

Behavior Rehabilitation Services (BRS)

Frequently Asked Questions – Admissions and Denials

Question 1: What do we do if we can't meet the needs of a child with a cognitive disability?

If the BRS contractor or provider has a vacancy, and their agency-approved admission criteria does not conflict Oregon laws and rules about BRS admission, the contractor must:

- Base the denial on reasons such as the type of care your agency provides, the specific case, the child's specific care needs, and your agency-approved admission criteria.
- Not base the denial on reasons related to the child's disability or personal circumstances, as described below.
- As required by Oregon Administrative Rule (OAR) [410-170-0050\(6\)](#), give the agency caseworker written explanation of why your agency denied admission.

Question 2: What reasons for denial are not allowed?

[Oregon Revised Statute \(ORS\) 659A.103 to 659.145](#) prohibits providers from denying admission based on disability. This means BRS contractors and providers cannot deny admission for reasons such as but not limited to:

- The child has low IQ (IQ less than 70)
- The child's intellectual or developmental disability (I/DD)
- The child's behavioral health disability
- The child's physical disability

OAR [410-170-0050\(5\)](#) prohibits BRS contractors and providers from denying admission for reasons such as but not limited to:

- Whether the child has family members, or fictive kin, to support the placement;
- The child's race, religion, sexual orientation, color, or national origin;
- The child's place of residence; or
- The child does not have an after-care resource.

The Oregon Health Authority (OHA) will update the BRS OARs to reflect the most current state and federal regulations regarding discrimination.

Question 3: What if child's needs are specific to their disability and we cannot meet those needs? How can we address the specific reasons while also not violating the law or discriminating?

[OAR 410-170-0050\(6\)](#) states, "If the BRS provider denies admission to the BRS client, then it shall provide the caseworker with a written explanation." The decision should focus on:

- The specific needs the provider cannot meet — not the child's diagnosis or specific disability.
- The program's established admission criteria and their ability to provide the care, supervision, and services necessary to meet the specific needs of each child.

For example, the written explanation could be as follows: "XYZ Provider cannot meet the needs of John Doe. This is because we cannot give John one-on-one supervision during outings to ensure his safety. Also, our program prepares youth aged 15 and older for independent living. According to our admission criteria, John is too young for this program."

The answers will vary as providers take a person-centered approach to screening each referral.

Question 4: What should we do if the referring agency questions the denial?

Speak with your state agency contract administrator to resolve any communication issues.

Question 5: What option do you want us to select in the Juvenile Provider Access System (JPAS) when we deny Oregon Youth Authority (OYA) youth?

OYA will need to change JPAS but does not have an anticipated effective date for this change. The immediate change for providers is to stop using options related to disability.

Question 6: Do children lose K-Plan supports when they enter BRS?

Yes. Once they enter a BRS setting they can no longer receive K-Plan supports. This is because BRS has not been authorized as a Home and Community-Based setting under federal Home and Community-Based settings regulations (42 CFR § 441.530).

A Licensed Practitioner of Healing Arts determines the child's eligibility for BRS placement. To do this, they must determine that:

- BRS services are medically necessary and appropriate for the child, and
- The child can benefit from BRS services.

The Oregon Department of Human Services (ODHS), OHA, and OYA will continue to work with the ODHS Office of Developmental Disability Services (ODDS) to identify and explore ways to resolve gaps in service delivery.

Question 7: Would revising the BRS rules help BRS settings better serve children with I/DD?

ODHS, OHA and OYA will explore this suggestion.

Question 8: If a BRS program had trained staff and a child needed 24/7 one-on-one supervision, could the program receive a higher rate for providing that supervision?

Current BRS rates do not have an add-on rate for one-on-one support. Other programs or resources may supplement this need. State agencies may choose to look at General Fund options to support additional payment. Providers can reach out to their contract administrator to discuss potential resources.

Question 9: Will providers' admission criteria be adjusted, including contracts?

Yes. ODHS, OHA and OYA meet weekly and meet with the Oregon Department of Justice to develop an implementation process for all necessary changes.

Question 10: What can BRS programs do to identify what they focus on so that agencies refer children to appropriate settings?

Submitting information about the focus of each program would be helpful, since BRS programs are unique and have different focuses. Please work with your contract administrators to identify appropriate referrals for your program.

Question 11: In the informal review of BRS admissions, did OHA find denials based on disability?

Yes. For the one-year period reviewed, OHA found the following:

- 22 denials for low IQ (IQ of 70 or lower).
- 19 denials for I/DD related diagnosis.
- Denials for physical disability.