

Presentation to the Joint Ways and Means Subcommittee on Human Services



Agency with Choice Update

Oregon Department of Human Services

Office of Aging and People with Disabilities

Office of Developmental Disabilities Services

Oregon Health Authority

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April 2, 2025

Agenda

- I. Legislative Background
- II. Agency with Choice Overview
- III. Budget
- IV. Implementation Update



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Office of Developmental
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Agency with Choice: background

The 2024 Legislative session advanced Agency with Choice by passing two key bills:

Senate Bill 1521



House Bill 4129



Office of Developmental Disabilities Services

SB 1521: legislative history

2022

- **SB 1548** directed ODHS Office of Developmental Disabilities (ODDS) to create service option called Agency with Choice (AWC).
- Service would support people who experience intellectual and developmental disabilities (I/DD) to self-direct their care.

2023

- **SB 104** modified the AWC scope from direct services to individuals to supports for employers of Personal Support Workers (PSWs).
- Directed ODDS to contract with at least one provider of AWC services by July 1, 2024.

2024

- **SB 1521** changed the name of SB 104's AWC services to "Enhanced Employer Supports"
- Redefined AWC, resembling the original model introduced by SB 1548
- New worker type: Direct Support Workers (DSWs)
- AWC providers must be certified and endorsed Medicaid agencies.
- Effective January 1, 2026

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HB 4129 requirements

ODHS and OHA must:

- License no more than two Agency with Choice providers
- Ensure the rates paid to direct support workers are comparable to rates for homecare workers and personal care attendants
- Develop rules to ensure financial transparency.

- ODHS and OHA intend to jointly contract with up to two Agency with Choice providers
- Selected providers must support self-direction
- Creates a new provider type: Direct Support Worker (DSW).

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What is Agency with Choice in SB 1521?

Agency with Choice is an in-between option for people who live in their own or family home. It is more self-directed than traditional options with less responsibility than employing a Personal Support Worker (PSW) directly.

ODDS to adopt rules for AWC provider and service requirements



AWC is an endorsement option open to all willing and qualified providers



AWC assumes full employer responsibilities but supports self-direction and day-to-day co-management with individual



AWC available to all individuals who receive in-home services.

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What is Agency with Choice in HB 4129?

AWC is a proposed alternative to the current consumer-employer program.

APD and OHA would contract with up to two agencies to provide AWC.



AWC contractors would assume full employer responsibilities but support self-direction.



AWC would be available to all individuals who receive in-home services.



Individuals would choose to be consumer employers, use an in-home care agency or an AWC.

Agency with Choice responsibilities



Agency with Choice: Individual and consumer support

- Maximize autonomy and self-direction
- Meet with individuals to plan their supports
- Help individuals to:
 - Recruit, select and train DSW
 - Direct day-to-day services
 - Coordinate DSW schedule and activities
 - Maintain a safe workplace for DSW
- Help with planned DSW absences
- For APD and OHA: Create and maintain advisory committees
- For ODDS: Create feedback and engagement process



Agency with Choice: Support for direct support workers

- Provide and verify completion of required training
- Involve DSWs in decisions about the work
- Minimize and mitigate negative impacts related to service disruptions, cancelations
- APD and OHA :
 - Enhance DSW's role as part of the care team
 - Ensure access to support coordination and services.



Agency with Choice: Administration

- Recruit, hire and dismiss DSWs
- Ensure time capture compliance
- Manage payroll, benefits and time off
- Bill ODHS/OHA for services provided
- Maintain a quality assurance system and performance improvement plans
- Report abuse and critical incidents.



Agency with Choice across three programs

	Aging and People with Disabilities (APD)	Oregon Health Authority (OHA)	Office of Developmental Disabilities Services (ODDS)
Legislative authority	House Bill 4129		Senate Bill 1521
Definition	Specific services provided to a person by an agency through a self-directed service model.		Support given to a person in self-directing their services, or in managing staff who provide them with in-home supports.
Population served	Older adults and people with physical disabilities	People with behavioral health conditions	People of all ages with intellectual and developmental disabilities.
Provider type	Contractor		Medicaid agency
Rule divisions	411-039	309-045, 410-172, 410-173	411-323; 411-450
Effective date	January 2026		

Future: three distinct in-home service options



Homecare Worker, Personal Support Worker, Personal Care Attendant

Provider:

Independent worker recruited, hired, and trained directly by an individual or other chosen Employer of Record

Agency with Choice

Provider:

Direct Support Worker (DSW) employed by a private agency and **co-managed** by an individual

Agency Models

Provider:

Direct Support Professional employed, trained, and managed by a private agency.

More self-directed

Less self-directed

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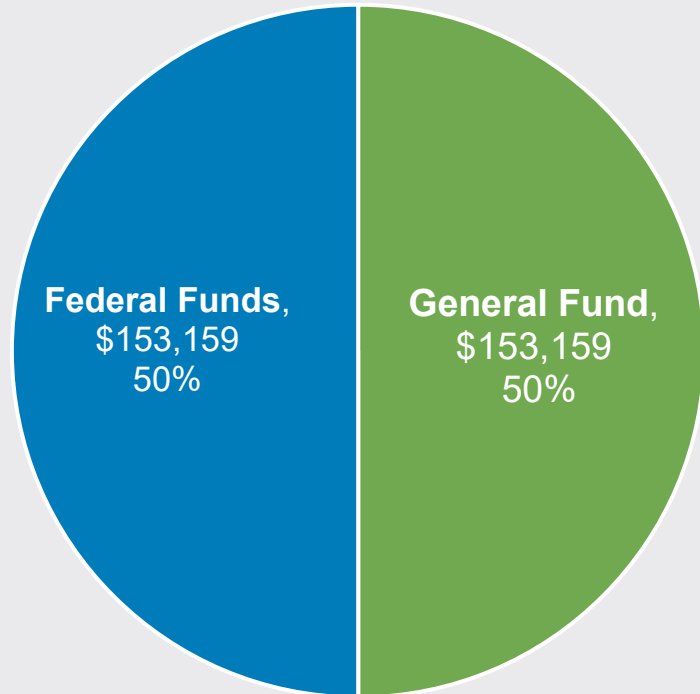
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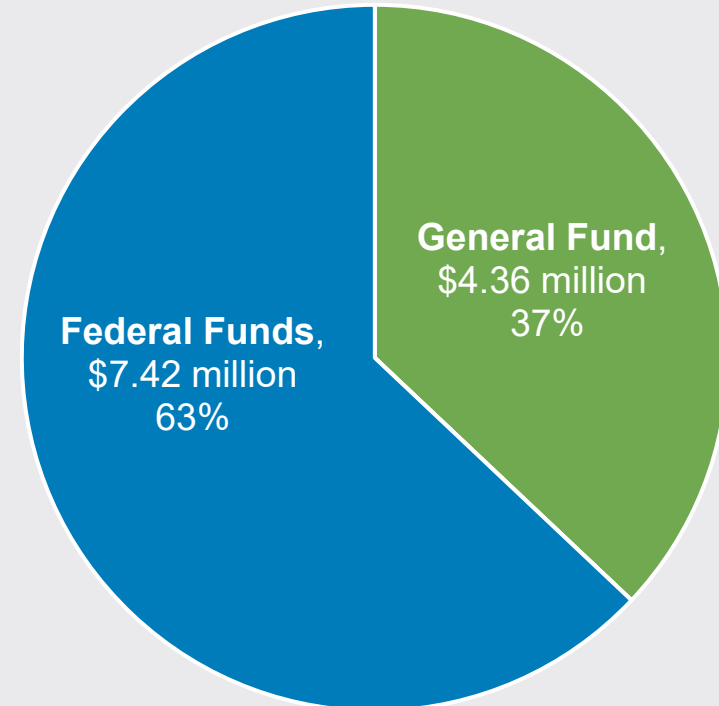
Office of Developmental Disabilities Services

SB 1521: budget overview

SB 1521 omnibus funding by source
2023 – 25 biennium
Total: \$306,318



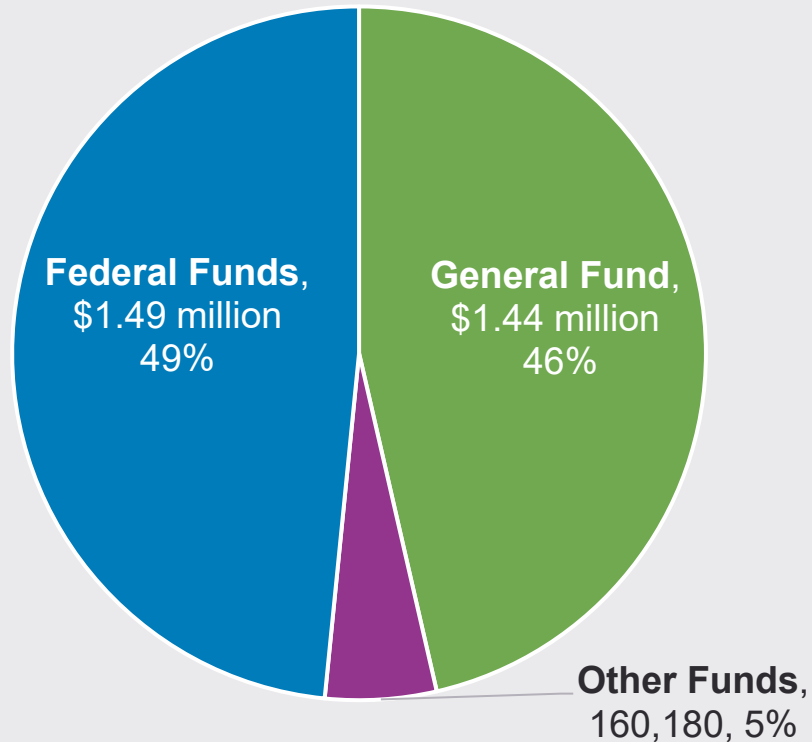
SB 1521 omnibus funding by source
2025-27 biennium
Total: \$11.78 million



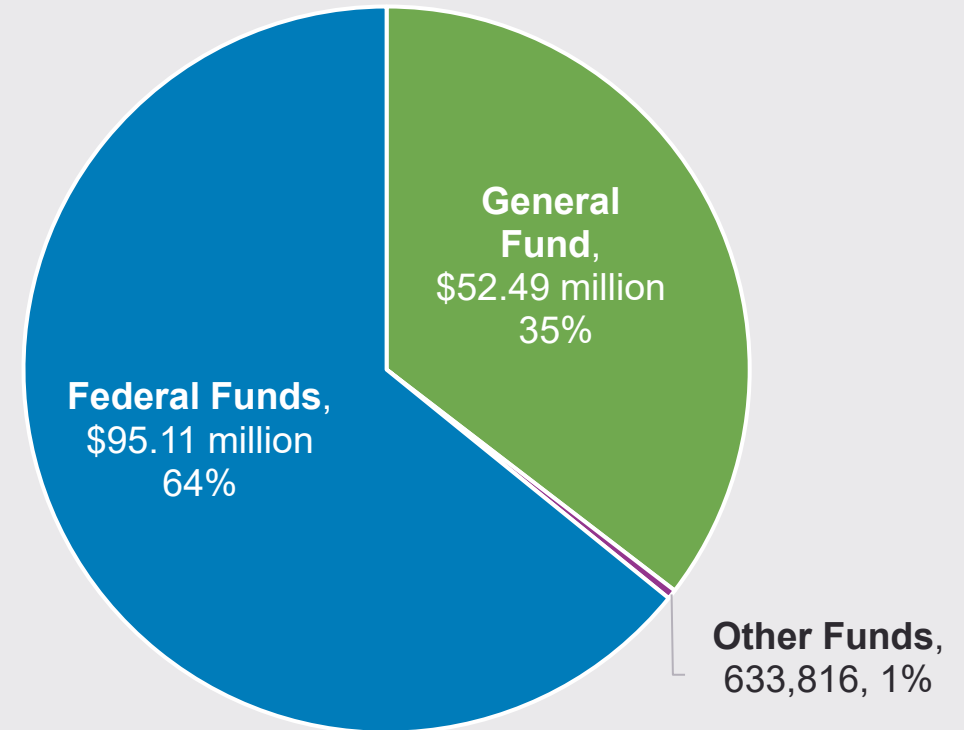
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HB 4129: budget overview

Agency with Choice funding by source
2023-25 biennium
Total: \$3.09 million



Agency with Choice funding by source
2025-27 biennium
Total: \$148.24 million



Budget overview: positions



APD positions hired: 6
2025-27 Positions: 5



ODDS positions hired: 2
2025-27 Positions: 3



OHA positions hired: 5
Recruitments pending: 1

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Minimum rate requirements

DSW wages and benefits must be at least equal to that of homecare workers and personal care attendants.

Support substitute DSW staffing needs due to:

- Cancelled shifts
- Absences
- Respite care.

Rates must allow the agency to minimize lost wages and hours for DSWs.

Rates need to meet the requirements for training and supports for DSWs and for individuals.

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Implementation updates: milestones



Hosted workgroups in 2022 (SB 1548) and 2023(SB 104) to inform self-direction expectations under AWC and differences between SMA and AWC services and provider qualifications.



Fully implemented SMA provider type: rules, guidance, rates, and enforcement.



Implemented Enhanced Employer Supports for people who employ PSWs.

Office of Developmental Disabilities Services Implementation Updates: next steps



- Reconvening workgroups
- Tribal engagement & consultation
- Rule advisory committee

- Outreach and communication to current CLS agencies, case managers, individuals and families

- Endorsement application changes
- Provider transition support

- Rules effective
- Ongoing support and technical assistance
- Compliance monitoring

Aging and People with Disabilities and Oregon Health Authority

Implementation updates: milestones



Hosted ad hoc consumer advisory committee in 2024 to inform self-direction expectations under AWC.



Consulted with Oregon Department of Justice on ways to streamline OHA and APD partnering on rules, licensing and contracting.



Developed proposed rate methodology.



Hosted initial rule advisory committees.

Aging and People with Disabilities and Oregon Health Authority Implementation Updates: next steps

**April - May
2025**

- Convening additional rule advisory committees
- Finalize request for proposal

**June -
September
2025**

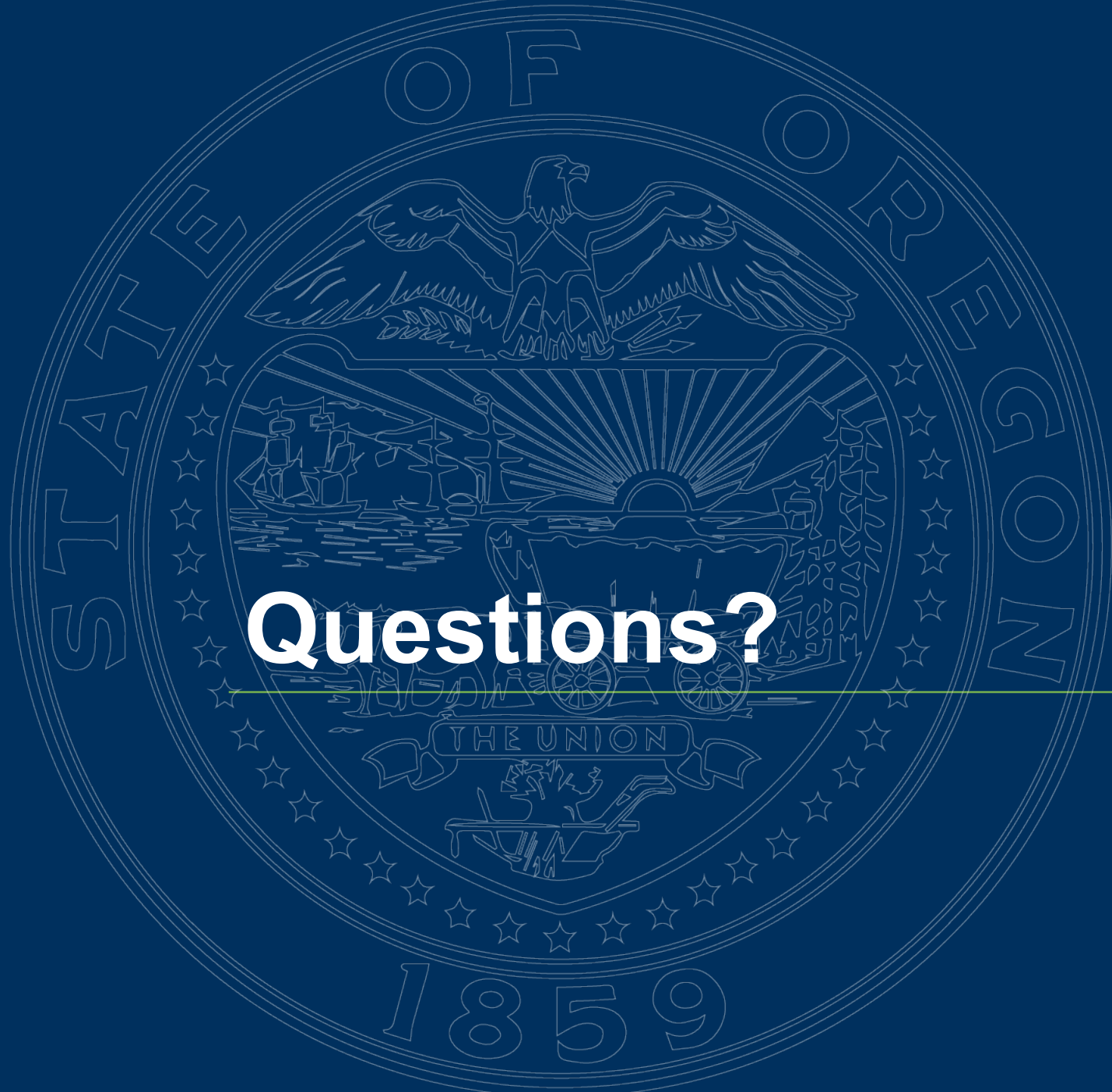
- Contractor procurement
- IT changes
- Finalize OARs

**October-
December
2025**

- Select Agency with Choice providers
- License AWC and finalize contracts
- Finalize IT changes
- Begin information campaign

**January
2026 and
beyond**

- Rules effective
- Ongoing support and technical assistance
- Compliance monitoring



Questions?

 Oregon Department
of Human Services

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Thank you.

