregon.gov/odhs/Pages/language-assistance.aspx

We provide free help so everyone can use our services.

Some examples:
- Sign language and spoken language interpreters
- Written materials in other languages
- Braille

- Real-time captioning (CART)
- Large print
- Audio and other formats

NEED FOR THE RULE(S)

The Oregon Department of Human Services (ODHS), Office of Developmental Disabilities Services (ODDS) needs to make changes to the rules in OAR chapter 411, division 345 about employment services for individuals with intellectual or developmental disabilities (I/DD).

ODDS needs to make these rule changes to align with Oregon's Employment First Policy and rule changes being made in OAR chapter 407, division 025, about Employment First and advancing competitive integrated employment.

These updates include:
- Implementing Senate Bill 810 (2025), which requires ODHS to work with the Department of Education to expand opportunities for people with I/DD to obtain and advance in competitive integrated employment.
- Aligning with the federal Workforce Innovation and Opportunity Act (WIOA), which aims to improve access to employment, education, training, and support services for people who face barriers to employment.
- Reflecting outcomes from the Lane v. Brown Settlement Agreement, which marked Oregon's transition away from sheltered workshops and toward competitive integrated employment opportunities.
- Ending subminimum wages for people with disabilities, as directed by Senate Bill 494 (2019).

In addition, ODDS needs to make general changes to align with other ODDS rules and definitions, remove outdated requirements, update eligibility requirements, and include:
- Strategies to support an individual's independence in the workplace, fading out provider supports.
- Requirements for solo employment path services.
- Updated training requirements.
- Documentation requirements.
- Updated requirements for safety and emergency planning and evacuation drills.
- Home and community-based assessments for any employment services delivered at a provider site.
- Prohibiting sheltered workshops.

ODDS might need to make other changes to provide clarification or address issues raised during the public comment period. These changes will be minor and will not affect services or introduce new requirements.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

1. Enrolled Senate Bill 810 (2025). Available at: https://olis.oregonlegislature.gov/liz/2025R1/Downloads/MeasureDocument/SB0810/Enrolled

2. Lane v. Brown Settlement Agreement. Available at: https://www.justice.gov/jmd/media/1237561/dl

3. ODDS State Policy on Employment for Working Age Individuals (9-18-08). Available at: https://www.oregon.gov/odhs/employment-first/Documents/policy.pdf

4. Workforce Innovation and Opportunity Act (WIOA). Available at: https://www.dol.gov/agencies/eta/wioa/guidance

5. Enrolled Senate Bill 494 (2019). Available at:

https://olis.oregonlegislature.gov/liz/2019R1/Downloads/MeasureDocument/SB494/Enrolled

6. OAR chapter 407, division 045 about Employment First and Services Advancing Competitive Integrated Employment. Available at: https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=1631

7. OAR chapter 411, division 004 about Home and Community-Based Services and Settings and Person-Centered Planning. Available at: https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=1746

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

The rule changes impact people with I/DD and providers delivering employment services to people with I/DD. These people often identify or associate with one or more racial, ethnic, or culturally based communities.

Ending subminimum wages for people with disabilities and advancing competitive integrated employment will, if anything, improve existing disparities for people with I/DD.

FISCAL AND ECONOMIC IMPACT:

The fiscal and economic impact is described below in the cost of compliance statement and is based on data and information currently available to ODDS.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) ODDS does not expect any cost of compliance for ODDS, other state agencies, or case management entities because these rule updates align the rules with already existing laws and requirements.

People receiving services: Eliminating subminimum wages will have a positive fiscal impact on people receiving services.

Providers: There should be no fiscal impact to providers because these rule updates align the rules with already existing laws and requirements. Some providers may have been required to increase wages by July 1, 2023 as a result of having to pay minimum wage or greater because of the elimination of subminimum wages created by Senate Bill 494 (2019). However, most providers had already made the change as a result of closing sheltered workshops.

Members of the public: There is no fiscal impact to members of the public. If anything, there will be a positive fiscal impact because people with disabilities will earn better wages and have higher tax contributions.

(2)(a) The proposed rule changes affect providers delivering employment services. There are approximately 140 active providers endorsed for employment services. Some of these providers may be considered a small business as defined by ORS 183.310.

(2)(b) The impact to providers is included in (1).

(2)(c) The impact to providers is included in (1).

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small businesses were invited to participate in the Rules Advisory Committee and are included in the public review and comment period.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

RULES PROPOSED:
411-345-0020, 411-345-0025, 411-345-0027, 411-345-0030, 411-345-0035

AMEND: 411-345-0020

RULE SUMMARY: OAR 411-345-0020 is being amended to:

- Align with the definitions in OAR chapter 407, division 025 about Employment First and advancing competitive integrated employment.
- Include definitions about employment services from OAR 411-317-0000.

Other minor changes may be made to this rule to provide clarity or address issues raised during the public comment period. These changes will not affect services or introduce additional requirements.

CHANGES TO RULE:

411-345-0020
Definitions and Acronyms~~¶~~
for Employment Services
In addition to the following definitions and acronyms, OAR 411-317-0000 includes general definitions for words and terms frequently used in OAR chapter 411, division 345. If a word or term is defined differently in OAR 411-317-0000, the definition in this rule applies.¶
(1) "Benefits Counseling" means the ~~benefits~~ supports, training, and planning about an individual's benefits delivered as an activity of employment path services.¶
(2) "C~~DDP" means "Community Developmental Disabilities Program".¶~~
~~(3) "Competitive Integrated Employment" means work that is perform~~areer Development Plan (CDP)" is defined ~~o~~in ~~a full-time or part-time basis (including self-employment):¶~~
~~(a) For which an individual:¶~~
~~(A) Is compensated at a rate that:~~OAR 407-025-0010 and described in OAR 407-025-0050 and OAR 411-345-0160.¶
(~~i~~3) ~~Is not less than the higher of the rate specified in federal, state, or local minimum wage law, and also is not less than the customary rate paid by the employer for the same or similar work performed by other employees who are not individuals with disabilities, and who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills; or¶~~
~~(ii) In the case of an individual who is self-employed, yields an income that is comparable to the income received by other individuals who are not individuals with disabilities, and who are self-employed in similar occupations or on similar tasks and who have similar training, experience, and skills; and¶~~
~~(B) Is eligible for the level of benefits provided to other employees.¶~~
~~(b) That is at a location where the employee interacts~~"CDDP" means "Community Developmental Disabilities Program" as defined in OAR 411-317-0000.¶
(4) "Competitive Integrated Employment" is defined in OAR 407-025-0010 consistent with ~~o~~the~~r persons who are not individuals with disabilities (not including supervisory personnel or individuals who are providing services to such employee) to the same extent that individuals who are not individuals with disabilities and who are in comparable positions interact with other persons; and¶~~
~~(c) That, as appropriate, presents opportunities for advancement that are similar to those for other employees who are not individuals with disabilities and who have similar positions.~~ Workforce Innovation and Opportunity Act (29 U.S.C. 705). ¶
(45) "Customized Employment" means competitive integrated employment for an individual with a disability that is ~~b~~: ¶
(a) Based on an individualized determination of the individual's strengths, needs, and interests ~~of the individual, is d~~; and ¶

(b) Designed to meet the individual's specific abilities ~~of the individual, and the business needs of the employer~~and the employer's business needs.¶
(~~5~~6) "Discovery" is a time-limited, comprehensive, person-centered, and community-based employment planning support service to better inform an individual seeking an individualized job in a competitive integrated employment setting ~~and to~~, create a Discovery Profile~~. Discovery includes a series of work or volunteer related activities to inform the individual and the job developer about the strengths, interests, abilities, skills, experiences, and support needs of the individual, as well as identify the conditions and employment settings in which the individual will be successful. Discovery is also an opportunity for the individual to begin active pursuit of~~, and actively pursue competitive integrated employment.¶
(~~6~~7) "Discovery Profile" is a comprehensive and person-centered report produced as an outcome of discovery, represent~~ings~~s an individual, and provid~~inges~~ information to better inform employment service planning and job development activities. The Discovery Profile includes ~~i~~: ¶
(a) Information about the individual's strengths, interests, abilities, skills, experiences, and support needs ~~of the individual, as well as i~~. ¶
(b) Information about conditions and employment settings for the ~~success of the~~ individual's success.¶
(~~7~~8) "Employment Path Services" mean~~s~~ services to provide learning and work experiences, including volunteer opportunities, for an individual to develop general, non-job-task-specific, strengths and skills that contribute to employability in an individualized job in a competitive integrated employment setting in the general workforce. Employment path services may also include individualized benefits counseling.¶
(~~8~~9) "Employment Professional" means an employee of a provider agency or an independent provider who has the qualifications and training to provide employment services under these rules.¶
(~~9~~10) "E~~ndorsement~~mployment Services" mean~~s~~ the ~~authorization to provide program services issued by the Department to a certified provider agency that has met the qualification criteria outlined in these rules, the corresponding program rules, and the rules in OAR chapter 411, division 323.~~home and community-based services that support the primary objective of exploring, obtaining, maintaining, or advancing an individual in an individualized job in a competitive integrated employment setting in the general workforce.¶
(a) Employment services under these rules include the following:¶
(A) Supported employment.¶
(i) Individual supported employment.¶
(I) Job coaching.¶
(II) Job development.¶
(ii) Small group employment support.¶
(B) Discovery.¶
(C) Employment path services.¶
(D) Attendant care in competitive integrated employment settings.¶
(b) Employment services do not include: ¶
(A) Vocational assessments in sheltered workshop settings or facility-based settings. ¶
(B) New participants in sheltered workshop settings.¶
(11) "Endorsement" is defined in OAR 411-323-0020. ¶
(1~~0~~2) "Evidence-Based Practices" means well-defined best practices, which have been demonstrated to be effective by multiple peer-reviewed research studies specific to the relevant population or subset of that population.¶
(1~~1~~3) "Executive Director" ~~means the person designated by a board of directors or corporate owner of a provider agency responsible for the administration of agency provided employment services.~~is defined in OAR 411-323-0020. ¶
(1~~2~~4) "General Community Employer" means a typical community setting that ~~e~~: ¶
(a) Employs a workforce that is reflective of the general population; and ~~i~~¶
(b) Is not a setting designed to hire or provide services for individuals with disabilities. ¶
(1~~3~~5) "Individual Supported Employment ~~Support~~" means job coaching or job development services to obtain, maintain, or advance in an individualized job in a competitive integrated employment setting in the general workforce, including customized employment or self-employment.¶
(14~~6~~) "Integrated Employment Setting" is defined in OAR 407-025-0010 consistent with the Workforce Innovation and Opportunity Act (29 U.S.C. 705).¶
(17) "ISP" means "Individual Support Plan" as defined in OAR 411-317-0000.¶
(1~~5~~8) "Job Coaching" means support for an individual to maintain or advance in an individualized job in a competitive integrated employment setting in the general workforce, including customized employment or self-employment.¶
(1~~6~~9) "Job Development" means support for an individual to obtain an individualized job in a competitive integrated employment setting in the general workforce, including customized employment or self-employment.¶

(~~17~~20) "~~OSIPM~~PRN" means ~~"Oregon Supplemental Income Program-Medical".¶~~
~~(18) "PRN" means~~ the administration of medication to an individual on an 'as needed' basis (pro re nata).¶
(21) "Provider Agency" is defined as "Agency" in OAR 411-323-0020.¶
(22) "Sheltered Workshop" means a facility in which individuals with disabilities are congregated for the purpose of receiving employment services and performing work tasks for pay at the facility. The Department does not fund employment services in sheltered workshop settings in accordance with OAR 407-025-0020. ¶
(a) A sheltered workshop primarily employs individuals with disabilities, including intellectual or developmental disabilities, with the exception of service support staff. ¶
(b) A sheltered workshop is a fixed site that is owned, operated, or controlled by a provider agency and where an individual has few or no opportunities to interact with people who do not experience a disability, not including paid support staff. ¶
(c) A sheltered workshop is not small group employment in an integrated employment setting and is not otherwise an integrated employment setting.¶
(~~19~~23) "Small Group Employment Support" means services and training activities provided in regular business, industry, and community settings for groups of two to eight individuals with disabilities. Small group employment support is provided in a manner that promotes integration into the workplace and interaction ~~between participants and people without disabilities in those workplaces~~in the workplace between individuals and people not experiencing a disability.¶
(2~~0~~4) "These Rules" mean the rules in OAR chapter 411, division 345.¶
(2~~1~~5) "Vocational Assessment" means an assessment administered to an individual to provide employment related information essential to the development of, or revision of, the individual's employment related planning documents ~~for an individual~~.
Statutory/Other Authority: ORS 409.050, 427.~~007~~104, 427.1~~0~~454, 430.662
Statutes/Other Implemented: ORS ~~427.007, 427.104, 427.154~~09.010, 427.007, 427.101, 427.104, 427.154, 430.610, 430.662

AMEND: 411-345-0025

RULE SUMMARY: OAR 411-345-0025 is being amended to:

- Implement Senate Bill 494 (2019) by ending subminimum wages and requiring that people with disabilities be paid at or above minimum wage.
- Incorporate outcomes from the Lane v. Brown Settlement Agreement by no longer funding employment services in segregated or sheltered workshop settings, including mock sheltered workshops in schools.
- Implement strategies that support an individual's independence in the workplace, fading out provider supports.
- Add requirements for solo employment path services.

Other minor changes may be made to this rule to provide clarity or address issues raised during the public comment period. These changes will not affect services or introduce additional requirements.

CHANGES TO RULE:

411-345-0025
Employment Service Requirements ¶

(1) Requirements for all employment services: ¶
(a) The delivery of employment services provided under these rules presumes all individuals eligible for services can succeed in a job and career in a competitive integrated employment setting in the general workforce and earn minimum wage or better.¶
(b) Employment is the preferred activity for individuals receiving services under these rules. Competitive integrated employment is the highest priority over unemployment, segregated or sheltered employment, small group employment support, or non-work day activities.¶
(c) Employment services must be individually planned based on person-centered planning principles. Consistent with the person-centered approach to these services, individuals accessing employment services under these rules must be encouraged, on an ongoing basis, to explore their interests, strengths, and abilities relating to employment or career advancement. ¶
(d) All employment services have an optimal and expected outcome of ~~s~~: ¶
(A) Sustained paid employment at the maximum number of hours, consistent with individual preferences, and work experience leading to further career development~~, m~~. ¶
(B) Maximizing hours~~,~~ using the standard of working at least 20 hours per week~~, and c~~. ¶
(C) Competitive integrated employment for which an individual is compensated at or above minimum wage, with a goal of not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by ~~individuals without~~employees not experiencing a disabilit~~ies~~y.¶
(e) A provider agency delivering employment services must be in full compliance with the requirements for home and community-based services and settings in OAR chapter 411, division 004 ~~by September 1, 2018~~.¶
(f) Employment services are provided under these rules in accordance with the State of Oregon Executive Order No. 15-01 and OAR chapter 407, division 025.¶
(g) Employment services provided under these rules must be in settings that meet requirements under federal, state, and local wage and hour laws. ¶
(A) Effective July 1, 2023, employed individuals with disabilities must be paid for work at a rate that is equal to, or better than, the hourly minimum wage rate required in ORS 653.025, unless an exception applies for all employees without regard to disability. ¶
(B) An employer may not rely on a special certificate issued under 29 U.S.C. section 214(c) to employ individuals with disabilities at a rate lower than the hourly minimum wage rate.¶
(h) Employment services must be evidence-based where evidence-based practices have been identified.¶
(~~h~~i) Employment services must be provided:¶
(A) To eligible individuals under the authorization of an I~~SP~~ndividual Support Plan and Career Development Plan in accordance with OAR 411-345-0160 and 407-025-0010.¶
(B) In a non-residential setting unless an individual is operating a home-based business. ¶
(C) In the most integrated employment setting appropriate to ~~the needs of~~ an individual's needs, and consistent with the ~~choice of the~~ individual's choice regarding services, providers, and goals. ¶
(~~i~~j) Employment services must be designed to:¶
(A) Increase an individual's independence, integration, and regular engagement in~~i~~: ¶
(i) Income producing work ~~by an individual~~, preferably in competitive integrated employment, that is measured

through improvements in the individual's income level, employment status, or job advancement~~, or engagement by an individual with an intellectual or developmental disability in w~~; or ¶
(ii) Work contributing to a household or community~~;~~.¶
(B) Promote integration into the workforce and workplace~~;~~.¶
(C) Promote interaction with people ~~without~~not experiencing a disabilit~~ies; and~~y.¶
(D) Support successful employment outcomes consistent with personal and career goals.¶
(2) Employment services do not include any of the following:¶
(a) Services available to an individual under Vocational Rehabilitation and Other Services, 29 U.S.C. § 701-796l~~, as amended~~.¶
(b) Services available to an individual under the Individuals with Disabilities Education Act, 20 U.S.C §1400~~, as amended~~.¶
(c) Vocational assessments in a sheltered workshop.¶
(d) ~~S~~In accordance with OAR 407-025-0020, services used for support to work in a segregated or sheltered workshop setting ~~for individuals who did not enter or use services for support in a sheltered workshop setting on or before June 30, 2015~~. Schools may not fund mock sheltered workshops.¶
(3) Employment services may not occur in settings where a provider agency, or other person who supports or directs an individual's plan to obtain or advance in competitive integrated employment, receives a personal benefit.¶
(4) Employment services include the following:¶
(a) INDIVIDUAL SUPPORTED EMPLOYMENT - J~~ob Coaching:~~OB COACHING.¶
(A) Job coaching i~~s i~~ncludes support for:¶
(i) Initial, ongoing, or maintenance support to maintain or advance an individual in an individualized job in a competitive integrated employment setting in the general workforce, including customized employment or self-employment~~. This also includes support for m~~;¶
(ii) Maximizing hours~~,~~ using the standard of working at least 20 hours per week~~, m~~; and ¶
(iii) Maximizing pay, benefits, and other opportunities for career advancement.¶
(B) Personal care or attendant care provided as an incidental part of job coaching is considered a component part of the employment service. ¶
(C) Job coaching does not include support in volunteer or unpaid work.¶
(D) Individuals utilizing job coaching must be compensated at a rate that is not less than ~~t~~: ¶
(i) The higher of the rate specified in federal, state, or local minimum wage law; and ~~also is not less than t~~¶
(ii) The customary rate and benefits paid by ~~the~~an employer for the same or similar work performed by other employees who ~~are~~do not ~~individuals with~~experience a disabilit~~ies, and~~y, who are similarly situated in similar occupations by the same employer, and who have similar training, experience, and skills.¶
(E) Direct and indirect job coaching support must be provided, at minimum, for the number of hours identified in an I~~SP~~ndividual Support Plan or Service Agreement. Job coaching contact requirements must be met. ¶
(F) Transportation provided within the course of job coaching is a component part of the employment service.¶
(~~b~~G) I~~NDIVIDUAL SUPPORTED EMPLOYMENT - Job Coaching for Self-Employment. Job coaching support to maintain self-employment requires the following i~~mplementation strategies for job coaching must include strategies to support the individual to be more independent in the workplace and provider fading from the workplace. ¶
(b) INDIVIDUAL SUPPORTED EMPLOYMENT - JOB COACHING FOR SELF-EMPLOYMENT. In addition to the requirements outlined ~~under~~in subsection (a) of this section:¶
(A) ~~O~~Job coaching for self-employment includes support for ongoing assistance, counseling, and guidance after a job or business has been launched and after successful closure of a plan for services through Vocational Rehabilitation. ¶
(B) The individual must ~~be~~ perform~~ing~~ an essential function of the job or business. ¶
(C) Support to maintain self-employment may not be provided to defray the primary operational expenses of ~~the~~a business.¶
(D) The self-employment must yield an income that is comparable to the income received by other people who ~~are~~do not ~~individuals with~~experience a disabilit~~ies, and~~y, who are self-employed in similar occupations or in similar tasks, and who have similar training, experience, and skills. ¶
(E) Evidence of ~~the~~ self-employment must be documented and reviewed by ~~the~~an individual's case manager on an annual basis. Documentation may include, but is not limited to, business filings with the Secretary of State, tax records submitted to the Internal Revenue Service, and an annual business plan.¶
(F) Department approval is required.¶
(c) INDIVIDUAL SUPPORTED EMPLOYMENT - JOB DEVELOPMENT~~:~~.¶
(A) Job development include~~s~~ support for an individual to obtain an individualized job in a competitive integrated employment setting in the general workforce, including customized employment or self-employment.¶

(B) Personal care or attendant care provided as an incidental part of job development is considered a component part of the employment service.¶
(C) The job developed must provide compensation at a rate that is not less than~~t~~: ¶
(i) The higher of the rate specified in federal, state, or local minimum wage law; and ~~also is not less than t~~¶
(ii) The customary rate and benefits paid by ~~the~~an employer for the same or similar work performed by other employees who ~~are~~do not ~~individuals with~~experience a disabilit~~ies, and~~y, who are similarly situated in similar occupations by the same employer, and who have similar training, experience, and skills.¶
(D) The job developed must meet criteria established in a Career Development Plan or Individual Plan for Employment (IPE) including, but not limited to, criteria regarding the number of hours the individual ~~sha~~will work in the job. ¶
(i) The Career Development Plan must document either a goal or discussion regarding opportunities for maximizing work hours and other career advancement opportunities. The recommended standard for planning job coaching and job development is the opportunity to work at least 20 hours per week. ¶
(ii) Individualized planning ~~should~~must ultimately be based on person-centered planning principles, including individual choice, preferences, and circumstances, and recognize that some individuals may choose to pursue working full time, part time, or another goal identified by the individual.¶
(E) Job development may be authorized in the limited circumstances where the service is not available through Vocational Rehabilitation and the Department has approved authorization. ¶
(F) Transportation provided within the course of job development is a component part of the employment service.¶
(d) SMALL GROUP EMPLOYMENT SUPPORT - Services and training activities in regular business, industry, and community settings.¶
(A) Small group employment support:¶
(i) May be provided in groups of two to eight individuals.¶
(ii) Must be provided in a manner that promotes integration into the work-place and interaction with people w~~ithout~~ho do not experience a disabilit~~ies~~y in those work-places.¶
(B) Small group employment support does not include:¶
(i) Vocational services ~~provid~~delivered in a provider owned, operated, or controlled setting, or a facility-based work setting.¶
(ii) Support in volunteer or unpaid work.¶
(C) Individuals utilizing small group employment support must be compensated at a rate that is not less than~~t~~: ¶
(i) The higher of the rate specified in federal, state, or local minimum wage law; and ~~also is not less than t~~¶
(ii) The customary rate and benefits paid by the employer for the same or similar work performed by other employees who ~~are~~do not ~~individuals with~~experience a disabilit~~ies, and~~y, who are similarly situated in similar occupations by the same employer, and who have similar training, experience, and skills.¶
(D) Personal care or attendant care provided as an incidental part of small group employment support is considered a component part of the employment service.¶
(E) Transportation provided within the course of small group employment support is a component part of the employment service.¶
(e) DISCOVERY - A comprehensive and person-centered employment planning support service to better inform an individual seeking competitive integrated employment in the general workforce and develop a Discovery Profile.¶
(A) Discovery must include ~~a~~: ¶
(i) A series of ~~work-~~individualized work or volunteer related activities, completed in ~~individual~~ integrated employment settings, to inform ~~the~~an individual and their job developer about the individual's strengths, interests, abilities, skills, experiences, and support needs ~~of the individual. Discovery must include a~~. ¶
(ii) Analyzing detailed information from an individual's novel and past experiences in order to identify ~~the~~ conditions or integrated employment settings ~~in which~~for the individual ~~will be most~~'s success~~ful~~.¶
(B) ~~D~~To identify transferable skills and job or career interests, discovery may include job and task analysis activities, assessment for use of assistive technology, job shadowing, informational interviewing, employment preparation, resume development, and volunteerism ~~to identify transferable skills and job or career interests~~.¶
(C) Discovery must be completed within a three-month period. A three-month extension may be authorized if ~~the~~an individual and the individual's case manager determines there is a legitimate reason. Legitimate reasons may include, but are not limited to, any of the following:¶
(i) The individual had a medical event that delayed completing discovery.¶
(ii) A medical event significantly changed the individual's strengths, interests, and abilities.¶
(iii) An opportunity to participate in particular work trials or volunteer positions may only be scheduled outside of the three-month period.¶
(D) Discovery must have an outcome of a Discovery Profile. The Discovery Profile must meet requirements

established by the Department.¶
(E) Discovery most often results in a referral to vocational rehabilitation services.¶
(F) Personal care or attendant care provided as an incidental part of discovery is considered a component part of the employment service.¶
(G) Transportation provided within the course of discovery is a component part of the employment service.¶
(f) EMPLOYMENT PATH SERVICES~~–~~. ¶
(A) Employment path services include:¶
(i) Support to obtain experience and develop general skills that contribute to an individual's employability in competitive integrated employment settings in the general workforce. ~~Employment path services include t~~¶
(ii) Training and support to an individual to obtain competitive integrated employment. ¶
(B) Employment path services may also include individualized benefits counseling. ¶
(C) Employment path services must be for the benefit of an individual and may not occur in settings where a provider, or other person who supports or directs an individual's plan to obtain competitive integrated employment, receives a personal benefit.¶
(~~A~~D) Personal care or attendant care provided as an incidental part of employment path services is considered a component part of the employment service.¶
(~~B~~E) Producing goods or services may be incidental to employment path services but the primary purpose must be to develop general employment skills that may be used in an individual integrated job.¶
(~~C~~F) Employment path services ~~are time-limited based on the ISP~~provided under these rules must be in integrated employment settings that meet requirements under federal, state, and local wage and hour laws. ¶
(i) Employed individuals with disabilities must be paid for work at a rate that is equal to minimum wage or better, unless an exception applies for all individuals without regard to disability. ¶
(ii) An employer may not rely on a special certificate issued under 29 U.S.C. 214(c) to employ individuals with disabilities at a rate lower than the hourly minimum wage rate.¶
(G) Employment path services are time-limited based on an individual's Individual Support Plan. These services are expected to occur over a defined period of time with specific outcomes to be achieved, as determined by the individual and the individual's service and supports planning team through an ongoing person-centered planning process.¶
(i) Prior to beginning employment path services ~~there must be~~, measurable goals must be outlined in ~~the~~an individual's Career Development Plan that support the intended outcomes of employment path~~is~~ services.¶
(ii) The measurable goals must include a timeline for achieving the goals as well as the frequency and duration for which progress towards achieving the goals are monitored by the individual's case manager during service monitoring as outlined in OAR chapter 411, division 415.¶
(~~D~~H) Employment path services require that an individual have an employment-related goal in the ~~ISP~~ir Individual Support Plan. The employment goal must be related to obtaining, maintaining, or advancing in competitive integrated employment, or, at minimum, exploring competitive integrated employment. General habilitation activities accessed through employment path services must be designed to support such employment goals.¶
(~~E~~I) Employment path services that occur at a provider site or facility must be used in combination with a service component that is in a non-disability specific setting in the general community and away from the provider site. ¶
(~~F~~J) Transportation provided within the course of employment path services is a component part of the employment service.¶
(~~G~~K) Consistent with setting requirements for home and community-based services, employment path services must be provided in an integrated setting that supports an individual's full access to the community and where individuals using these services gain experience working with the general public to the same or a similar degree as ~~individuals~~people who do not ~~hav~~experience a disability and do not use home and community-based services.¶
(~~H~~L) Employment path services are a facility-based service if delivered at a fixed site where ~~the~~a supported individual has few or no opportunities to interact with people who do not ~~hav~~experience a disability except for paid staff. ¶
(~~I~~M) ~~Employment path services are the only service that may be used for support in a sheltered workshop~~ No service may be authorized in a sheltered workshop.¶
(g) SOLO EMPLOYMENT PATH SERVICES. In addition to the requirements for employment path services described in subsetcting. ~~Effective July 1, 2015, no service may be authorized in a sheltered workshop setting for any individual who has not already entered or used services for support to work in a sheltered workshop. Sheltered workshop settings must meet setting requirements for home and community-based services by September 1, 2018, or have a variance approved by the Department.¶~~
~~(g) ATTENDANT CARE IN COMPETITIVE INTEGRATED EMPLOYMENT SETTINGS - A~~on (f) of this rule, solo employment path services: ¶
(A) Include time limited support to participate in community work experiences, such as internships, volunteer, or other time limited work experience, job shadowing, informational interviews, and resume building. The specific

community work experiences must be described in an Individual Support Plan. ¶
(B) Must be delivered: ¶
(i) One on one and not in a group setting. ¶
(ii) In a general community business setting and not at a provider site. ¶
(h) ON THE JOB ATTENDANT CARE AND ATTENDANT CARE IN COMPETITIVE INTEGRATED EMPLOYMENT SETTINGS. On the job attendant care and attendant care in competitive integrated employment settings includes assistance with activities of daily living, instrumental activities of daily living, and health-related tasks through hands-on assistance, supervision, cueing, and the provision of behavior supports as needed ~~for~~to support an individual in competitive integrated employment when a job coach is not present.
Statutory/Other Authority: ORS 409.050, 427.~~007~~104, 427.154, 430.662
Statutes/Other Implemented: ORS ~~427.007, 427.104, 427.154~~09.010, 427.007, 427.101, 427.104, 427.154, 430.610, 430.662

AMEND: 411-345-0027

RULE SUMMARY: OAR 411-345-0027 is being amended to spell out acronyms and remove the requirement that an individual be legally eligible to work in the United States in order to receive employment services.

Other minor changes may be made to this rule to provide clarity or address issues raised during the public comment period. These changes will not affect services or introduce additional requirements.

CHANGES TO RULE:

411-345-0027
Eligibility for Employment Services ¶

(1) An individual may not be denied employment 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) To be eligible for employment services, an individual must meet all of the following requirements:¶
(a) Be an Oregon resident who meets the residency requirements in OAR 461-120-0010.¶
(b) Be determined eligible for developmental disabilities services by the C~~DDP~~ommunity Developmental Disability Program of the county of origin as described in OAR 411-320-0080.¶
(c) Meet the ~~l~~Level of ~~c~~Care as defined in OAR 411-317-0000.¶
(d) Be receiving: ¶
(A) A Medicaid Title XIX benefit package through O~~SIPM or HSD~~regon Supplemental Income Program-Medical (OSIPM) or Health Systems Division medical programs; or ¶
(B) A benefit package through ~~the~~ Healthier Oregon ~~medical program.¶~~
~~(e) Be legally eligible to work in the United States.¶~~
~~(f.¶~~
(e) Have services under these rules authorized in an I~~SP~~ndividual Support Plan by a case management entity.¶
(~~g~~A) The ~~i~~Individual~~'s ISP~~ Support Plan must have an employment related goal as outlined in these rules and the case management rules in OAR chapter 411, division 415. ¶
(B) An employment related goal means a goal related to obtaining, maintaining, or advancing in competitive integrated employment, or, at minimum, exploring competitive integrated employment.¶
(3) DEPARTMENT APPROVAL.¶
(a) Job coaching for individuals under the age of 16 must be approved by the Department. ¶
(b) All other employment services for individuals under the age of 18 must be approved by the Department. ¶
(c) The provider agency or independent provider must retain documentation of the Department's approval.¶
(4) An individual receiving medical benefits under OAR chapter 410, division 200 requesting Medicaid coverage for services in a nonstandard living arrangement (see OAR 461-001-0000) is subject to the requirements of the rules regarding transfer of assets (see OAR 461-140-0210 through 461-140-0300) in the same manner as if the individual was requesting these services under OSIPM.¶
(a) This includes, but is not limited to, any of the following assets:¶
(A) An annuity evaluated according to OAR 461-145-0022.¶
(B) A transfer of property when an individual retains a life estate evaluated according to OAR 461-145-0310.¶
(C) A loan evaluated according to OAR 461-145-0330.¶
(D) An irrevocable trust evaluated according to OAR 461-145-0540.¶
(b) When an individual is considered ineligible due to a disqualifying transfer of assets, the individual must receive a notice meeting the requirements of OAR 461-175-0310 in the same manner as if the individual was requesting services under OSIPM.
Statutory/Other Authority: ORS 409.050, 427.104, 427.154, 430.662
Statutes/Other Implemented: ORS 409.010, 427.007, 427.101, 427.104, 427.154, 430.610, 430.662

AMEND: 411-345-0030

RULE SUMMARY: OAR 411-345-0030 is being amended to:

- Remove outdated rule requirements.
- Specify the training requirements for providers of discovery support.
- Provide more flexibility in the training requirements for employment providers by replacing the annual 12-hour training requirement with 24 hours of training every two years.

Other minor changes may be made to this rule to provide clarity or address issues raised during the public comment period. These changes will not affect services or introduce additional requirements.

CHANGES TO RULE:

411-345-0030
Employment Provider Qualifications and Training Requirements
(1) EMPLOYMENT PROVIDER TYPES. A qualified provider of employment services must be one of the following:¶
(a) A provider agency certified and endorsed ~~under OAR chapter 411, division 323.¶~~
~~(b) A provider agency certified under OAR 411-340-0170 prior to January 1, 2016. A provider agency certified under OAR 411-340-0170 prior to January 1, 2016 must be certified and endorsed under OAR chapter 411, division 323 upon re-certification but also no later than January 1, 2021~~in accordance with OAR chapter 411, division 323.¶
(~~c~~b) A qualified independent provider. ¶
(A) An independent provider who is employed by an individual may only provide job coaching. ¶
(B) An independent provider who is an independent contractor may only provide job development and discovery.¶
(2) EMPLOYMENT PROVIDER REQUIREMENTS. ¶
(a) A provider agency or independent provider of employment services must:¶
(A) Complete the provider enrollment requirements in accordance with OAR chapter 411, division 370. ¶
(B) Obtain a Medicaid Performing Provider Number in accordance with OAR chapter 411, division 370.¶
(C) Have a job description or Service Agreement with clearly stated job responsibilities, service requirements, service outcomes, and duties specific to the provider's area of specialization. The job description or Service Agreement must be current, signed, and dated by the provider. ¶
(b) CREDENTIALING.¶
(A) A provider agency must have at least one employee in a supervisory position who has Department-approved credentialing. ¶
(B) An independent provider who is an independent contractor must have Department-approved credentialing.¶
(3) JOB DEVELOPMENT. A provider of job development support must be qualified as a vendor through Vocational Rehabilitation and hold a current contract for Vocational Rehabilitation job placement services.¶
(4) DISCOVERY. A provider of discovery ~~must b~~support must meet the following requirements: ¶
(a) Be qualified as a vendor through Vocational Rehabilitation and hold a current contract for Vocational Rehabilitation job placement services. ¶
(b) Satisfy Department-approved training requirements for discovery prior to delivering discovery support. ¶
(5) BENEFITS COUNSELING. ¶
(a) An employment professional delivering benefits counseling as part of employment path services must meet the following requirements:¶
(A) Be employed by a provider agency certified and endorsed to deliver employment services.¶
(B) Be certified as a benefits counselor by completing a Department-approved certification program and completing the annual training required to maintain certification. ¶
(C) Complete the Department-approved online core competencies for supported employment professionals within one year of employment.¶
(b) Documentation of certification and training must be maintained in the benefit counselor's personnel file. The case manager must verify the benefits counselor has ~~a~~ Department-approved certification.¶
(6) EMPLOYMENT PROFESSIONALS.¶
(a) An employment professional must possess and demonstrate all of the following qualifications:¶
(A) Knowledge of developmental disabilities services.¶
(B) Knowledge of best practice methodologies regarding employment services.¶
(C) Knowledge of the rules governing employment services.¶

(D) Ability to provide services designed to support successful employment outcomes consistent with individualized career goals, including goals identified in an individual's I~~SP~~ndividual Support Plan and Career Development Plan.¶
(E) Ability to support individuals to maintain and be successful in employment.¶
(F) Demonstrate by background, education, references, skills, and abilities, the employment professional is capable of safely and adequately performing the tasks to support an individual's Service Agreement or I~~SP~~ndividual Support Plan and Career Development Plan including, but not limited to, all of the following:¶
(i) Ability and sufficient education to follow oral and written instructions and keep any records required.¶
(ii) Responsibility, maturity, and reputable character exercising sound judgment.¶
(iii) Ability to communicate with the individual.¶
(iv) Training of a nature and type sufficient to ensure the employment professional has knowledge of emergency procedures specific to the individual receiving services.¶
(b) An employment professional must self-report any potentially disqualifying crimes under OAR 407-007-0281 and potentially disqualifying conditions under OAR 407-007-0290 to the Department, or the designee of the Department, within 24 hours.¶
(c) SUPPORTED EMPLOYMENT TRAINING. ¶
(A) An employment professional must complete the following supported employment training:¶
(i) At least one Department-approved competency-based supported employment training: ¶
(I) Within 90 calendar days from the date of employment (for benefits counselors, this requirement is satisfied through the credentialing); or ¶
(II) For independent providers, before enrollment.¶
(ii) The Department-approved online core competencies for supported employment professionals:¶
(I) Within one year from the date of employment; or ¶
(II) For independent providers, before enrollment.¶
(iii) Twe~~lve~~nty-four hours of Department-approved supported employment training ~~on an annual basis based on the employment professional's hire or enrollment date~~every two years based on the calendar year. This supported employment training satisfies the requirement for 12 hours of job-related training required annually in OAR 411-323-0050. ¶
(iv) Employment professionals must complete a Department-approved training for Discovery prior to delivering Discovery services. ¶
(B) Documentation showing an employment professional has completed the training requirements must be maintained in the employment professional's personnel file and provided to an individual's case manager at, or prior to, the individual's annual I~~SP~~ndividual Support Plan meeting.
Statutory/Other Authority: ORS 409.050, 427.~~007~~104, 427.1~~04~~54, 430.662
Statutes/Other Implemented: ORS ~~427.007, 427.104, 427.154~~09.010, 427.007, 427.101, 427.104, 427.154, 430.610, 430.662

AMEND: 411-345-0035

RULE SUMMARY: OAR 411-345-0035 is being amended to:

- Require that provider agencies meet the qualification and training standards in OAR 411-345-0030.
- Include documentation requirements.
- Update the standards for safety and emergency planning and evacuation drills.
- Require a home and community-based assessment for any employment services delivered at a provider site.
- Prohibit sheltered workshops.

Other minor changes may be made to this rule to provide clarity or address issues raised during the public comment period. These changes will not affect services or introduce additional requirements.

CHANGES TO RULE:

411-345-0035
Standards for Provider Agencies Delivering Employment Services
(1) CERTIFICATION AND ENDORSEMENT. A provider agency delivering employment services must meet the qualification and training requirements in OAR 411-345-0030. ¶
(2) INSPECTIONS AND INVESTIGATIONS. A provider agency must allow inspections and investigations in accordance with OAR 411-323-0040. ¶
(~~2~~3) MANAGEMENT AND PERSONNEL PRACTICES. A provider agency must comply with the management and personnel practices ~~described~~ in OAR 411-323-0050. ¶
(34) P~~ERSONNEL FILES AND QUALIFICATION RECORDS~~RE-SERVICE TRAINING. A provider agency must maintain written documentation of six hours of pre-service training prior to staff sup~~ervis~~porting individuals that includes mandatory abuse reporting, I~~SP~~ndividual Support Plans, and Service Agreements.¶
(45) CONFIDENTIALITY OF RECORDS. A provider agency must ensure the confidentiality of individuals' records in accordance with OAR 411-323-0060.¶
(~~5~~6) DOCUMENTATION REQUIREMENTS. Unless stated otherwise, all entries required by these rules must comply with the provider agency documentation requirements in OAR 411-323-0060.¶
(7) ABUSE AND INCIDENT HANDLING AND REPORTING. Complaints of abuse and the occurrence of serious incidents must be treated ~~as described in~~in accordance with OAR 411-323-0063.¶
(~~6~~8) SERVICE RECORD. A provider agency must maintain a current service record for each individual receiving services. The individual's service record must include all of the following: ¶
(a) The individual's name, current home address, and home phone number. ¶
(b) The individual's Career Development Plan as well as their current I~~SP~~ndividual Support Plan or written Service Agreement. ¶
(c) Contact information for the individual's legal or designated representative (as applicable) and any other people designated by the individual to be contacted in case of incident or emergency. ¶
(d) Contact information for the case management entity assisting the individual to obtain services.¶
(e) Records of service provided, including type of services, dates, hours, and staff involved.¶
(f) Records describing medication taken by the individual that emergency medical personnel must be aware of in the event of an emergency.¶
(~~7~~)9) SAFETY AND EMERGENCY PLAN~~S AND INFORMATION~~NING. A provider agency that owns or leases a site and regularly has individuals present and receiving services at the site must meet all of the following minimum requirements: ¶
(a) A written emergency plan must be developed and implemented and must include instructions for staff and volunteers in the event of fire, explosion, accident, or other emergency, including evacuation of individuals receiving services. ~~¶~~
~~(b) Posting of emergency information:¶~~
~~(A) The telephone numbers of the l~~Applicable parts of the emergency plan must coordinate with each applicable residential provider or other emergency contacts to address the possibility of an emergency or disaster during work hours. Staff must be trained on the emergency plan and how to coordinate with other providers or emergency contacts.¶
(b) Posting of emergency information including, but not limited to, posting the following telephone numbers by designated telephones: ¶
(A) Local fire, police department, and ambulance service, or "911" ~~must be posted by designated telephones.¶~~
~~(B) The telephone numbers of the agency director.~~ ¶
(B) The executive director of the provider agency and other people to be contacted in case of emergency ~~must be~~

~~posted by designated telephones~~. ¶
(c) A documented safety review must be conducted quarterly to ensure the service site is free of hazards. Safety review reports must be kept in a central location by a provider agency for three years. ¶
(d) When an individual begins receiving services at a provider owned or controlled service site, a provider agency must deliver training to the individual to leave the site in response to an alarm or other emergency signal and to cooperate with assistance to exit the site. ¶
(e) EVACUATION DRILLS. A provider agency must conduct an unannounced evacuation drill each quarter when individuals are present.¶
(A) Exit routes must vary based on the location of a simulated fire. ¶
(B) An~~y~~ individual failing to evacuate the service site unassisted within th~~e established time limits set by the local fire authority for the site must be p~~ree minutes must be: ¶
(i) Provided specialized training or support in evacuation procedures; and ¶
(ii) Documented in the individual's safety plan.¶
(C) Written documentation must be made at the time of the drill and kept by the provider agency for at least two years following the drill. The written documentation must include all of the following: ¶
(i) The date and time of the drill. ¶
(ii) The location of the simulated fire. ¶
(iii) The last names of all individuals and staff present at the time of the drill.¶
(iv) The amount of time required by each individual to evacuate if the individual needs more than the established time limit. ¶
(v) The signature of the staff conducting the drill. ¶
(~~f~~D) In sites delivering services to individuals who are medically fragile or have severe physical limitations, requirements of evacuation drill conduct may be modified. The modified plan must~~:¶~~
~~(A) Be developed with the local fire authority, the individual or the individual's legal or designated representative (as applicable), and the provider agency's director; and¶~~
~~(B) B~~ be submitted as a variance request according to OAR 411-345-0090. ¶
(~~g~~f) A provider agency must provide necessary adaptations to ensure fire safety for sensory and physically impaired individuals.¶
(~~8~~10) HEALTH AND SAFETY INSPECTIONS. At least once every five years, a provider agency must conduct a health and safety inspection for all provider owned or controlled settings where services are delivered. ¶
(a) The inspection must cover all areas and buildings where services are delivered to individuals, including administrative offices and storage areas. ¶
(b) The inspection must be performed by: ¶
(A) The Oregon Occupational Safety and Health Division; ¶
(B) A provider agency's worker's compensation insurance carrier; ¶
(C) An appropriate expert, such as a licensed safety engineer or consultant as approved by the Department; or ¶
(D) The Oregon Health Authority, Public Health Division, when necessary. ¶
(c) The inspection must cover all of the following: ¶
(A) Hazardous material handling and storage. ¶
(B) Machinery and equipment used at the service site. ¶
(C) Safety equipment. ¶
(D) Physical environment. ¶
(E) Food handling, when necessary. ¶
(d) The documented results of the inspection, including recommended modifications or changes and documentation of any resulting action taken, must be kept by the provider agency for five years. ¶
(~~9~~11) FIRE AND LIFE SAFETY INSPECTIONS. A provider agency must ensure each provider owned, operated, or controlled service site has received initial fire and life safety inspections performed by the local fire authority or a Deputy State Fire Marshal, and once every two years after. The documented results of the inspection, including documentation of recommended modifications or changes and documentation of any resulting action taken, must be kept by the provider agency for five years. ¶
(1~~0~~2) STAFFING¶
(a) Direct service staff must be present in sufficient number to meet health, safety, and service needs specified in the I~~SP~~ndividual Support Plans or Service Agreements for ~~the~~each individual~~s~~ present. ¶
(b) Direct service staff must be provided to meet staffing requirements specified in the I~~SP~~ndividual Support Plans or Service Agreements for ~~the~~each individual~~s~~ present. ¶
(c) Employment ~~P~~path services and ~~S~~small ~~G~~group ~~Services~~employment support may not be delivered at the same time to more than eight individuals per employment professional or direct service staff. ¶
(d) Job ~~C~~coaching and ~~D~~discovery support are a one-to-one service and may not be delivered in groups.¶
(e) When individuals are present, at least one staff member on duty must have the following minimum skills and

training: ¶
(A) Cardiopulmonary resuscitation (CPR) certification. ¶
(B) Current First Aid certification. ¶
(C) Training to meet other specific medical needs identified in an individual ~~ISPs~~'s Individual Support Plan or Service Agreements~~.~~. ¶
(D) Training to meet other specific behavior support needs identified in an individual ~~ISPs~~'s Individual Support Plan or Service Agreements~~.~~ ¶
(11~~3~~) MEDICATIONS AND HEALTH AND MEDICAL NEEDS. A provider agency delivering services to individuals that involve assistance with meeting health and medical needs must: ¶
(a) Develop and implement written policies and procedures addressing all of the following: ¶
(A) Emergency medical intervention. ¶
(B) Treatment and documentation of illness and health care concerns. ¶
(C) Administering, storing, and disposing of prescription and non-prescription drugs, including self-administration. ¶
(D) Emergency medical procedures, including the handling of bodily fluids.¶
(E) Confidentiality of medical records. ¶
(b) Maintain a current written record for each individual receiving assistance with meeting health and medical needs that includes all of the following: ¶
(A) Health status as known. ¶
(B) Changes in health status observed during hours of service. ¶
(C) Any remedial and corrective action required and when such actions were taken if occurring during hours of service. ¶
(D) A description of any known restrictions on activities due to medical limitations. ¶
(c) If providing medication administration when an individual is unable to self-administer medications and there is no other responsible person present who may lawfully direct administration of medications, the provider agency must: ¶
(A) Have a written order or copy of the current written order, signed by a physician or physician designee, before any medication, prescription or non-prescription, is administered~~;~~. ¶
(B) Administer medications per written orders~~;~~. ¶
(C) Administer medications from containers labeled as specified per physician written order~~;~~. ¶
(D) Keep medications secure and unavailable to any other individual and stored as prescribed~~;~~. ¶
(E) Record administration for relevant medications on an individualized Medication Administration Record (MAR), including treatments and PRN, or "as needed", orders~~;~~. ¶
(F) Not administer unused, discontinued, outdated, or recalled ~~drugs; and~~medication.¶
(G) Not administer PRN psychotropic medication. PRN, or "as needed", orders may not be accepted for psychotropic medication. ¶
(d) Maintain a MAR (if required). The MAR must include all of the following: ¶
(A) The name of the individual. ¶
(B) The brand name or generic name of the relevant medication, including the prescribed dosage and frequency of administration as contained on physician order and medication. ¶
(C) Times and dates the administration or self-administration of the medication occurs. ¶
(D) The signature of the staff administering the medication or monitoring the self-administration of the medication. ¶
(E) Method of administration. ¶
(F) Documentation of any known allergies or adverse reactions to a medication. ¶
(G) Documentation and an explanation of why a PRN, or "as needed", medication was administered and the results of such administration. ¶
(H) An explanation of any medication administration irregularity with documentation of a review by the provider agency's executive director or their designee. ¶
(e) Provide safeguards to prevent adverse medication reactions including, but not limited to, all of the following: ¶
(A) Maintaining information about the effects and side-effects of medications the provider agency has agreed to administer. ¶
(B) Communicating any concerns regarding any medication usage, effectiveness, or effects to ~~the~~an individual or the individual's legal or designated representative (as applicable).¶
(C) Prohibiting the use of one individual's medications by another individual or person. ¶
(12~~4~~) TRANSPORTATION. A provider agency that owns or operates vehicles that transport individuals must: ¶
(a) Maintain the vehicles in safe operating condition~~;~~. ¶
(b) Comply with the laws of the ~~Department of Motor Vehicles;~~Oregon Driver and Motor Vehicle Services (DMV). ¶

(c) Maintain insurance coverage on the vehicles and all authorized drivers~~;~~. ¶
(d) Carry a first aid kit in each vehicle~~; and~~. ¶
(e) Assign drivers who meet the applicable DMV requirements ~~of the Department of Motor Vehicles~~ to operate vehicles that transport individuals. ¶
(1~~3~~5) MANAGEMENT OF FUNDS. If assisting with management of funds, a provider agency must have and implement written policies and procedures related to the oversight of the individual's financial resources that includes the following: ¶
(a) Procedures that prohibit inappropriately expending an individual's personal funds, theft of an individual's personal funds, using an individual's funds for ~~staff's own benefit~~the benefit of staff, commingling an individual's personal funds with the provider agency's or another individual's funds, or the provider agency becoming an individual's legal or designated representative. ¶
(b) The provider agency's reimbursement to an individual of any funds that are missing due to theft or mismanagement on the part of any staff of the provider agency, or of any funds within the custody of the provider agency that are missing. Such reimbursement must be made within 10 business days of the verification that funds are missing.¶
(14~~6~~) PROFESSIONAL BEHAVIOR SERVICES. A provider agency must have and implement written policies and procedures to assure professional behavior services are delivered by a qualified behavior professional in accordance with OAR chapter 411, division 304. ¶
(15~~7~~) BEHAVIOR SUPPORTS. Behavior supports must be provided in accordance with OAR 411-345-0170. ¶
(18) EMPLOYMENT SERVICES AT A PROVIDER SITE. There must be an ODDS-approved home and community-based assessment for any employment services delivered at a provider site. The purpose is to ensure compliance with OAR chapter 411, division 004 about home and community-based services, no funding in sheltered work, and that the correct employment service is authorized.
Statutory/Other Authority: ORS 409.050, 427.~~007~~104, 427.1~~04~~54, 430.662
Statutes/Other Implemented: ORS ~~427.007, 427.104, 427.154~~09.010, 427.007, 427.101, 427.104, 427.154, 430.610, 430.662