

Adult Foster Home Provider Alert

Policy updates, rule clarifications and announcements

Date: September 15, 2023
To: APD Adult Foster Home Providers
From: Safety, Oversight and Quality Unit
Topic: **Provider Call Questions**

These are the follow-up questions from the May 2023 provider call that included providers from across the State of Oregon, including Multnomah County.

Licensing and Monitoring Visits

Why take pictures of our bedrooms?

Salem and Multnomah County: There are instances in which the licensor may notice deficiencies as noted by rule. If the bedroom is unlocked and the resident could access the bedroom it is critical that rule be followed: medications should be locked away, weapons should not be accessible, etc. When taking pictures within the home we are respectful of the person and personal items as much as possible. Photos are used as supporting documentation if there is a need to cite a deficiency. If there is a reason for concern, photos may be used as evidence of the condition of the AFH at the time of visit.

How is the philosophy of the unannounced home night visits leading with empathy for providers regarding their private quarters?

Salem and Multnomah County: Most licensing visits will take place during normal business hours however, if the licensor has noted a concern about things like staffing or the lack of a primary caregiver living in the AFH, they may conduct a visit outside of normal business hours. This is within the authority of rule but is generally only a tool that is used when there are noted concerns or a complaint. The need for a nighttime visit can arise from licensing visits, through anonymous reports to licensing from residents, family members, outside agencies, or others. An afterhours visit will only be conducted if the concern or complaint relates to that time of evening or scheduling. We attempt to conduct

APD means Aging and People with Physical Disabilities. APD adult foster homes are licensed to care for adults who are older and adults with physical disabilities.

as much of our processes during standard operating hours of 8am-5pm and do our best to avoid evening and weekend visits for respect to you as provider. The visits are always focused on ensuring the health and safety of the residents are being met and that may include verifying that the staffing is in place in accordance with the staffing plan that is posted.

Case Management

How about the state training CM as lots of them are not aware of the allowed add-ons for clients. Most of the time the providers need to advocate for such even when they are clearly specified in the rules. I am talking about things such as aerosols or injections and so on.

Salem and Multnomah County: This question has been relayed to those who oversee case management.

In terms of case management working with the Salem exception unit to obtain exceptions - why is it that a staffing plan is requested for client care but when a provider admits a client on the base rate no one asks for one? Isn't this where staffing issues also start?

Salem and Multnomah County: The base rate is set regardless of the number of caregivers or in assuming at least a five to one ratio. An exceptional payment has additional requirements which is why a staffing plan is needed. If an exception is to be approved the team needs to confirm the staffing minimums are being met.

Roles in an AFH

What can a volunteer do in our home?

Salem and Multnomah County: Volunteers are limited to tasks around the AFH that do not involve their working one on one with residents or handling any type of resident care. Volunteer opportunities could include playing the piano, assisting with yard care or other chores, or may sit and engage residents with conversations, provide activities and entertainment, help the operator with non-care related tasks.

It is true that in other counties one Resident Manager can oversee multiple homes? (vs. one RM=one home)

Salem: There is a caregiver role we call a floating resident manager, and this person is allowed to work in their role as a resident manager over more than one

home. They must meet all necessary elements to do so and are limited to the homes in which they have been approved.

Multnomah County: Shift manager is the closest thing to a floating resident manager in Multnomah County. In lieu of a resident manager or operator being in the home shift managers (that meet the requirements of Resident Manager) may be assigned as person in charge of the shifts they are working. If you use shift managers a home will always have to always have a shift manager on duty in the absence of the operator.

Licensing Specifics

What are the re-licensing turnaround times for 2023 in Multnomah? And other counties outside of Multnomah?

Salem: The license renewal times vary greatly depending on county. Some of the larger counties are doing what they can to get caught up and there are others that have been able to catch up post-COVID. If you have specific questions about your licensing renewal window, it is best you consult with your licensor.

Multnomah County: We are just about back on track for inspections coming out of the pandemic delays. We are getting licensors on track to inspect a couple months prior to expiration which provides a comfortable 30-day window after corrections are completed to issue the renewal before the expiration date. If corrections are completed timely, it helps the renewal to move along more quickly. We currently send the renewal packet out 90 days prior to the expiration date. The sooner that is completed the easier it is to keep this process running on time.

Does Multnomah County license providers for a second home when they have a resident manager and are in compliance?

Salem: No response. Question was intended for Multnomah County.

Multnomah County: Yes, if the Provider is in good standing with compliance history and meets all the requirements for a new home application including financial reserves adequate to support operating two homes per MCAR and other applicable requirements. There are several Operators in our county with multiple licenses. MCAR 023-040-700 addresses Multiple Homes. Note: An operator needs to be operating their home successfully for two years before a second license can be issued.

We must ask the caregivers about their history of abuse or neglect. If they have any history can we still hire? How about the caregivers who have violations that are in progress, and we don't have a clear answer if it was found positive or not? We come across caregivers who are afraid to be open about their history, but they are still good caregivers. How can we know if a new caregiver had any history within the state?

Salem and Multnomah County: Operators may apply to become their own QED for background checks with the state. If ACHP facilitates the background check process with the state on behalf of the applicant, that information is not shareable with the operator. The background check unit is who determines the status of preliminary approval, final approval or denials. Also, the abuse history and criminal history is not subject only to events that have occurred within this state. We remind applicants to list anything they think would possibly come up on their application. Failing to disclose something that comes up can and usually will result in denial by the background check unit.

I have heard from Providers that our screening has changed. Is this correct?

Salem: No response. Question was intended for Multnomah County.

Multnomah County: Screening has not changed at Multnomah County.

What about unannounced licensing renewal visits? Short-term notice would be helpful because I have a resident who does not like people to enter his room without notice.

Salem: OAR allows for appointments to be made when they are requested by the licensee at least 30 days in advance. The licensor may deny the appointment request if they have reason to believe scheduling an appointment could diminish their ability to perform their job duties effectively.

Multnomah County: **The MCAR requires unscheduled inspections. The Union agreement with the State of Oregon allows unscheduled inspections as needed for the purpose of health and safety. The ACHP must enforce local licensing rules and the Union agreement does not replace local rules because Multnomah County was granted an exemption by the state to run its own licensing program. (ORS443.780)**

Is there any consideration in the future to have our inspections changed to biannual like other counterparts in the industry? This will give more support time to providers from licensors.

Salem and Multnomah County: The requirement that licenses be renewed annually comes from statute and is not something we can change unless a new law is passed.

General Questions

There are a lot of forms to be submitted for a vacation request, that includes repetitive paperwork for current caregivers in the home. Is there a way to decrease amount of paperwork?

Salem: No response. Question was intended for Multnomah County.

Multnomah County: If the paperwork is already on file with ACHP you would not need to duplicate the files.

Are you planning increase the days we are allowed to be absent from AFH for a vacation day from 3 days to 5 days?

Salem: OAR indicates the following: (6) ABSENCE OF A PRIMARY CAREGIVER. If a primary caregiver or a shift caregiver is absent from the home for **10 days or more**, the licensee or administrator must notify the LLA, in writing, at least seven days before the primary caregiver's absence or immediately upon knowing of the absence. Notification must state the reason for and anticipated length of the absence. The licensee or administrator must submit a staffing plan to the LLA that demonstrates coverage to meet the needs of the residents during the primary caregiver's absence.

Multnomah County: We are currently reviewing the MCAR and will be considering this in our update. There are no changes that are currently made public as the review is in draft.

Why does the English test "expire" after 1 year, ex. for someone applying for RM/Provider, it needs to be taken again (at MHCC) even if they passed already. Will the same apply to the EQC in the future?

Salem: No response. Question was intended for Multnomah County. Salem does not require an applicant take an English test though OAR does require the ability to communicate effectively in English.

Multnomah County: We are currently reviewing the MCAR and will be considering this in our update. There are no changes that are currently made public as the review is in draft.

When will the annual in-person ACHP provider conference start?

Salem: No response. Question was intended for Multnomah County.

Multnomah County: The ACHP conference will occur this year and the date will be Sep 25, 2023. More information will be coming out soon.

Why can't background check that was done in a different county be used in Multnomah?

Salem: No response. Question was intended for Multnomah County.

Multnomah County: Background check approval letters can be submitted to the ACHP for consideration.

What is the process to be authorized EQC provider?

Salem: You can email EQC.training@odhsoha.oregon.gov for more information on becoming an instructor.

Multnomah County: No response. Question was intended for Salem.

We understood that visitors has a right to visit their family and beloved one but being open 24/7 hours makes providers insecure about having a visitor in the middle of a night. I believe this is only in Multnomah County? Why can't providers have visitor rules in place?

Salem and Multnomah County: The rules around visitation and resident access to visitors apply to the entire state, not just Multnomah County. The rules come from Federal standards and apply to all Home and Community Based Settings (HCBS).

We have a great need for caregivers that are qualified to work in the AFH. That said can the counties provide the record keeping B online like the way we have dementia class?

Salem: No response. Question was intended for Multnomah County.

Multnomah County: Record Keeping B is provided online for Multnomah County and has currently been offered multiple times a month for the past year.

How about retired providers being able to be roaming RM for breaking providers for vacations, days off, sick times?

Salem and Multnomah County: Previous providers (operators, resident managers) would be able to provide backup coverage if they maintain an active caregiver role approval and meet the training requirements of an active resident manager or operator as is the rule for caregivers left-in-charge.

What kind of training are new licensors receiving across the counties or statewide? There is an inconsistency between licensors and how they each interpret what their roles are (especially new licensors).

Salem: Licensors receive hands-on training at the local office in which they were hired. There are also monthly licensor check-ins with SOQ as well as on-going training opportunities offered as time allows.

Multnomah County: Licensors receive training in the field directly with supervisors and are required to complete the provider orientation as well as the other required training. In addition, licensors participate in state licensor meetings and trainings. This past June all licensors participated in the licensor training summit in Salem.

How can we eliminate some barriers/burdens to operate this business for instance:

Part 1: extended licensing period. Big financial burden.

Part 2: extended wait to lift conditions after provider has done their part. Another burden, currently one must wait till their next licensing.

Part 3: waiting on licensors to approve screenings... takes forever and makes it hard to admit.

Part 1 Salem and Multnomah County: **Initial licensing** is a complex process. The timeline for processing new license applications is stated in rule. The operator has 60 days to complete the application from the date it was received, and the licensing office has 60 days to process the completed application from the time the application is completed.

Part 2 Salem and Multnomah County: **Conditions** are addressed on a case-by-case basis. There are times conditions will be removed immediately upon completion and other times where demonstrating successful operation of the foster home is needed to determine if the risk has been resolved.

Part 3 Multnomah County Screening approval is only required when the resident being screened is outside of the classification or level of care of the home or there is a condition on the license requiring ACHP approval. ACHP has 30 days to process screenings or exceptions in these circumstances. We do everything we can to be timely.

When a resident move from one county to another, is the caseworker required to transfer the case to the county the resident is residing?

Salem and Multnomah County: This is a question for case management to answer specifically but the general practice is that yes, the case manager would work with the other county to coordinate the transfer.

Having a secure, online portal to submit applications would be extremely beneficial for applicants.

Salem and Multnomah County: We can see the benefit of a portal while also recognizing there is a time and financial burden with initiating and implementing something of this nature.

Why do the residents have more rights within our own home than we, as providers do? For example: residents can have visitors spend the night without any questions but if my cousin from out of town wants to spend the weekend at my home, a background check would be required first. This is just one example of many where resident's rights are far above providers.

Salem: According to OAR a background check is only required for guests wanting to stay for more than 30 days. If your cousin wants to spend the weekend at your AFH, they may do so. There are also Federal requirements about resident rights and access to visitors, these rules apply to all adult foster homes.

Multnomah County: As mentioned above this is a Federal HCBS rule that applies throughout the state and directly impacts the resident's right to visitors.

Why can't operators be counted as caregivers?

Salem: No response. Question was intended for Multnomah County.

Multnomah County: Operators can work in other homes if they have caregiver role approval. Staffing plans in both homes should reflect the coverage accurately.

Are we allowed to have live in caregivers?

Salem and Multnomah County: Yes, if you have appropriately designated bedrooms for the caregivers to live-in. Caregivers may not live in vacant resident rooms that are licensed to serve residents but are not occupied. If you wish to assign a vacant resident room to a caregiver to live in, you may decrease the license capacity and assign the room for the staff instead of a resident.

Is the "new" requirement to call 911 to report a death, including hospice cases, a recommendation, or a must?

Salem: No response. Question was intended for Multnomah County.

Multnomah County: Calling 911 to report deaths is the standard for ACHP homes in Multnomah County. Communication has been sent to Providers in the county via newsletter and provider email. Hospice patients do not require 911 to be called at the time of their death.

Community Contacts

Can we have a list of provider advocates within our community?

IACHA - Independent Adult Care Home Association

Email: IACHA.oregon@gmail.com

Facebook: <https://www.facebook.com/carehomeassociation/>

Adult Foster Care Homes of Oregon group has 1,500 members and is a good resource: <https://www.facebook.com/groups/1382742181740843>

What's the name of the union and how do we connect with them?

Phone: 1.844.503.SEIU (7348)

Web: seiu503.org

Email: contact@seiu503.org

Salem and Multnomah County Contact Information

Policy email address: APD.AFHteam@odhsoha.oregon.gov

Lynette Caldwell: lynette.caldwell@odhs.oregon.gov

Steven Esser: steven.esser@multco.us

If you have any questions, email APD.AFHTeam@odhsoha.oregon.gov