

Proposed rules to implement SB 97 (DRAFT)

- These are proposed rules to assist developmentally disabled children of service members, who are returning to Oregon after an absence due to a parent’s military obligation, in accessing services.
- These rules are subject to change and may require the Department to convene a Rule Advisory Committee.

OAR 411-320-0020. DEFINITIONS.

“Child” means an individual less than 18 years of age.

“County of Origin” means: for an adult, the county of residence for the adult; and for a child, the county where the jurisdiction of guardianship exists.

“Military service” means service in the Armed Forces of the United States, as defined in ORS 341.496.

“Resident” includes a person that is absent due to military obligation, if he or she intends to return Oregon and Oregon remains his or her principal establishment, home of record, or permanent home during the absence.

“Service member” means an individual who is in the military service or who has separated from military service in the previous 18 months through retirement, discharge or other separation.

OAR 411-320-0080. APPLICATION AND ELIGIBILITY FOR DEVELOPMENTAL DISABILITY SERVICES.

(X) REINSTATEMENT OF ELIGIBILITY FOR CHILDREN OF SERVICE MEMBERS.

(a) **WAIVER OF APPLICATION.** A previously eligible child of a service member, who temporarily left Oregon due to a parent’s military service obligation outside of Oregon, does not need to submit a new application for developmental disability services upon return. Upon return to Oregon and a request to a CDDP in the County of Origin, the CDDP in the County of Origin shall assign a Services Coordinator within 10 days of the request for services.

(b) **COORDINATION OF SERVICES.** The Services Coordinator will assist the individual in establishing eligibility for OSIPM or OHP Plus and meet face-to-face with the child and guardian, within 45 days of the request for services, to provide choice advising and to review the child’s rights to a fair hearing. The Services Coordinator must assure the child has a level of care determination prior to accessing waiver or Community First Choice state plan services. If child has been absent for more than 12 months and the child and guardian indicate a preference for a waiver or Community First Choice state plan services, the Services Coordinator must:

- (A) Complete a level of care determination;
- (B) Complete a functional needs assessment within 45 days from the date of request from services; and
- (C) Develop an Individual Support Plan in accordance with OAR 411-320-0120(4), within 30 days from the date of the functional needs assessment.
- (D) The Services Coordinator must develop an Annual Plan in accordance with OAR 411-320-0120(5), if the child and guardian will not access waiver or Community First Choice state plan services.

(c) NOTICE. The CDDP in the County of Origin shall provide: a notice of the assessment process to the child and guardian no fewer than 14 days prior to conducting a functional needs assessment; and a copy of the Individual Support Plan to the child and guardian within two weeks of authorization.

(d) REDETERMINATION.

(A) Upon the child's reentry to services, the CDDP in the County of Origin shall initiate a redetermination if:

- (i) The criteria used to determine eligibility for developmental disability services changed during the child's absence;
- (ii) There are new records related to the eligibility criteria for developmental disability services, including medical, psychological or school records related to an intellectual or developmental disability; or
- (iii) Documentation used to support the child's original eligibility is more than three-years-old, and records created within the last three years do not support eligibility for developmental disability services.

(B) The CDDP must follow OAR 411-320-0080(4) and OAR 411-320-0080(5) regarding a redetermination of eligibility. As with all redeterminations, prior to a termination of developmental disability services, the CDDP must: send a notice of redetermination; afford the child's parent or guardian the opportunity to provide documentation that supports eligibility; and schedule a diagnostic evaluation for the child, if appropriate.