

**Authorization Page**  
Generated on June 16, 2015 10:04AM  
**TEMPORARY ADMINISTRATIVE RULES**

Oregon Health Authority, Division of Medical Assistance Programs	410
Agency and Division	Administrative Rules Chapter Number
Sandy Cafourek	dmap.rules@state.or.us
Rules Coordinator	Email Address
500 Summer St. NE, Salem, OR 97301	503-945-6430
Address	Telephone
Upon filing.	
Adopted on	
06/16/2015 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, 411.447, 413.032, 413.038, 414.025, 414.231, 414.534, 414.536, 414.706

**RULE SUMMARY**

On 1/1/15, the Centers for Medicare and Medicaid Services (CMS) released guidance 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. This prompted a temporary rule amendment.

On 4/14/15, the Senate passed HR 2 (<http://energycommerce.house.gov/sites/republicans.energycommerce.house.gov/files/114/BILLS-114hr2ih.pdf>), which the president signed into law. HR 2, in part, maintains section 1925 of the Social Security Act permanently.

**STATEMENT OF NEED AND JUSTIFICATION**

The amendment 410-200-0440

In the Matter of

HR 2 (<http://energycommerce.house.gov/sites/republicans.energycommerce.house.gov/files/114/BILLS-114hr2ih.pdf>)

Documents Relied Upon, and where they are available

On 1/1/15, the Centers for Medicare and Medicaid Services (CMS) released guidance 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. This prompted a temporary rule amendment.

On 4/14/15, the Senate passed HR 2 (<http://energycommerce.house.gov/sites/republicans.energycommerce.house.gov/files/114/BILLS-114hr2ih.pdf>), which the president signed into law. HR 2, in part, maintains section 1925 of the Social Security Act permanently.

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 suspended promptly to support compliance with federal guidance.

Justification of Temporary Rules

Karen House Karen House 6/15/15

Authorized Signer

Printed Name

Date

410-200-0440

### Specific Requirements; Extended Medical Assistance

(1) ~~The following individuals may be eligible for Extended Medical Assistance (EXT) if they Effective 04/01/15 individuals who lose eligibility for Medical Assistance Assumed (MAA), Medical Assistance to Families (MAF), or MAGI Parent or Other Caretaker Relative (MAGI PCR) benefits:~~

~~(a) Individuals who lose eligibility for MAA, MAF, or MAGI PCR due to the 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) The receipt or increase of earned income are eligible for twelve (12) months of EXT if ; or~~

~~(B) The receipt or increase of spousal support;~~

~~(b) Eligibility is redetermined and the individual is not eligible for any other Medicaid/CHIP program.~~

~~(b) Individuals who lose eligibility for MAA, MAF, or MAGI PCR; due to the receipt or increase of spousal support; are eligible for four months of EXT benefits if; and~~

~~(A) e) Individuals were eligible for and receiving MAA, MAF, or MAGI PCR benefits for any three of the six months preceding the receipt or increase in spousal support that resulted in loss of eligibility, and;~~

~~(B) Eligibility is redetermined and the individual is not eligible for any other Medicaid/CHIP program. month in which eligibility was lost as described in section (a).~~

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

~~(23) The EXT beneficiary must be a resident of Oregon.~~

~~(34) 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 (12) and (23) are met:~~

~~(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, and then -a subsequent change in circumstance occurs that results in ineligibility for all OCCS medical programs, the individual may regain EXT eligibility.~~

(45) The effective date of EXT is the first of the month following the month in which MAA, MAF, or MAGI PCR program eligibility ends.

(56) If an individual receives MAA, MAF, or MAGI 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 PCR benefits when they were eligible for EXT is counted as a month of the EXT eligibility period.

(67) If a beneficiary of MAA, MAF, or MAGI 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~~ beneficiary 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