SPL-ADL Changes- Cognition

(5) Cognition refers to how the individual is able to use information, make decisions, and ensure that their daily needs are met. There are four components to cognition; Self-Preservation, Decision Making, Ability to Make Self Understood and Unsafe Behaviors. To meet the full assist criteria and to be eligible for services based on cognition, an individual must be assessed as meeting the:

(i) Full assist criteria in at least one component; or
(ii) Substantial assist in at least two components.

For purposes of this rule, Assist levels are defined within each of the four components. Individuals assessed as minimal assist may receive Cognition hours as defined in OAR 411-030.

(a) An individual’s ability to manage any of the components of cognition, as defined in this rule, is assessed by how the individual is able to function without the assistance of another person.

(b) An individual is assessed based upon their functioning on prescribed medications. Assess the consumer’s understanding of the risks and consequences of consciously refusing to take their medication, rather than assessing the impact of their decisions related to taking their medication. The individual’s decision to not exercise take medication management is not considered, rather consider the consumers ability to understand the risks and consequences of their decisions when evaluating cognition or behavior.

(c) The assessment time frame in OAR 411-015-0008 may be expanded when assessing cognition. A documented history demonstrating the need for assistance that occurred more than 30 days prior to the assessment date may be considered if the need would likely reoccur without the absence of existing supports.

(d) An individual under age 65, with cognition needs based on mental illness, emotional disorder or substance use disorders does not meet the criteria for service eligibility per OAR 411-015-0015.

(f) The four components to cognition are:

1) "Self-Preservation” means the individual’s actions or behaviors that reflect their understanding of their health and safety needs. Self-Preservation
includes, but is not limited to, the ability to manage common tasks, such as finding their home independently, being oriented to their community and surroundings, understanding how to safely use appliances; understanding how to take their medications; and or appropriately understanding how to meet their basic health and safety life sustaining needs. Self-preservation does not include the individual engaging in acts that may be risky or life threatening when the individual understands the potential consequences of their actions. Self-preservation includes the following assistance types unless otherwise indicated in the assist level: cueing, hands-on, monitoring, reassurance, redirection or support. For each assist level, individuals must have a documented history of actions or behaviors demonstrating that they need assistance with ensuring their health and safety.

i) Minimal Assist: The individual needs assistance at least one day per each week month to ensure that they are able to meet their basic health and safety needs because they cannot act on nor understand the need for self-preservation. The need may be event specific.

ii) Substantial Assist: The individual needs assistance on at least daily because they cannot act on nor understand the need for self-preservation least four days per week to ensure that they meet their basic health and safety needs because they cannot act on nor understand the need for self-preservation.

iii) Full Assist: The individual needs assistance to ensure that they meet their basic health and safety needs throughout each day. The individual cannot be left alone without risk of harm to themselves or others or the individual would experience significant negative health outcomes for any extended period of time during the day. This does not include assistance types of support or monitoring.

2) "Decision making" means the individual’s ability to make and perform everyday decisions about activities of daily living, instrumental activities of daily living and the tasks that comprise those activities. An individual needing assistance will demonstrate that they cannot make decisions, needs assistance in understanding how to accomplish implement the tasks necessary to complete a decision or do not understand the risks or consequences of their decisions. Decision making includes the following assistance types
unless otherwise indicated in the assist definitions: cueing, hands-on, monitoring, redirection or support.

i) Minimal Assist: The individual requires assistance at least one day per each week month with decision making. The need may be event specific.

ii) Substantial Assist: The individual requires assistance at least daily but is able to be left alone for short periods of time to allow supports to shop, run errands, etc. to assist in decision making and completion of ADL and IADL tasks at least four days per week.

iii) Full Assist: The individual requires assistance throughout each daily day in order to make decisions, perform understand the tasks necessary to complete ADLs and IADLs critical to one’s self-preservation health and safety. The individual cannot be left alone without risk of harm to themselves or others or the individual would experience significant negative health outcomes. This does not include assistance types of support or monitoring.

3) “Ability to make self-understood” means the individual’s has the cognitive ability to make themselves understood to those involved in their care plan either as paid support or as natural support; communicate or express or communicate requests, needs, opinions, or urgent problems, whether in speech, writing, sign language, body language, symbols, pictures or a combination of these including use of assistive technology, communication board or keyboard. An individual with a cognitive impairment in this component will demonstrate an inability to express themselves clearly to the point that their needs cannot be met independently. This assessment is about the cognitive ability to communicate and is not an assessment of physical limitations related to communication or language barriers. Ability to make self-understood does not include the need for assistance due to language barriers or physical barriers limitations to communicate when the individual is able communicate needs in their own language or with the use of assistive technology. Ability to make self-understood includes the following assistance types unless otherwise indicated in the assist definitions: cueing, monitoring, reassurance, redirection or support.

i) Minimal Assist: The individual is usually understood but they require assistance at least one day each month in finding the right words or finishing thoughts to the point that they have trouble ensuring that their
health and safety needs are met. This need may occur only during specific events like doctor visits, shopping, or other errands. This assistance is required at least one day per week.

ii) Substantial Assist: The individual needs assistance with communicating their health and safety needs at least daily or four days per week. Substantial assist includes hands on assistance in addition to the assist definition included in the overarching component definition.

iii) Full Assist: The individual requires assistance throughout each day to communicate and is rarely or never understood to the level that they cannot be left alone for any extended period of time during the day. Full assist includes hands on assistance in addition to the assist definition included in the overarching component definition. This does not include assistance types of support or monitoring.

4) “Challenging behaviors” means the individual exhibits behaviors that negatively impact their own or others’ health or safety. Challenging behaviors include, but are not limited to those that are verbally or physically aggressive and socially inappropriate or disruptive. An individual who requires assistance with challenging behaviors does not understand the impact or outcome of their decisions or actions. Challenging behaviors does not include the individual exhibiting behaviors when the individual understands the potential risks and consequences of their actions. Challenging behaviors includes the following assistance types unless otherwise indicated in the assist definitions: cueing, hands-on, monitoring, or redirection.

1) Substantial Assist means the individual needs assistance in managing or mitigating their behaviors at least four days each week or daily to the level that their health or safety is compromised without support. The individual displays challenging behaviors and assistance is needed for redirection because the individual cannot self-regulate the behaviors and does not understand the consequences.
Full Assist means the individual displays challenging behaviors that are extremely challenging to prevent and have the potential to harm themselves or others. The individual needs constant assistance to the level that the individual cannot be left alone for any extended period of time during the day. **This does not include assistance types of support or monitoring.**

Definitions:

- **“Cognition”** means the individual’s mental functional ability to ensure their health, safety and meet their basic needs are met. It includes the individual’s understanding of the need to perform and manage ADLs and IADLS. It does not refer to choices that an individual may make that are deemed to be unsafe.

- **“Event Specific”** means situations that are not part of the individual’s daily or weekly routine such as doctor visits or other outings.

- **“Distress”** means extreme or acute physical or mental suffering

- **“Periodic”** means situations occur less than weekly.

- **“Significant health outcome”** means that the individual would require assistance of a medical professional to address the safely address the outcome.
  - This is the difference between a stubbed toe and broken toe
  - A cut and needing stitches

- **“Socially inappropriate”** means the individual conducts self-abusive acts, exhibits sexually aggressive towards others, or displays a loss of inhibitions resulting in inappropriate sexual behaviors, such as disrobing in public, smearing feces, throwing food or feces or urinating or defecating in inappropriate places. **As used in these rules, the individual who is socially inappropriate does not have the cognitive ability to regulate their behaviors.**

- **“Resistance to care”** means the individual is physically combative regarding ADL supports delivered in a person-centered manner and does not have the cognitive ability to regulate their behavior and is not making an informed choice to refuse care. This category does not include instances where an individual has made an informed choice not to follow a course of care.

- **“Verbally abusive aggressive”** means the individual has threatened or screamed at others to the level that it is disruptive to having their own daily needs met. This does not include verbal altercations or reactions
As used in these rules, the individual who is verbally aggressive does not have the cognitive ability to regulate their behaviors.

Existing OAR and SPA Language - Assistance Types
"Assistance Types" needed for activities of daily living and instrumental activities of daily living include but are not limited to the following terms:

(a) "Cueing" means giving verbal or visual clues during an activity to help an individual complete the activity without hands-on assistance.

(b) "Hands-on" means a provider physically performs all or parts of an activity because an individual is unable to do so.

(c) "Monitoring" means a provider must observe an individual to determine if intervention is needed.

(d) "Reassurance" means to offer an individual encouragement and support.

(e) "Redirection" means to divert an individual to another more appropriate activity.

(f) "Set-up" means getting personal effects, supplies, or equipment ready so that an individual may perform an activity.

(g) "Stand-by" means a provider is at the side of an individual ready to step in and take over the task if the individual is unable to complete the task independently.

(h) "Support" means to enhance the environment to enable an individual to be as independent as possible.