Public Notice and Request for Comment on the Proposal to amend Aging and People with Disabilities 1915(c) Waiver

The Oregon Department of Human Services (Oregon DHS) is proposing an amendment to the Aging and People with Disabilities (APD) 1915(c) waiver in order to add transition services for individuals who lose eligibility due to changes in the definitions in activities of daily living in Oregon Administrative Rules Chapter 411 Division 015. The proposed amendment is posted online at: http://www.oregon.gov/DHS/DHSNEWS/Documents/apd-waiver-amendment-draft-4-2017.pdf

COMMENTS DUE: May 6, 2017.

BACKGROUND:
Oregon DHS has amended the Oregon Administrative Rules that define the levels of assistance needed for Activities of Daily Living (ADLs). ADLs are the components that make up nursing facility level of care. Nursing facility level of care is used to determine eligibility for nursing facility and home and community-based services. Oregon DHS expects the change to the ADL definitions to result in approximately four percent of eligible individuals losing eligibility for Medicaid Long-Term Care Services. This means that approximately 1,200 individuals will lose home and community-based services through Oregon’s 1915(k), K State Plan and the APD waiver #0185. A smaller subset of that population will lose eligibility for all Medicaid funded services including the Oregon Health Plan.

Waiver Amendment:
Oregon DHS completed a full rule advisory committee process and finalized the public comment period on the rules affected by the changes to the level of assistance needed for ADLs. The waiver amendment, in part, is to provide the Centers for Medicare and Medicaid Services (CMS) with a formal summary of the Oregon Administrative Rule (OAR) changes, a transition plan for individuals who will lose services as a result of the changes, and to add the definition of “assistance” to
the waiver. It is important to note that the changes made to OAR are not part of this request for review. States are permitted by federal law to determine and set their eligibility criteria. We are waiting for CMS approval of the waiver to formally align the contents of the waiver with the OAR changes. Upon approval, Oregon DHS will implement those rule changes.

The transition plan for affected participants is addressed in the main section of the waiver application. Transition services will also be available to waiver participants who maintain eligibility but choose to move from a licensed residential settings to an in-home setting.

Because of the potential impact on waiver participants, Oregon DHS and the Oregon Health Authority are requesting to add transition services as an approved waiver service in this amendment. These services will help individuals transition safely from Medicaid home and community-based care services to independent living. The addition of the new service also requires a revision to performance measure 33.

If approved by CMS, transition services will be used to assist those that lose eligibility for waiver services to move from licensed residential settings into non-Medicaid funded in-home settings.

Oregon DHS is requesting from CMS an effective date for these changes of July 1, 2017.

Oregon DHS and the Oregon Health Authority appreciate your interest in these changes. We will consider all feedback as we develop the waiver application for these changes. Please share this information with individuals or groups who may be interested in or affected by the changes.

There is no change expected in the annual aggregate expenditures.

**HOW TO COMMENT:**
Send written comments by fax, mail or email to:
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