CBC Provider Alert

TO: Community Based Care:  
Assisted Living, Residential Care,  
Memory Care Facilities  
PA-17-04-CBC

FROM: CBC Licensing Unit - Safety, Oversight, and Quality  
Date: February 22, 2017

RE: New policy, Tray Service Fees

SUBJECT: Fees or charges being assessed to Medicaid residents who choose to eat meals in areas other than the community’s main dining room.

Effective April 1, 2017, charging Medicaid residents for choosing to eat meals in areas other than the main dining room will be prohibited.

The subject of facilities charging a fee to a resident when their preference is to eat meals in areas other than the main dining room has come up in recent state trainings and discussions. Aging and People with Disabilities (APD) in concert with Safety, Oversight and Quality (SOQ) Unit have reviewed Federal and State rules and have made the following policy interpretation:

- According to DHS’s Medicaid Provider Enrollment Agreement, Medicaid payment is considered payment in full for all services required in the facility setting. This includes all aspects of meal service:

  Provider Enrollment Agreement  
  3. Payment  
  DHS payment for any service provided under this Agreement is payment in full. Provider will not make any additional charge to Medicaid-eligible individuals served under this Agreement except that specifically allowed by DHS rules.
Facility service planning is to be person centered, per OAR 411-054-0036 and 411-004-0030 and take into account the preference of the individual. This includes an individual’s need or preference to eat meals outside of a facility’s main dining area.

HCBS rules afford all residents the right to control their schedules and to access food at any time, and the practice of requiring residents to eat meals in a main dining room cannot be mandated.

As of April 1, 2017, facilities can no longer:

- Require residents to eat in a main dining room or other centralized location.
- Charge a fee if a Medicaid resident wants to eat in their room or anywhere outside the main dining room.
- Require a resident to pick up their meal from the central dining area in order to take it to their room or other location within the facility where they choose to eat.

As a result of this change, **facilities must take the following actions**:

- Establish clear policies and procedures about how they will determine residents’ preferences regarding where they would like to eat. These policies must have an option for:
  - Residents to request an alternate eating location if they choose to do so.
  - Residents to choose to have meals brought to their room/apartment, or pick up their meals.
- Update their Residency Agreements and Uniform Disclosure Statements to include the policy stating that residents who receive Medicaid will not be charged for tray service.
- Disclose to private-pay residents *at or prior to the time of admission* that fees will be charged for tray service, in addition to clearly explaining the policy in the facility’s residency agreement.

For questions please contact: CBC.TEAM@dhsoha.state.or.us

HCBS web site: [https://www.oregon.gov/DHS/SENIORS-DISABILITIES/HCBS/Pages/ODDS.aspx](https://www.oregon.gov/DHS/SENIORS-DISABILITIES/HCBS/Pages/ODDS.aspx)