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TEMPORARY ADMINISTRATIVE ORDER

INCLUDING STATEMENT OF NEED & JUSTIFICATION

APD 9-2025

CHAPTER 411

DEPARTMENT OF HUMAN SERVICES

AGING AND PEOPLE WITH DISABILITIES AND DEVELOPMENTAL DISABILITIES

FILED

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ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: APD: Adopting Crisis Support Services rules governing the ODHS Crisis Support Program (CSP)

EFFECTIVE DATE: 07/21/2025 THROUGH 01/16/2026

AGENCY APPROVED DATE: 07/15/2025

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NEED FOR THE RULE(S):

The Oregon Department of Human Services, Aging and People with Disabilities Program needs to adopt rules to operationalize the creation of a Crisis Support Program to allow APD to provide crisis supports to individuals who receive Long term services and supports through the APD. The services, supports and items in these Rules are intended to assist individuals maintain or establish a safe in-home service plan. The implementation of these rules allows APD to serve more individuals who are in crisis and are at risk of losing or not establishing a safe in-home plan.

JUSTIFICATION OF TEMPORARY FILING:

Failure to act promptly and immediately adopt OAR chapter 411, division 017 will result in serious prejudice to the public interest, including individuals who receive Long term services and supports through ODHS APD who do not have a safe in-home plan, or who are at risk of losing their safe in-home plan. These rules need to be adopted promptly so that qualifying individuals may receive crisis support services to help them maintain or establish a safe in-home service plan. The APD program has begun purchasing Emergency Items and will begin distribution of them to those who qualify.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Crisis Support Program Outline
https://www.oregon.gov/odhs/providers-partners/seniors-disabilities/Documents/crisis-outline.pdf

Oregon State Legislature 2024 Analysis by LFO
https://olis.oregonlegislature.gov/liz/2024R1/Downloads/CommitteeMeetingDocument/282015

RULES:
411-017-0000, 411-017-0010, 411-017-0020, 411-017-0030, 411-017-0040, 411-017-0050, 411-017-0060, 411-017-0070, 411-017-0080

ADOPT: 411-017-0000

RULE TITLE: Purpose and Effective Date

RULE SUMMARY: Establishes that the rules are intended to create requirements around the Crisis Support Program (CSP) to assist individuals maintain or establish a safe in-home service plan.

RULE TEXT:

(1) The OAR chapter 411, division 017 rules outline the criteria for providing crisis support to individuals who receive Long-term services and supports through the Aging and People with Disabilities program of the Oregon Department of Human Services. The Crisis Support Program (CSP) is funded by state General Funds. The services, supports and items, including emergency items, in these Rules are intended to assist individuals maintain or establish a safe in-home service plan.

(2) The effective date of these rules in OAR chapter 411, division 17 is May 1, 2025.

STATUTORY/OTHER AUTHORITY: ORS 409.050, 410.010, 410.020, 410.070, 410.090

STATUTES/OTHER IMPLEMENTED: ORS 410.070

ADOPT: 411-017-0010

RULE TITLE: Definitions

RULE SUMMARY: Created to list the applicable definitions for the CSP rules.

RULE TEXT:

(1) “Aging and People with Disabilities (APD)" means the program within the Oregon Department of Human Services (ODHS) primarily responsible for serving older adults and people with physical disabilities as defined in OAR chapter 411, division 015.

(2) "Area Agency on Aging (AAA)" means the Department designated agency charged with the responsibility to provide a comprehensive and coordinated system of services to older adults and adults with disabilities in a planning and service area. The term Area Agency on Aging is inclusive of both Type A and Type B Area Agencies on Aging as defined in ORS 410.040 and described in ORS 410.210-300.

(3) "Case Manager" means an employee of the Department or Area Agency on Aging, who assesses the service needs of an applicant, determines eligibility, and offers service choices to the eligible individual. The Case Manager authorizes and implements the service plan and monitors the services described in OAR chapter 411, division 28.

(4) “Crisis” means the APD risk definitions, as follows:

(a) High risk: An identified concern, that without mitigation, is likely to cause the individual to experience substantial injury or loss within the next 30 days, puts the individual at risk of institutionalization or displacement from their current living setting, or the individual has experienced substantial harm within the previous 30 days and the harm will likely recur without mitigation;

(b) Medium risk: An identified concern, that without mitigation, is likely to cause the individual to experience minor injury or loss within the next 90 days, puts the individual at risk of institutionalization or displacement from their current living setting, or has experienced minor loss in the previous 30 days that will likely recur or worsen without mitigation.

(5) “Crisis support” means supports to assist with urgent or critical needs that cannot be addressed by other funding sources and one of the following;

(a) To provide one-time funding to resolve an urgent need for individuals establishing or maintaining in-home plans or maintain placement in a licensed care setting; or

(b) A bridge to establish and ensure ongoing stability of the individual’s in-home service plan, and includes, but is not limited to, certain home repairs, specialized items, temporary hotel costs, moving assistance, and surgery for a qualified service animal.

(6) “Crisis Support Program (CSP)” means the program within the Oregon Department of Human Services, Office of Aging and People with Disabilities that determines an individual’s eligibility for receiving crisis supports.

(7) “Department” means the Oregon Department of Human Services (ODHS), APD.

(8) “Emergency items” mean those items used to offer immediate, short-term help to individuals whose health and safety would be threatened when they experience a sudden need for an evacuation from their home, a loss of electrical power or heating source, or other emergency event. Emergency items mean:

(a) “Emergency kit”, which is a bag with necessary supplies, including but not limited to a flashlight, “D” size battery, emergency blanket, N-95 breathing mask, personal first aid kit, whistle, and food rations to last for a few days, for use in case of an emergency;

(b) “Portable power station”, which is a rechargeable battery device that provides off-grid electricity.

(c) “Portable air conditioners’ which are self-contained cooling units designed for easy movement and use, allowing an individual to cool specific areas without the need for permanent installation.

(d) “Back up heaters” which are self-contained heating units designed for east movement and use, allowing an individual to heat specific areas without the need for permanent installation.

(9) “In-Home Services” mean those services that meet the established priorities for service as described in OAR chapter 411, division 015, and meet all the eligibility requirements in OAR 411-015-0010 through 411-015-0100. The

individual must reside in a living arrangement that meets the criteria described in OAR 411-030-0033 to receive these services.
(10) "Individual" means a person aged 65 or older, or an adult with a physical disability, applying for or eligible for services per OAR 411-015-0100.
(11) “Medicaid” means the program that provides health care coverage and long-term services to low-income individuals. The program is jointly funded by the federal government and states and administered by the State. For purpose of these rules, Medicaid means the state and federal program that provides the funding for long-term services and supports for qualified individuals.
(12) "Natural Supports" or "Natural Support System" means resources and supports (e.g., relatives, friends, neighbors, significant others, roommates, or the community) who are willing to voluntarily provide services to an individual without the expectation of compensation. Natural supports are identified in collaboration with the individual and the potential "natural support". The natural support is required to have the skills, knowledge, and ability to provide the needed services and supports.
(13) “Oregon Project Independence - Medicaid (OPI-M)” means the services approved and funded by the Centers for Medicare and Medicaid Services (CMS) for eligible individuals in accordance with the 1115 demonstration waiver for the OPI-M program and including the services defined in OAR chapter 411, division 014.
(14) "Person-Centered Service Plan (Service Plan)" means, for Medicaid eligible individuals, the written details of the supports, desired outcomes, activities, and resources required for an individual to achieve and maintain personal goals, health, and safety. The plan is written by the Case Manager with input and approval from the individual.
(15) “Reasonable resource” means one that is accessible quickly enough to resolve a crisis currently being experienced by the individual. It is only available to individuals who are clearly establishing or maintaining in-home service plans through APD.
(16) “State Plan Personal Care (SPPC)” means those services that enable an individual to move into or remain in their own home while also safely navigating their community, including the services defined in OAR chapter 411, division 034.
(17) “Support Needs” means the assessed activities of daily living, instrumental activities of daily living and health related tasks and items or repairs that replace the need for human assistance or increases the individual’s independence.
(18) “These Rules” mean the rules in OAR chapter 411, division 017.

STATUTORY/OTHER AUTHORITY: ORS 409.050, 410.070, 410.090, 410.210-410.300

STATUTES/OTHER IMPLEMENTED: ORS 410.010, 410.020, 410.070

ADOPT: 411-017-0020

RULE TITLE: Eligibility Criteria for Crisis Support

RULE SUMMARY: Defines eligibility criteria for receiving services, supports and items from the CSP.

RULE TEXT:
(1) To be eligible for crisis supports, an individual must:
(a) Be eligible for or receiving in-home services, including OPI-M, from the Department;
(b) Have an identified, short-term need which, if provided this funding, supports the individual to establish or maintain their in-home service plan;
(c) Have an assessed crisis as defined in these rules;
(d) Have a stable, ongoing plan in place to resolve the need for crisis services;
(e) Not have the funds to meet the need; and
(f) Not have natural supports or other services available in the community or other sources of funding that would meet the identified need.
(2) The individual and their Case Manager must have a plan for in-home placement and/or in-home service plan stability, and meeting this crisis support need must provide a bridge to accessing those services.
(3) The crisis support service is cost effective.
(4) The individual must be provided the choice to accept or deny the item or service being offered.
(5) Home repairs may be approved when the individual owns the home.
(6) Crisis supports can be used for items and services that:
(a) Are necessary to prevent or resolve the crisis;
(b) Are not reasonably accessible through natural supports or other community services;
(c) Do not require ongoing payments;
(d) Typically are not covered by insurance or medical benefits.
(7) To be eligible for funding under this Rule, services must meet one or more of the following criteria:
(a) The need must be short term and immediate.
(b) The need must be met to prevent admission or readmission to a higher level of care.
(c) Other members of the household must continue to pay their portion of any security deposits, rent, housing payments, utility payments, or similar.
(8) The Department has full discretion for determining eligibility, as well granting any exception to these rules, for crisis supports.

STATUTORY/OTHER AUTHORITY: ORS 409.050, 410.070, 410.090, 410.210-410.300

STATUTES/OTHER IMPLEMENTED: ORS 410.010, 410.020, 410.070

ADOPT: 411-017-0030

RULE TITLE: Eligibility Criteria for Emergency Items

RULE SUMMARY: Defines eligibility criteria for receiving Emergency Items from the CSP.

RULE TEXT:

(1) To be eligible for emergency items, an individual must meet the following requirements:

(a) Be receiving Medicaid funded in-home services, including OPI-M and SPPC, from the Department;

(b) Be likely to need evacuation during fires, winter weather events, floods and other types of emergencies; and

(c) For portable power stations, have a demonstrated need for power back-up in the event there is a sudden loss of power, including, but not limited to, oxygen devices, C-pap, Bi-pap, hospital beds, lift chairs, electric wheelchairs, electric hoyers or sit-to-stands, keeping medication cold or heated up, or need for heated food.

(d) For portable air conditioners or back up heaters, have a demonstrated need that high or low heat would have a determinantal impact on the health and safety of the individual.

(2) The individual must be provided the choice to accept or deny the emergency item being offered.

(3) An individual may receive one emergency kit if eligibility criteria is met. However, an individual may receive two emergency kits if natural supports, a Homecare Worker or in-home care agency direct care worker is required to stay with the individual during an evacuation level event that requires the use of the emergency kit.

(4) No more than one portable power station is allowed per household. Portable power stations are not available to individuals who already have a functioning generator or portable power station that meets their needs.

(5) No more than one portable air conditioner and one back up heater will be made available to individuals. There must be no other legally responsible party that is required to provide air conditioning or heating in the individual's living setting.

(6) The Department has full discretion for determining eligibility for emergency items.

STATUTORY/OTHER AUTHORITY: ORS 409.050, 410.070, 410.090, 410.210-410.300

STATUTES/OTHER IMPLEMENTED: ORS 410.010, 410.020, 410.070

ADOPT: 411-017-0040

RULE TITLE: Types of Crisis Support Services

RULE SUMMARY: Created to outline types of Crisis Support Services.

RULE TEXT:
(1) Services described in these Rules may include:
(a) Temporary hotel stay.
(b) An item or service that would normally be the responsibility of another payer, but the timeframe to secure approval puts the individual's health or safety at risk.
(c) Emergency transportation.
(d) Rental or purchases of durable medical equipment. Purchases will be based on the Department's assessment of ongoing need for the durable medical equipment versus a temporary need and a determination if another funding source can pay for the item.
(e) Past due security deposits, rent, housing payment, or utilities.
(f) Repairs to an individual's dwelling that, if unaddressed, will result in a medium or high health or safety risk for the individual, as long as they qualify under OAR 411-017-0020(4) and cannot be funded through K Ancillary Services as defined in OAR chapter 411, division 35.
(g) Other items necessary to ensure the individual's immediate health or safety and which are in support of the individual's in-home service plan as determined by the Department.
(2) Department funds may not be used for:
(a) A reimbursement to an individual, or the legal or designated representative or family member of the individual, for expenses related to crisis support services or items.
(b) An advance payment of funds to an individual, or the legal or designated representative or family member of the individual, to obtain crisis support services or items.
(c) Items of general utility and not directly related to an individual's identified support needs.

STATUTORY/OTHER AUTHORITY: ORS 409.050, 410.070, 410.090, 410.210-410.300

STATUTES/OTHER IMPLEMENTED: ORS 410.010, 410.020, 410.070

ADOPT: 411-017-0050

RULE TITLE: Conditions for Purchase of Emergency Items

RULE SUMMARY: Created to explain the conditions that must exist in order for Emergency Items to be purchased.

RULE TEXT:

(1) Emergency items must meet the following requirements:

(a) Be of direct benefit to an individual;

(b) Be necessary as identified in the individual's person centered support plan;

(c) Be cost-effective; and

(d) Be new or professionally refurbished.

(2) Emergency items are permanently placed with the individual for which the item was approved.

(3) The Department is not responsible for replacing or fixing faulty equipment or emergency items but the Department may replace the items at their discretion.

STATUTORY/OTHER AUTHORITY: ORS 409.050, 410.070, 410.090

STATUTES/OTHER IMPLEMENTED: ORS 410.010, 410.020, 410.070

ADOPT: 411-017-0060

RULE TITLE: Approval of Crisis Support Services

RULE SUMMARY: Created to explain the Crisis Support Services approval requirements.

RULE TEXT:

(1) The risk assessment in the individual's person-centered service plan must be current.

(2) The Case Manager must complete and submit the CSP request form and provide any additional information required by the CSP.

(3) All requests must be prior authorized by the CSP.

(4) An invoice must be submitted to the CSP in order for a payment to be made for items or services.

STATUTORY/OTHER AUTHORITY: ORS 409.050, 410.070, 410.090, 410.210-410.300

STATUTES/OTHER IMPLEMENTED: ORS 410.010, 410.020, 410.070

ADOPT: 411-017-0070

RULE TITLE: Denial of Crisis Support Program Services and Request for Emergency Items

RULE SUMMARY: Created to allow for administrative review for any decision made by the CSP.

RULE TEXT:
(1) An individual will receive notification of the decision in writing. The decision notice will include the reason for the denial and the right to an administrative review.
(2) An individual may request an administrative review for any decision made within 45 business days of when the decision was made.
(3) The administrative review will be conducted by the Department and will be conducted by a different person than the individual who made the initial decision.
(4) The Department will make a decision within 30 days and notify the individual of the outcome in writing.

STATUTORY/OTHER AUTHORITY: ORS 409.050, 410.070, 410.090, 410.210-410.300

STATUTES/OTHER IMPLEMENTED: ORS 410.010, 410.020, 410.070

ADOPT: 411-017-0080

RULE TITLE: End to Eligibility for Emergency Items

RULE SUMMARY: Sets the standard that all emergency items are subject to availability.

RULE TEXT:
Emergency items are subject to availability and available funding as determined by the Department.

STATUTORY/OTHER AUTHORITY: ORS 409.050, 410.070, 410.090

STATUTES/OTHER IMPLEMENTED: ORS 410.070