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March 11, 2024

To: I/DD community members, Tribal partners and ODDS staff
From: Anna S. Lansky, Interim Director, Office of Developmental Disabilities Services (ODDS)
Subject: Years of progress result in lawsuit dismissal

On Feb. 20, the United States District Court for the District of Oregon dismissed the judgment in the class action lawsuit C.S. et al v. Saiki et al. The resolution of this case affirms seven years of teamwork between the Office of Developmental Disabilities Services (ODDS), Disability Rights Oregon and our community partners. Together, we have worked to improve Oregon's intellectual and developmental disabilities (I/DD) program.

History of the lawsuit

In 2013, ODHS implemented the 1915 (k) State Plan, also known as the K Plan. This allowed ODDS to provide home- and community-based services and supports while getting more federal funds for these services. This action allowed all eligible individuals to receive home- and community-based services in Oregon without waiting lists. To get these services, the federal government required people to have an annual needs assessment.

At the time, ODDS quickly developed and started using the Adult Needs Assessment (ANA) and Child Needs Assessment (CNA). These tools identified peoples' unique needs, risks and levels of support needed. They determined the number of hours people could use for in-home services. Unfortunately, due to a short timeline to launch the K Plan, ODDS wasn't able to evaluate the validity and reliability of the tools before using them. The number of people getting services and hours people used for in-home services increased greatly over the next few years.

Per legislative directive, ODDS started work to develop a single valid assessment instrument that could be used for all individuals supported by ODDS across services and settings. The goal was to improve services and make using services easier without requiring people to go through multiple burdensome assessments and checklists.

By 2016, the Oregon Legislature had grown concerned about this increase and cost for these services. They passed a budget note directing ODDS to reduce how quickly the cost of services was growing. ODDS moved to implement that directive by reducing people's assessed in-home service hours by about 30%.

In 2017, self-advocates represented by Disability Rights Oregon filed a lawsuit against ODHS and ODDS. They challenged the reduction of hours and the transparency of the process by which the number of in-home hours is determined through an assessment or an exceptions process. The court issued a preliminary injunction to restore hours that had been reduced and

to stop ODDS from reducing anyone's in-home hours. In response to the lawsuit, ODDS decided to make large improvements not just to the assessment, but also to the exceptions request and other processes in the I/DD system. ODDS then worked to make the system better, test the changes, and develop new processes that would be more accurate and transparent and provide better supports to people who use I/DD services.

Improvements made

Over the past seven years, ODDS worked with Disability Rights Oregon, contracted experts, advisory groups and community partners to improve the process of how people receive in-home services.

- We worked with experts and community partners to develop and test the Oregon Needs Assessment (ONA). These experts included Mission Analytics Inc., Human Services Research Institute, and Oregon Health and Science University.
- Mission Analytics tested the ONA for validity, reliability, accuracy, completeness and usability.
- Advisory groups from Oregon's I/DD community reviewed the test results and gave us feedback.
- Oregon Health and Science University used that feedback to review Mission Analytics' report. The university confirmed the ONA is a valid and reliable tool. The university provided recommendations on the ONA's implementation.
- We then worked with the Human Services Research Institute to use the ONA's data to develop, test and revise the service groups. These groups make the process of figuring out how many in-home hours

someone has for services clearer and more equitable. People with similar ages and levels of need from their ONA are in the same service groups. Members in each group have a certain range of in-home hours to use in their support planning. Service groups also make sure providers are paid equitably across the state.

- We and our contractors also collected feedback from community partners including Disability Rights Oregon. We used this feedback to develop and validate the ONA, service groups and in-home hours ranges.
- Because every individual has unique needs and circumstances, we also developed and improved our procedures to assist those who may have fewer service hours under the ONA and service groups.
- We developed a new exceptions rule. Individuals who need more in-home hours than their service group allows to meet their support needs will be able to ask for more hours using the exceptions process based on transparent criteria.
- We also improved process for how individuals can request a hearing when they disagree with decisions made by the ODDS.

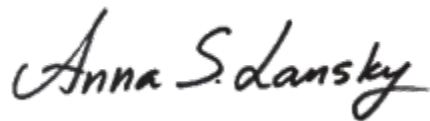
Because of this collaborative work to improve the assessment and planning processes, the court dismissed the lawsuit.

Gratitude

Thank you, Disability Rights Oregon and the individuals, legislators and community partners. Your hard work and advocacy led to these systemic improvements. Thank you, all who gave us feedback in advisory groups and took part in pilots. Thank you to our staff members at ODHS and our

contractors. The court's decision is an affirmation of your commitment to bettering services for individuals with I/DD in Oregon.

Sincerely,

A handwritten signature in black ink that reads "Anna S. Lansky". The signature is written in a cursive, flowing style.

Anna S. Lansky

Interim Director

Office of Developmental Disabilities Services

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