



Senior and Disability Services

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Area Agency on Aging

MEMORANDUM

DATE: August 7, 2018
TO: OCWCOG Senior and Disability Services Advisory Councils
FROM: Randi Moore, Senior and Disability Services (SDS) Director
RE: **SDS Program Updates**

Local Memory Care Facility in the News for Alleged Neglect

Sadly, at the end of June there was a death at Bridgecreek Memory Care facility in Lebanon. Family members of the resident alleged wrongdoing by the facility and the high-profile story was covered by several newspapers and TV stations. There was also a lot of discussion on social media. Though OCWCOG cannot provide input on this or any specific investigation, the organization can provide general information on *Adult Protective Services (APS)* investigations, facility licensure and oversight processes, and OCWCOG's role in these kinds of incidents in our community.

OCWCOG, through its contract with Oregon's Department on Human Service's Aging and People with Disabilities (APD), completes *APS* investigations in the community and at long-term care facilities in Linn, Benton, and Lincoln Counties.

In serious instances such as the one at Bridgecreek, where concerns are raised about a death or OCWCOG feels there is imminent danger, *APS* workers respond immediately to ensure the safety of all residents.

Given the seriousness of this specific case, APD immediately became involved and entered the facility assessing safety and rule compliance. They put restrictions on the facility, such as limiting admissions and requirements for abuse training for all staff and will not lift these restrictions on the license or other conditions until they feel that the facility is meeting the needs of all residents and is providing a safe living environment.

Reports with OCWCOG's *APS* findings are submitted to APD who are responsible for sanctioning the facility or taking any action on the facility's license. *APS* reports must be submitted by investigators to the State within 60 days of the receipt of the complaint. The State then has multiple steps to complete before making a final determination as to whether abuse or neglect occurred is made.

Able-Bodied Adults without Dependents Waiver Ending

There are new time limits for some *Supplemental Nutrition Assistance Program (SNAP)* participants in Oregon. These time limits are for able-bodied adults without dependents (ABAWDs) and went into effect for *SNAP* participants in Benton, Clackamas, Lane, Marion, Multnomah, Washington, and Yamhill Counties in January 2018.

Due to decreasing unemployment levels, Linn and Lincoln Counties will be losing their waivers and will be joining the ranks of Counties beginning in January 2019. Individuals considered ABAWD may only receive *SNAP* benefits for a total of three full months within a three-year period — unless the person meets an “exemption” or complies with certain work requirements. There are many exemptions, including being over the age of 50, having a medical issue, or being a care provider.

OCWCOG determines *SNAP* eligibility specifically for seniors and people with physical disabilities. Eligibility cases are assigned for an entire household. The change means that within those households, there may be individuals who, under the new rules, will not meet eligibility because they are able-bodied and do not qualify for one of the many exemptions. However, the senior or person with a disability and other qualifying household members may retain *SNAP* benefits. OCWCOG has received a list of about 80 cases in Linn County and 28 in Lincoln County anticipated to be ABAWDs that will be reviewed for potential exemptions. Eligibility team members will be working to ensure the coding is updated and ready to go for this transition.

On July 10th there was a community partner meeting to discuss ABAWD, and how to inform and increase participation by *SNAP* participants.

Centralized Abuse Management System Rolling Out Across the State

Centralized Abuse Management System (CAM), the new *Adult Protective Services* data system is designed to better screen allegations, standardize the investigations process, and produce more consistent reports. Teams will begin using CAM across the State between now and December 2018, with Bend and Salem (Northwest Senior and Disability Services) *APS* workers piloting the project in July 2018, other offices beginning September 1st, and OCWCOG starting October 1st. Once implemented and SDS has collected several years of data, it will allow the organizations to more easily see trends, track perpetrators, and to identify which interventions are resulting in the desired outcome of preventing further abuse.

Changes Allow Consumers to Receive Home and Community Based Services without Hiring a Home Care Worker

In the past, Oregon required persons receiving assistance in their home that was paid for by Medicaid to have a home care worker (HCW) who worked for them. Recent rule updates have changed this requirement, so that hiring a HCW is not a requirement. This seemingly small change could potentially have large impact, with a potential 15% increase in the number of consumers receiving Medicaid in-home services. OCWCOG is tracking the data, so there is a clear understanding of the consequences of the change. In June, the first month of tracking, out of 45 new consumers opened, seven hadn't hired a HCW, roughly 16%.

State and Legal Advocates Reach Agreement on October Changes

In October 2017, extensive changes were made to how Oregon assesses people who may be eligible for Long-Term Services and Supports (LTSS) and how hours are assigned to in-home services consumers. The changes in the assessment tool for Activities of Daily Living (ADLs) were made to improve consistency and standardization across the State and to provide better cognition assessment. Hours assigned to in-home consumers were also modified in most assistance categories to balance service needs, ensure program integrity, and reflect the results of an extensive time study recently conducted by the State. It was anticipated that the October changes may result in the reduction and closure of benefits for many people SDS serves.

In December 2017, advocates from Oregon Law Center, Disability Rights Oregon, and Legal Aid Services of Oregon threatened litigation and a rollback was done to keep all consumers at pre-October 2017 levels.

At this time, these advocacy groups and Oregon's APD office have reached a decision regarding the October 2017 changes for Medicaid consumers, which has resulted in the following actions:

- Case Managers are now directed to resume implementation of the October 2017 changes, which have been on hold since December 2017.
- All actions required on individual cases, such as providing consumers with notice of changes, must be completed by August 2018.
- Hours assigned for tasks provided to in-home consumers were restored to previous levels in four out of the six ADL categories. The two remaining categories had already been reinstated to previous levels, immediately after the changes in October 2017.
- There is a new exception process for hourly service plans, which is designed to give the consumers more of an active role in their services.
- New decision notice formats were designed, which are intended to provide improved clarity to consumers. The new decision notice format will be a time-intensive addition for Case Managers.