



Oregon Rehabilitation Association

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To: Human Services and Housing Committee, Chair Carolyn Tomei 3/27/13
From: The Oregon Rehabilitation Association
RE: Concerns About HB 3132

The Oregon Rehabilitation Association represents nonprofits that provide jobs and homes to many thousands of people with disabilities throughout Oregon under contracts worth over \$300 Million a year with DHS agencies.

DD 24 hour providers take their responsibilities to train and educate their workers very seriously, especially as they care for our most vulnerable people. Attached are 4 pages of the OAR's governing these services and a sample of the Core Competencies that each staff must demonstrate prior to working without supervision. Records are kept in individual personnel files and checked biennially by DHS licensing staff as a regular part of our license renewal process. The bill adds an administrative burden, further impacting providers' already stretched capacities and that of the DD office as they must process these annual reports on more than 14,000 workers. Keep in mind, providers have had no COLA for 4 years *and* received a 6% cut in their rates 2 and half years ago.

The most critical problem facing 24 hr providers is how to find and train competent workers for these demanding jobs, especially that we are now hiring at near minimum wage. All too often those new hires leave in the first six months, as they can find easier work elsewhere at comparable wages. This creates an expensive cycle, as we must continually look for workers who can pass the extensive criminal history check, drug tests, language competency, etc. and when they leave they take our expensive training investment with them.

The Oregon Rehabilitation Association has requested \$15M (GF) to help insure the stability of our organizations and the health and safety of those we serve. These funds would go directly into salaries and benefits and help us avoid the wasteful turnover cycle of newer employees. This is where we believe the legislature can be the most help to the DD system vs. increasing reporting requirements that neither the DD Office nor the Office of Licensing and Quality of Care believe necessary. In fact, I contacted the DD Licensing Dept's head, Barbara Southard (barbara.l.southard@state.or.us) and was informed that there have been no increase in recent years in problems with 24 hour providers delivering training as required by the Oregon Administrative Rules and that they do not consider this to be a common problem in licensing reviews.

We ask the committee to not forward this bill for the aforementioned reasons.

Questions? Contact ORA Director Tim Kral, or ORA Lobbyist Nan Heim, 503 224 0007

- Abilitree
- Ability at Work
- Adult Learning Systems of Oregon
- Albertina Kerr Centers
- Alternative Services Oregon
- Alvord Taylor Independent Living Services
- ANCOR
- ASH
- Bethesda Lutheran Communities
- Bliss Sequoia Insurance & Risk Advisors
- Catholic Community Services
- Center Enterprises
- Center for Continuing Education in Rehabilitation (CCER)
- Chamberlin House
- Coast Rehabilitation Services
- Community Access Services
- Community Services
- Cornerstone Associates
- Creative Supports
- Disability Compass
- Douglas Residential Training Facilities
- Dungarvin
- Eastco Diversified Services
- Eastern Oregon Support Services Brokerage (EOSSB)
- Edwards Center
- Enterprise Fleet Management
- Full Access
- Galt Foundation
- Garten Services
- Horizon Project
- Inclusion
- Independence Northwest
- Independent Environments
- Irwin Siegel Agency
- Lane Community College, Spec. Employment Services
- LaPorte & Associates
- Living Opportunities
- Marie Mills Center
- McDunn Consultants
- McKenzie Personnel Services
- Mentor Oregon
- Mid-Valley Rehabilitation
- New Day Enterprises
- NISH Northwest Regional Office
- NISH National Office
- ONET/Empire Pacific Risk Management
- Opportunity Connections
- Opportunity Foundation of Central Oregon
- Oregon Supported Living Program
- Oregon Technical Assistance Corporation (OTAC)
- Partnerships in Community Living (PCL)
- Pathway Enterprises
- Peak Performers
- Pearl Buck Center Incorporated
- Port City Development Center
- REACH
- Residential Assistance Program (RAP)
- RISE Services
- Riverside Training Centers
- Scioto Properties, LLC
- Self Determination Resources, Inc. (SDRI)
- Shangri-La Corp.
- South Coast Horizons
- Southern Oregon Aspire
- Southern Oregon Goodwill Industries
- Southern Oregon Regional Brokerage
- Star of Hope
- Step Forward Activities
- Sue Christiance Vocational Program (SCVP)
- Sunrise Enterprises
- Therap Services
- Tualatin Valley Workshop (TVW)
- Umpqua Homes for the Handicapped
- Wentworth Chevrolet
- WITCO
- 501(c) Agencies Trust

**DEPARTMENT OF HUMAN SERVICES
DEVELOPMENTAL DISABILITIES
OREGON ADMINISTRATIVE RULES**

**CHAPTER 411
DIVISION 325**

**24 HOUR RESIDENTIAL SERVICES FOR CHILDREN AND ADULTS
WITH DEVELOPMENTAL DISABILITIES**

(4) **COMPETENCY BASED TRAINING PLAN.** The service provider must have and implement a Competency Based Training Plan that meets, at a minimum, the competencies and timelines set forth in the Department's Oregon Core Competencies.

(5) **GENERAL STAFF QUALIFICATIONS.** Any staff member providing direct assistance to individuals must:

(a) Have knowledge of individuals' ISP's and all medical, behavioral, and additional supports required for the individuals; and

(b) Have met the basic qualifications in the service provider's Competency Based Training Plan. The service provider must maintain written documentation kept current that the staff member has demonstrated competency in areas identified by the service provider's Competency Based Training Plan as required by OAR 411-

(2) **BASIC PERSONNEL POLICIES AND PROCEDURES.** The agency must have in place and implement personnel policies and procedures that address suspension, increased supervision, or other appropriate disciplinary employment procedures when a staff member or subcontractor including respite providers and volunteers has been identified as an accused person in an abuse investigation or when the allegation of abuse has been substantiated.

(8) GENERAL STAFF QUALIFICATIONS. Any staff member providing direct assistance to individuals must meet the following criteria:

- (a) Be at least 18 years of age;
- (b) Have approval to work based on current Department policy and procedures for background checks in OAR 407-007-0200 to 407-007-0370 and OAR 411-323-0050(6) of this rule;
- (c) If hired on or after July 28, 2009, not have been convicted of any of the disqualifying crimes listed in OAR 407-007-0275;
- (d) Be literate and capable of understanding written and oral orders;
- (e) Be able to communicate with individuals, physicians, services coordinators, and appropriate others;
- (f) Be able to respond to emergency situations at all times;
- (g) Be certified in CPR and First Aid by a recognized training agency within 90 days of employment;
- (h) Receive 12 hours of job-related in-service training annually;
- (i) Have clear job responsibilities as described in a current signed and dated job description; and
- (j) If transporting individuals, have a valid Oregon driver's license and proof of insurance.

(9) PERSONNEL FILES AND QUALIFICATION RECORDS. The agency must maintain up-to-date written job descriptions for all staff as well as a file available to the Department or the Department's designee for inspection that includes written documentation of the following for each staff member:

(a) Written documentation that references and qualifications were checked;

(b) Written documentation by the Department of an approved background check as defined in OAR 407-007-0210;

(c) Written documentation of staff notification of mandatory abuse training and reporter status prior to supervising individuals and annually thereafter;

(d) Written documentation of any complaints filed against the staff member and the results of the complaint process, including, if any, disciplinary action;

(e) Written documentation of any founded report of child abuse or substantiated abuse;

(f) Written documentation of 12 hours of job-related services in-service training annually;

(g) Documentation that the staff member has been certified in CPR and First Aid by a recognized training agency within 90 days of employment and that certification is kept current; and

(h) For staff operating vehicles that transport individuals, documentation of a valid Oregon driver's license and proof of insurance.

CORE COMPETENCIES – Revision Oct, 2000

Before working unassisted (without experienced co-worker) employee will:

SAFETY		
	COMPETENCY	SAMPLE DEMONSTRATIONS (May be modified)
S-1	Obtain first aid and CPR certification.	Present current certification card from qualified first aid and CPR training.
S-2	Locate emergency notification information including who is to be informed of an emergency, how, and in proper order.	When presented with hypothetical emergency situation, staff present appropriate phone lists and information on individuals.
S-3	Follow posted emergency evacuation procedures.	<ul style="list-style-type: none"> • Identifies what is an emergency. • Locate & follow posted evacuation plan. • Locate emergency exits and safe areas. • Notify appropriate agency and emergency personnel.
S-4	Demonstrate appropriate methods of support and non-physical intervention for individuals.	<ul style="list-style-type: none"> • Correctly identify situation as potentially harmful. • Seek assistance from others, if needed • Use appropriate body language, tone of voice, listening skills, redirection, etc. • Follow prescribed procedures & protocols for individuals
S-5	Lift or transfer an individual or material using recognized safe body mechanics.	Follow general or individualized protocols such as: <ul style="list-style-type: none"> • use proper body mechanics • keep back straight • bend at the knees • lift using legs • use assistive lifting devices (such as back belts, slings, etc.)
S-6	Complete documentation required for incident and accident reporting process.	<ul style="list-style-type: none"> • Correctly identify situation as an incident. • Notify appropriate personnel, as per approved procedures. • Complete and submit form through appropriate channels.
S-7	Use safe handling and storage techniques for chemicals and cleaners	<ul style="list-style-type: none"> • State safe handling & storage procedures. • Locate and present MSDS (Material Safety Data Sheets) as available.
S-8	Locate safety equipment.	Present first aid kit, fire extinguisher, and other emergency equipment if any.
S-9	Safely operate any equipment or machinery used within the work environment.	Demonstrate proper operation of equipment such as phones, vehicles, tie-downs, lifts, stoves, production machinery, gas shut-off, fire alarm shut-off, etc.