

Provider Alert

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Topic: Temporary Filed Oregon Administrative Rules (OAR) and Mandatory HCBS/IBL Online Training and HCBS changes

In April 2023, the federal Centers for Medicare & Medicaid Services (CMS) visited Oregon to review the implementation of Home and Community-Based Services (HCBS) requirements. Due to numerous factors, including the global COVID-19 pandemic, Oregon was found to be out-of-compliance with HCBS rules. In June 2023, Oregon submitted a Corrective Action Plan, which CMS approved. Oregon has until June 30, 2024, to come into full compliance with all HCBS rules.

The Oregon Department of Human Services, Aging and People with Disabilities' (APD) remediation plan included a mandatory training requirement for all HCBS providers licensed by APD, Medicaid Case Managers and their Supervisors.

HCBS Training. Staff turnover during and after the pandemic resulted in loss of HCBS historical knowledge. To ensure future compliance, HCBS and Individually-Based Limitations (IBL) requirements will be explained in an upcoming, mandatory online training. This training will be available through Oregon Care Partners (OCP) on Monday, January 15, 2024. Please see attached APD HCBS-IBL Online Training FAQ for more details about the OCP training and training records that must be kept. Providers may log in and take the training. All staff of APD HCBS providers are required to take the training **by March 31, 2024**.

The OCP training is in English; however, a Spanish version is also being prepared. While the Spanish version won't be available by March 31st, it will be available for new hires to take in the future. The mandatory provision of this training requirement was published in Oregon Temporary Rules for Oregon Administrative Rules (OAR) 411-049-0125(2)(f), 411-050-0745(1)(c)(G) and 411-054-0070(3)(e)]. APD is also adding an annual HCBS training requirement to OAR. A current copy of the OARs can be found by visiting our APD AFH Licensing website.

APD is also having regulatory staff (AFH Licensors, CBC Surveyors), SOQ Central Office, Safety/Serious Incident staff, and APS Local Office staff, take the training to ensure everyone hears the same message. These groups must complete the training by April 30, 2024.

IBL Criteria. APD is simplifying the criteria providers use to determine whether they should request an IBL for an individual, as follows:

- **Current criteria (all three must be true) (ends 03/31/24)**
 - A cognitive deficit or behavior is causing the need for the IBL;
 - There is a moderate health or safety risk to the individual or others; and
 - The cognitive deficit/behavior makes it difficult for the individual to understand the health or safety risk.
- **NEW criteria (effective 04/01/24)**
 - There is a moderate health or safety risk to the individual or others.

No Changes. No changes are being made to HCBS OARs (OAR chapter 411, division 4) or to the Individual Consent to HCBS Limitation(s) (aka “IBL form” or 0556).

APD HCBS-IBL ONLINE TRAINING FAQ

Audience: HCBS Residential Providers licensed by APD

This document is meant to answer questions about the upcoming, mandatory training for residential providers of Home and Community-Based Services and Settings (HCBS), who are licensed by the Office of Aging and People with Disabilities (APD) program, within the Oregon Department of Human Services (ODHS). The training will cover HCBS and Individually-Based Limitations. (OAR chapter 411, division 4)

General Training Information

1) When will Providers be able to access this online training?

The training will be available on Monday, January 15, 2024.

2) Why do we need to take this training?

Oregon is required to be in compliance with federal regulations around HCBS. Earlier in 2023, the federal Centers for Medicare & Medicaid Services (CMS) performed onsite reviews of various providers in Oregon and identified areas where APD providers need additional supports.

3) Is the training mandatory?

Yes, for all Adult Foster Homes, Assisted Living Facilities, and Residential Care Facilities, including Memory Care Communities. (OAR 411-049-0125(2)(f), OAR 411-054-0070(3)(e))

4) Who is required to take the training?

All owners, all administrators and all staff (including kitchen, housekeeping, and direct care providers) of all HCBS residential providers licensed by APD are required to take the full training. Note: APD/AAA Case Managers and their Supervisors, AFH Licensors, CBC Surveyors, APS staff, and others are also being asked to take the training, to ensure everyone receives the same information.

5) Is there a deadline for completing this training?

Yes. Everyone must have completed the training **by 3/31/2024**.

Logistics of the online training

6) How will the training be provided?

Online. APD has worked closely with Oregon Care Partners (OCP) to develop this online training, which is the most accessible, convenient and expedient option for all.

7) How long will the training be?

We anticipate it will take approximately 1.25 hours to take the training.

8) Will CEUs/training hours be offered?

Yes.

9) How do I access the online training?

Use this link: <https://oregoncarepartners.com/app/#/class-details/3430>

A link to instructions for how to register, along with a link to the Registration Guide, are found on this website. The trainee will need to create an account on the OCP website (this won't take very long) with their name, email address, phone number, county, and care setting (e.g., Adult Foster Home – APD, Memory Care, Assisted Living Community).

OCP will use this information to issue a certificate of completion to the trainee. By taking the training individually, the person's training record with OCP will be 'transferable' (i.e., if the person leaves ABC ALF to work for XYZ RCF, the training won't have to be repeated).

10) Can the provider hold a group training instead of having each employee log in separately and create individual accounts?

Yes. While the OCP training was created to be taken individually, providers may opt to hold group trainings (e.g., as an all-staff meeting). When possible, the Administrator or owner should be the one who creates the OCP account, and then staff may watch the training.

11) If staff attend a group training, will they be able to get a certificate of completion from OCP?

No. The OCP system is designed to for individual trainees to create their own account and complete the training online in order to obtain a certificate of completion. If an individual wants a certificate of

completion, they must create their own account and take the training online.

12) May staff from multiple locations attend the same group training?

Yes. Providers with multiple locations may have their staff attend an in-person group training or a virtual group training.

Note: In order to get credit for taking the training, the trainee must be logged into the training session for the entire training.

13) What are the sign-in requirements for provider group trainings?

In-Person Group: Providers will need to create physical sign-in sheets, with the name of the training, the date and time of the training, the trainee’s names (for those who will be attending in person), and a blank area next to each trainee's name for them to sign when they arrive. If staff from multiple locations will be attending the same training, the sign-in sheet must also include the provider’s name and location. *(See below sample for In-Person Group Training)*

SAMPLE IN-PERSON GROUP TRAINING SIGN-IN SHEET				
OCP HCBS/IBL Training – In-Person Group Training Sign-In Sheet				
Provider Name: HAPPY ALF		Date: 01/15/24	Time: 9:00 AM	
Name	Title/Position	Provider Name	Provider Location	Signature
John Smith	CNA	Happy ALF North	Portland	
Jane Doe	Administrator	Happy ALF West	Tigard	

Virtual Group: Providers must print and keep the attendance report from their online training, containing the names of the trainees, and the date and time of the training. If staff from multiple locations attend the same training, the provider must include the Provider Name and Location (e.g., Happy ALF West, Tigard) for each trainee. A separate attachment may be used to provide the required information not found on the electronic attendance report. *(See below example for Virtual Group Training)*

SAMPLE VIRTUAL GROUP TRAINING SIGN-IN SHEET

OCP HCBS/IBL Training – Virtual Group Training Sign-In Sheet

Provider Name: HAPPLY ALF **Date:** 01/15/24 **Time:** 9:00 AM

Meeting Summary					
Total Number of Participants				20	
Meeting Title	OCP HCBS/IBL Training				
Start Time	1/15/2024, 08:50:00				
End Time	1/15/2024, 10:37:06				
Full Name	Join Time	Leave Time	Duration	Email	Role
Jane Doe	1/15/2024, 09:00:01	01/15/2024, 10:30:45	1h 30 min	J.Doe@example.com	Presenter
John Smith	1/15/2024, 08:53:07	01/15/2024, 10:35:04	1h 42 min	J.Smith@example.com	Attendee

SAMPLE ATTACHMENT FOR VIRTUAL GROUP TRAINING RECORDS

OCP Online HCBS/IBL Training Addendum to Sign-In Sheet

Provider Name: HAPPLY ALF **Date:** 01/15/24 **Time:** 9:00 AM

Name	Title/Position	Provider Name	Provider Location
John Smith	Maintenance	Happy ALF North	Portland
Jane Doe	CAN	Happy ALF West	Tigard

14) Can a provider’s advocacy group or Association (e.g., OHCA, LeadingAge, IACHA) hold group trainings for multiple providers? If so, are there special requirements?

Yes, a provider advocacy group or Association may hold in-person group trainings or virtual group trainings, as long as the sign-in/attendance log requirements are met. The advocacy group or Association and the provider(s) should work closely, to ensure the provider gets all the required information they will need in order to furnish it to the necessary authority, upon request.

Suggestion re: In-Person Group Training sponsored by provider advocacy group or Association: Create physical sign-in sheets for each Provider whose staff will be attending, to enable easier distribution of the sign-in sheets to each of the represented providers.

After the online training has been taken by all staff

15) What do providers need to do after all staff have taken the required online training?

By/on March 31, 2024, providers will need to submit an attestation that all their staff have taken the online training. APD will provide a link to providers where they can complete and submit the attestation online.

16) Will providers need to keep their training records as verification that all staff have taken the training?

Yes. While OCP will provide APD with a report of those providers who signed in to take the online training, providers are still responsible for retaining their own training records. Regardless of the method chosen (in-person vs. group), the provider must keep copies of all sign-in sheets/electronic attendance logs (with names of attendees and the date/time of the training), and other training-related documentation. Note: All staff must take the entire training in order to get credit for having attended.

Providers should be ready to provide proof of completion to any Licensor, Surveyor, APD staff, or auditor from the federal Centers for Medicare & Medicaid Services (CMS), upon request.