

**Authorization Page**  
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**TEMPORARY ADMINISTRATIVE RULES**

Oregon Health Authority, Division of Medical Assistance Programs	410
Agency and Division	Administrative Rules Chapter Number
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Upon filing.	
Adopted on	
04/02/2015 thru 09/28/2015	
Effective dates	

**RULE CAPTION**

Specific Requirements; Extended Medical Assistance  
Not more than 15 words

**RULEMAKING ACTION**

**ADOPT:**

**AMEND:** 410-200-0440

**SUSPEND:**

**Stat. Auth.:** ORS 411.402, 411.404, 413.042, 414.534

**Other Auth.:** 42 CFR: 435.110, 435.112, 435.115, 435.116, 435.118, 435.403, 435.940, 435.1200, 457.80, 457.340, 458.350, 435.3, 435.4, 435.406, 435.407, 435.940, 435.952, 435.956, 435.1008, 457.320, 457.380, 435.940, 435.956, 435.406, 457.380, 435.117, 435.170, 435.190, 435.916, 435.917, 435.926, 435.952, 435.1200, 435.1205, 447.56, 457.340, 457.350, 457.360, 457.805, 433.145, 433.147, 433.148, 433.146, 435.610, 435.115, 435.403, 435.1200, 457.80, 457.340, 458.350, 435.119, 435.222, 435.118, 433.138, 433.147, 433.148, 435.602 435.608

**Stats. Implemented:** ORS 411.060, 411.095, 411.400, 411.402, 411.404, 411.406, 411.439, 411.443, 413.032, 413.038, 414.025, 414.231, 414.440, 414.534, 414.536, 414.706

**RULE SUMMARY**

The Centers for Medicare and Medicaid Services (CMS) released guidance on 4/1/15 that section 1925 of the Social Security Act sunsetted on 03/31/15. Section 1925

of the Social Security Act allowed Oregon to provide 12 months of Transitional Medical Assistance (TMA - Oregon titled these benefits Extended Medical Assistance) for individuals who lose eligibility for Medicaid under section 1931 of the Social Security Act due to earnings.

### STATEMENT OF NEED AND JUSTIFICATION

The temporary amendment of 410-200-0440

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In the Matter of

CMCS Informational Bulletin dated 04/01/15. Bulletin can be found here:  
<http://www.medicaid.gov/Federal-Policy-Guidance/downloads/CIB-04-01-2015.pdf>

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Documents Relied Upon, and where they are available

The Centers for Medicare and Medicaid Services (CMS) released guidance on 4/1/15 that section 1925 of the Social Security Act sunsetted on 03/31/15. Section 1925 of the Social Security Act allowed Oregon to provide 12 months of Transitional Medical Assistance (TMA - Oregon titled these benefits Extended Medical Assistance) for individuals who lose eligibility for Medicaid under section 1931 of the Social Security Act due to earnings.

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Need for the Temporary Rule(s)

The Authority finds that failure to act promptly will result in serious prejudice to the public interest, the Authority, and recipients of Medicaid/CHIP benefits. This rule needs to be adopted promptly so that OAR supports compliance with federal guidance.

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Justification of Temporary Rules



Authorized Signer

Karen House

Printed Name

4-2-15

Date

Authorization Page replaces the ink signature on paper filings. Have your authorized signer sign and date, then scan and attach it to your filing. You must complete this step before submitting your Permanent and Temporary filings.

**STATEMENT OF NEED AND JUSTIFICATION**

A Certificate and Order for Filing Temporary Administrative Rules accompanies this form.

Oregon Health Authority, Division of Medical Assistance Programs  
Agency and Division

410

Administrative Rules Chapter Number

In the Matter of: The temporary amendment of 410-200-0440

Specific Requirements; Extended Medical Assistance

Rule Caption: (Not more than 15 words that reasonably identify the subject matter of the agency's intended action.)

Statutory Authority: ORS 411.402, 411.404, 413.042, 414.534

Other Authority: 42 CFR: 435.110, 435.112, 435.115, 435.116, 435.118, 435.403, 435.940, 435.1200, 457.80, 457.340, 458.350, 435.3, 435.4, 435.406, 435.407, 435.940, 435.952, 435.956, 435.1008, 457.320, 457.380, 435.940, 435.956, 435.406, 457.380, 435.117, 435.170, 435.190, 435.916, 435.917, 435.926, 435.952, 435.1200, 435.1205, 447.56, 457.340, 457.350, 457.360, 457.805, 433.145, 433.147, 433.148, 433.146, 435.610, 435.115, 435.403, 435.1200, 457.80, 457.340, 458.350, 435.119, 435.222, 435.118, 433.138, 433.147, 433.148, 435.602 435.608

Stats. Implemented: ORS 411.060, 411.095, 411.400, 411.402, 411.404, 411.406, 411.439, 411.443, 411.447, 413.032, 413.038, 414.025, 414.231, 414.534, 414.536, 414.706

Need for the Temporary Rule(s): The Centers for Medicare and Medicaid Services (CMS) released guidance on 4/1/15 that section 1925 of the Social Security Act sunsetted on 03/31/15. Section 1925 of the Social Security Act allowed Oregon to provide 12 months of Transitional Medical Assistance (TMA – Oregon titled these benefits Extended Medical Assistance) for individuals who lose eligibility for Medicaid under section 1931 of the Social Security Act due to earnings.

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Justification of Temporary Rule(s): The Authority finds that failure to act promptly will result in serious prejudice to the public interest, the Authority, and recipients of Medicaid/CHIP benefits. This rule needs to be adopted promptly so that OAR supports compliance with federal guidance.



Authorized Signer

Karen Howe

Printed name

4-2-15

Date

410-200-0440

### Specific Requirements; Extended Medical Assistance

(1) Effective 04/01/15 individuals ~~who who are eligible~~ lose eligibility for and receiving Medical Assistance Assumed (MAA), Medical Assistance to Families (MAF), or MAGI Parent or Other Caretaker Relative (PCR) benefit, ~~and lose eligibility~~ are eligible for four months of Extended Medical Assistance (EXT) if all of the following requirements are met:

(a) Loss of eligibility is ~~Due to:~~

~~(A) T~~ Due to the receipt or increase of earned income and eligibility is redetermined and the individual is not eligible for Medicaid/CHIP; or

~~(B) T~~ Due to the receipt or increase of spousal support; are eligible for four months of EXT benefits if:

~~(bA)~~ Eligibility is redetermined and the individual is not eligible for Medicaid/CHIP; and

~~(cB) They~~ Individuals were eligible for and receiving MAA, MAF, or MAGI PCR benefits for any three of the six months preceding the month in which eligibility was lost as described in section (a) receipt or increase of spousal support.

(2) To be eligible for EXT, the household group of individuals who lose eligibility for ~~MAGI Parent or Other Caretaker Relative~~ PCR benefits must contain a dependent child who has minimum essential coverage.

(3) The EXT beneficiary must be a resident of Oregon.

(4) Individuals who lose EXT eligibility for one of the following reasons may regain EXT eligibility for the remainder of the original eligibility period if the requirements outlined in sections (2) and (3) are met ~~and:~~

(a) EXT eligibility is lost because the individual leaves the household during the EXT eligibility period. The individual may regain EXT eligibility if they return to the household; or

(b) EXT eligibility is lost due to a change in circumstance that results in eligibility for another OCCS medical program. If a subsequent change in circumstances occurs that results in ineligibility for all OCCS medical programs, the individual may regain EXT eligibility.

(5) The effective date of EXT is the first of the month following the month in which MAA, MAF, or ~~MAGI Parent or Other Caretaker Relative~~ PCR program eligibility ends.

(6) If an individual receives MAA, MAF, or MAGI Parent or Other Caretaker Relative PCR benefits during months when they were eligible for EXT:

(a) Such months are not an overpayment;

(b) Any month in which an individual receives MAA, MAF, or MAGI Parent or Other Caretaker Relative PCR benefits when they were eligible for EXT is counted as a month of the EXT eligibility period.

(7) If a beneficiary of MAA, MAF, or MAGI Parent or Other Caretaker Relative PCR benefits experiences another change in conjunction with the receipt or increase of earned income or spousal support, and the other change, by itself, makes the household group ineligible for the current program, the beneficiary is not eligible for EXT.

Stat. Auth.: ORS 411.095, 411.402, 411.404, 413.038, 414.025

Stats. Implemented: ORS 411.095, 411.400, 411.402, 411.404, 411.406, 411.439, 411.443, 413.032, 413.038, 414.025, 414.231, 411.447, 414.706