

BENCO
24 Hour
POLICIES AND PROCEDURES

SUBJECT: ENTRY, EXIT, AND TRANSFER

OAR: 411-325-0390 (1) (2) (a) (A-C) (i-ii) (D) (E) (b) (A-B) (3) (a) (A-C) (i-iii) (b-c) (A-D) (i-v) (E-L) (d-e) (4) (a-d) (5) (a) (A-G) (b) (A) (i-ii) (B) (c-e) (6) (a-c) (7) (8) (9) (a-c)

POLICY:

(1) An individual considered for Department funded services will not be denied 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.

PROCEDURES:

- **(2)** An individual who enters a 24-hour residential setting is subject to eligibility as described in the section.
 - **(a)** To be eligible for services in a 24-hour residential setting, an individual will meet the following requirements.
 - (A)** Be an Oregon resident.
 - (B)** Be receiving a Medicaid Title XIX (OHP) benefit package through OSIPM or the OCCS Medical Program.
 - (C)** Be determined eligible for developmental disabilities services by the CDDP of the county of origin as described in OAR 411-320-0080; or services for Aging and People with Disabilities as described in OAR 411-317-0000.
 - (D)** Meet the level of care as defined in OAR 411-317-0000.
 - (E)** Not receive other Department-funded in-home, community living support, or other in another residential setting.
 - **(b)** Individuals receiving Medicaid Title XIX (OHP) under OCCs medical coverage for services in a nonstandard living arrangement as defined in OAR 461-001-0000 are subject to the requirements in the same manner as if they were requesting these services under OSIPM, including the rules regarding:
 - (A)** The transfer of assets set forth in OAR 461-140-0210 through

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461-140-0300; and

(B) The equity value of a home which exceeds the limits as set forth in OAR 461-145-0220.

○ **(3) ENTRY**

○ **(a)** When Benco considers an individual for entry into the home Benco will:

(A) Provide notification to the County of the intended entry prior to the individual moving into the home;

(B) Verify that Benco has been prior authorized to provide Medicaid-funded services to the individual if the individual is not private pay; and

(C) Receive written permission from the Department prior to:

(i) An individual under age 18 moving into a home with an individuals age 18 or older;

(ii) An individual 18 or older moving into a home with individuals under the age of 18; or

(iii) An individual who turns 18 and continues to reside in a home with individuals under the age of 18.

○ **(b)** Benco will participate in an entry meeting with an individual's services coordinator prior to delivering services to the individual for services to be funded in the home.

○ **(c)** Prior to or upon an entry, Benco will demonstrate efforts to acquire the following individual information from the referring Services Coordinator entity:

(A) A copy of the eligibility determination document;

(B) A statement indicating the safety skills, including the ability of the individual to evacuate from a building when warned by a signal device and adjust water temperature for bathing and washing;

(C) A brief written history of any behavioral challenges, including supervision and support needs;

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(D) A medical history and information on health care supports that includes (when available);

(i) The results of the most recent physical exam;

(ii) The results of any dental evaluation

(iii) A record of immunizations;

(iv) A record of known communicable diseases and allergies; and

(v) A record of major illnesses and hospitalizations.

(E) A written record of any current or recommended medications treatments, diets, and aids to physical functioning;

(F) A copy of the most recent needs assessment. If the needs of the individual have changed over time, the previous needs assessments must also be provided;

(G) Copies of protocols, the risk tracking record, and any support documentation.

(H) Copies of documents relating to the guardianship, conservatorship, health care representation, power of attorney, court orders, probation and parole information, or any other legal restrictions on the rights of the individual.

(I) Copies of medical decision-making documents, such as an Advance Directive and Physician Order for Life-Sustaining Treatment (POLST).

(J) Written documentation that the individual is participating in out of residence activities, including public school enrollment for individuals less than 21 years of age;

(K) Written documentation to explain why preferences of the individual may not be implemented; and

(L) A copy of the most recent Functional Behavior Assessment, Positive Behavior Support Plan, ISP or Service Agreement, Nursing Service Plan, and Individualized Education Plan.

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- **(d)** If an individual is being admitted from the family home of the individual and the information required in subsection (c) of this section is not available, the provider will assess the individual upon entry for issues of immediate health or safety and document a plan to secure the remaining information no later than 30 calendar days after entry. The plan will include a written justification as to why the information is not available.
- **(e)** Benco retains the right to deny entry of any individual if the provider determines the support needs of the individual may not be met by the provider or for any other reason not specifically prohibited by these rules.
- **(4) VOLUNTARY TRANSFERS AND EXITS**
 - **(a)** Benco will promptly notify an individual's Service Coordinator if the individual gives notice of the intent to exit or abruptly exits services. An individual is not required to give notice to a provider if the individual chooses to exit the home.
 - **(b)** Benco will notify an individual's Service Coordinator prior to the voluntary transfer or exit of an individual from the home or services, even when the individual enters into another home operated by the same provider.
 - **(c)** Notification and authorization of the voluntary transfer or exit of the individual must be documented in the record for the individual.
 - **(d)** Benco is responsible for the provision of services until an individual exits the home when the exit is voluntary exit from the home.
- **(5) VOLUNTARY REDUCTIONS, TRANSFERS, AND EXITS.**
 - **(a)** Benco will only reduce, transfer, or exit an individual involuntarily for one or more of the following reasons:
 - (A)** The behavior of the individual poses an imminent risk of danger to self or others;
 - (B)** The individual experiences a medical emergency;
 - (C)** The service needs of the individual exceed the ability of Benco;
 - (D)** The individual fails to pay for services or room and board, and payment is not available from another third-party reimbursement;

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(E) Benco's certification or endorsement described in OAR chapter 411, division 323 is suspended, revoked, not renewed, or voluntarily surrendered;

(F) Benco's license for the home is suspended, revoked, not renewed, or voluntarily surrendered; or

(G) Benco's Medicaid contract has been terminated.

- **(b)** Benco will not reduce services, transfer, or exit an individual involuntarily without giving advance written notice 30 calendar days prior to the reduction, transfer, or exit. The notice of involuntary reduction, transfer, or exit will be provided to the individual and the individual's legal or designated representative and Services Coordinator, except in the case of a medical emergency or when an individual is engaging in behavior that poses an imminent danger to self or others in the home as described in subsection (c) of this section.

(A) The written notice will be provided on the applicable Department form and include:

(i) The reason for the reduction, transfer or exit; and

(ii) The right of the individual to a hearing as described in section (6) of this rule.

(B) A notice is not required when an individual requests the reduction, transfer, or exit.

- **(c)** Benco will give advance written notice less than 30 calendar days prior to an exit or transfer only in a medical emergency or when an individual is engaging in behavior that poses an imminent danger to self or others in the home and undue delay in moving the individual increases the risk of harm. The notice will be provided to the individual and the individual's legal or designated representative and Services Coordinator immediately upon the provider's determination of the need for a reduction, transfer, or exit.
- **(d)** Benco will demonstrate through documentation, attempts to resolve the reason for the involuntary reduction, transfer, or exit, including consideration of alternatives to the reduction, transfer, or exit.

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- (e) Benco is responsible for the provision of services until the date of reduction, transfer, or exit identified in the notice, or when an individual requests a hearing, until the hearing is resolved.
- **(6) HEARING RIGHTS**
 - **(a)** An individual will be given the opportunity for a hearing under ORS chapter 183 and OAR 411-318-0030 to dispute an involuntary reduction, transfer, or exit, except when a provider's license is revoked, not renewed, voluntarily surrendered, or the provider's Medicaid contract is terminated.
 - **(b)** If an individual requests a hearing, the individual will receive the same services until the hearing is resolved.
 - **(c)** When an individual has been given written notice less than 30 calendar days in advance of a reduction, transfer, or exit as described in section (5)(c) of this rule and the individual has requested a hearing, the provider will reserve the room of the individual and avail services in accordance with the individuals needs until receipt of the Final Order.
- **(7) EXIT MEETING**

Benco will participate in an exit meeting before any decision to exit an individual is made if required by the Services Coordinator entity.
- **(8) TRANSFER MEETING**

Benco will participate in a transfer meeting before any decision to transfer an individual is made if required by the Services Coordinator entity.
- **(9) CLOSURE**

Benco will notify the Department and Services Coordinator entity in writing prior to announcing a voluntary closure of a home to individuals and the legal representatives of the individual.

 - **(a)** Benco will give each individual, the legal representative of the individual and the Services Coordinator entity written notice 30 calendar days in advance of the planned closure, except in circumstances where undue delay might jeopardize the health, safety, or welfare of the individuals, Benco, or caregivers.

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- **(b)** If Benco has more than one home, the individuals will not be transferred from one home to another home without providing each individual, the legal representative of the individual and the Services Coordinator entity written notice 30 calendar days in advance of the planned closure, unless prior approval is given and agreement obtained from the individuals, the legal representative of the individuals and the Services Coordinator entity, or when undue delay might jeopardize the health, safety, or welfare of individuals, Benco, or caregivers.
- **(c)** Benco will return the license for a home to the Department if the home closes prior to the expiration of the license.

Approved By: Kristen Gregory
Kristen Gregory, Benco Board President

Date: 12-10-2019