



Presentation to the Senate Interim Committee on Human Services

Update on Standard Model Agency implementation and regulatory compliance

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Agenda

- I. Standard Model Agency (SMA)
 - a. Development
 - b. Requirements
 - c. Implementation
 - d. Licensing and compliance
- II. Senate Bill 1548 transparency requirements
 - a. Background
 - b. Actions taken
- III. Questions

Office of Developmental
Disabilities Services



Standard Model Agency

Development: Two in-home service options

Before July 2022, ODDS had two in-home service delivery models:

Personal support workers (PSWs)

- Individual or their representative serves as employer of record for their PSWs.
- PSWs represented by SEIU.
- Wages bargained with the union.
- Oregon Home Care Commission enrolls and provides training.
- ODDS funds wages.
- Fiscal intermediary process payroll and does other admin tasks.



Agency providers and Direct support professionals (DSPs)

- Agency employs, hires, trains and manages DSPs.
- ODDS funds agencies for services based on rate models.
- Agency determines DSP wages.
- Agency works with individuals to ensure DSPs are available when indicated in person's support plan.
- Mixed business models.



Development: Standard Model Agency

On July 1, 2022, ODDS:

- Implemented new rate models for ODDS' contracted agency providers.
- Split in-home agency provider model into two models.
 1. **Standard Model Agency (SMA): new model**
 2. **Community Living Supports (CLS): the existing provider agency model**
- **PSW model did not change.**

Requirements: Standard Model Agency (SMA) and Community Living Supports (CLS) Agency

	SMA	CLS
Minimize effects of cancelations	Yes, policies required	Not required
On-call supervisor	Yes, if shift scheduled in advance	Not required
Coordinate supports needed to live in one's community beyond activities of daily living	Yes, when instructed by person's Individual Support Plan (ISP)	Not required
Protocol to mitigate medical and behavioral risks	Yes	When instructed by ISP
Attend ISP meetings when invited	Yes	Not required
Strategies to support person's goal achievement; report on progress and effectiveness	When instructed by ISP	Not required
Required training	6 hours preservice 24 hours annually	6 hours preservice 12 hours annually
Scheduling workers	Yes	Varies

Implementation: Support for providers and partners

- November 2022
 - Virtual information sessions about the new Standard Model Agency (SMA) option for CMEs, providers, partners and people who receive services
- November 2022–January 2023
 - Series of training webinars for CMEs and providers on specific aspects of and new requirements for Standard Model Agencies
- February 2023:
 - Technical assistance call for CMEs and providers to answer questions about new requirements
- Other resources
 - Comprehensive PowerPoint guide about the new requirements for providers and CMEs
 - Sample templates of protocols, implementation strategies and progress reports for providers

Licensing and compliance of Standard Model Agencies (SMA)

ODDS required agencies who opted to be SMAs to submit attestation forms from July 1, 2022–Sept. 30, 2022.

- Comply with updated OARs.
- Meet new requirements on the date of attestation: training hours, protocol, implementation strategy, policy, etc.

ODDS granted agencies temporary approval upon receipt of attestation form.

- ODDS reviewed the attestations and requested additional documentation: local policies and procedures, as evidence SMAs were meeting the new requirements.

October 1, 2022–present

- Providers must submit new endorsement application and be approved by ODDS Licensing to receive SMA endorsement and rates.

Licensing and compliance: Types of reviews

Endorsement and renewal reviews

- Policies
- Procedures
- Initial fire inspection reports at facility sites



Quality assurance renewal review

- Completed on two-year cycle
- Full chart reviews including but not limited to Individual Support Plans, support documents, financial and medical records
- Review of progress notes and quarterly progress reports
- Based on findings, conduct billing audit of claims using electronic visit verification (EVV) and documentation

QA complaint reviews

- As needed to investigate health and safety complaints.
- Investigate to determine validity
- Determine corrective actions, if needed
- May expand to full licensing review, if needed

Licensing and compliance: Reviews to date

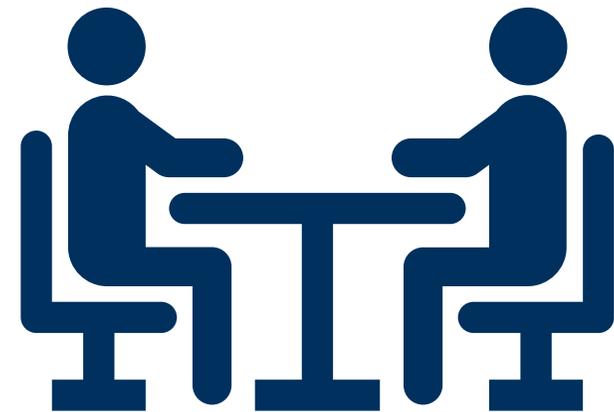
Current number of in-home agencies

- 179 Standard Model Agencies (SMA)
- 80 Community Living Supports agencies

SMA reviews completed

- 30 SMA endorsement level
- 17 SMA quality assurance (QA)
- 2 complaint reviews

(Numbers as of Jan. 2, 2024)



Licensing and compliance: Administrative sanctions

- Advisory Letters
 - Information and advice about a concern or pattern that needs correction
 - Abuse reports, repeated offenses, requests for retraining
- Serious Violation Letters
 - Letters based on immediate health and safety or compliance needs
 - Providers have five days to fix issues and respond
- Conditions
 - Place restrictions on the license: limiting enrollment, scope, service types, etc.
- Civil penalties
 - Monetary fine for violating OAR
 - By rule, ODDS could start issuing civil penalties in October 2023
- Other administrative sanctions
 - Refusal to renew license, revocation or immediate suspension

Senate Bill 1548
transparency
requirements

Transparency requirements: Background

December 2021: ODDS submitted “Oregon Department of Human Services Provider Accountability Report” to the Legislature.

- Analyzed current statutory authority, OARs and accountability measures.
- Incorporated feedback from partners, providers and residential facilities ombudsman.
- Nine recommendations for improvement, included in SB 1548: **statutory changes to improve state’s ability to ensure provider transparency, accountability, safety and quality standards.**

2022 Legislative Session

- Senate Bill 1548 passed.



Transparency requirements: SB 1548

Required ODDS to adopt rules for community-based services provider agencies to:

- Annually submit staffing data to a standardized reporting survey tool.
- Annually report fiscal data about agency overhead, expenditures, compensation and other relevant fiscal measures.
- Require up to 10 years of organization history in provider applications and renewals.
- Establish conditions when a provider may be prohibited from applying for licensing, certificate or endorsement.

Required providers to submit an annual report to ODDS that includes:

- Executive compensation and benefits.
- Direct support professional (DSP) wage reporting, including compensation and benefits.
- Overhead expenses and expenditures.
- Other fiscal matters prescribed by ODDS through the rule making process.

Transparency requirements: Actions taken by ODDS

Implemented new rules to comply with SB 1548 requirements Oct. 1, 2023.

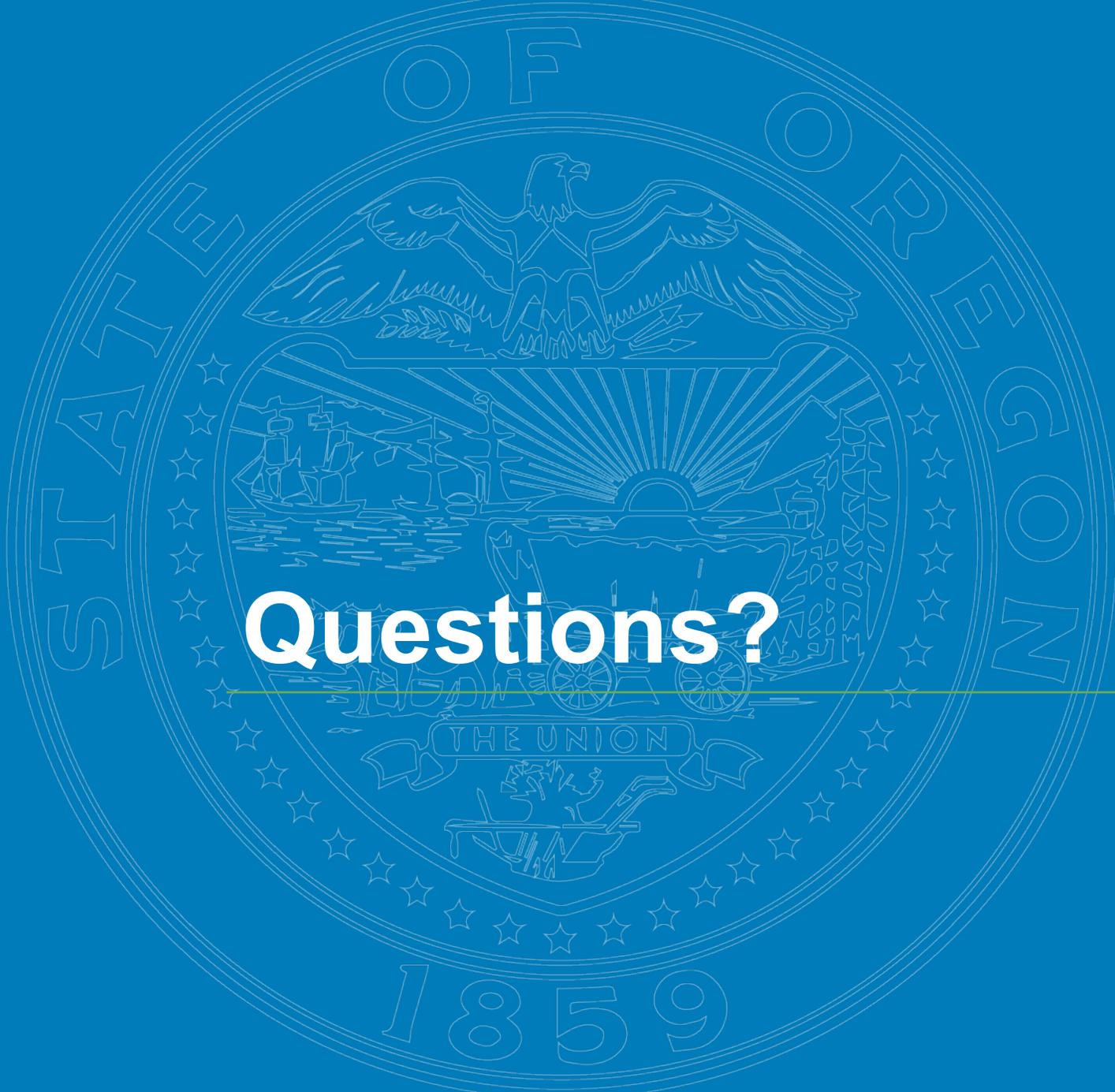
- Workgroups informed development.

Improved National Core Indicators (NCI) State of the Workforce Survey

- Worked with contractor to revise current questions and develop additional questions to collect data required by SB 1548.
- All provider agencies now required to participate annually.
- Begins in January with 2024 survey of 2023 data.
- Data available second half of 2024.

Use data to inform future actions

- ODDS will use this additional and more transparent information about provider operations and direct care workforce compensation to inform future discussions and actions to strengthen the state's provider infrastructure and better support our direct care workforce.



Questions?

Thank you

