



Oregon

Kate Brown, Governor

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Safety, Oversight, and Quality

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TO: APD Licensed Care Settings

FROM: APD Safety, Oversight, and Quality and Medicaid Long Term Services and Supports



RE: Changes to OAR 411-015 and definitions of Activities of Daily Living

Provider Alert:

The Legislature directed APD to “bend the cost curve” by assuring the Long Term Care service assessment meets Oregon’s definition of the nursing facility of level of care (NF LOC).

- OAR 411-015-0006 and 0007 reflects the changes in the definitions of ADL, IADL and assist type.
http://www.dhs.state.or.us/policy/spd/rules/411_015.pdf
- The rule amendments will apply when an individual is assessed or reassessed on or after October 1, 2017. Changes will start appearing in November 2017.
- The new rules will not impact consumers or providers until the consumer is reassessed. APD is not speeding up the timeframe for reassessments for current consumers. This means it will take us approximately one (1) year to complete all reassessments.

Key changes to OARs include:

- Clarified language in rule and made terms consistent;
- Increased the need for supports to one day per week;
- Redefined the cognition criteria;
- Changed Elimination by moving most tasks to Toileting and deleting some tasks in the current assessment;
- Moved getting to/from and on/off the toilet to Ambulation; and
- Clarified language in Eating to define what the state means by “choking.”

Individuals currently receiving Medicaid services may be reassessed. Those assessed at Service Priority Level 14-17 may no longer be eligible for traditional

Medicaid Long Term Services and Supports. APD has analyzed over 1,400 consumers' assessments and determined that approximately four (4) percent (1,200) of currently eligible consumers may lose eligibility.

APD is implementing Extended Waiver Eligibility (EWE) criteria when an individual no longer meets SPL 1-13 criteria. EWE will allow APD to continue to pay for individuals who do not meet SPL 1-13 but who would be at high risk of institutionalization within 30 days of ending services. For EWE, high risk means, the individual would:

- Be hospitalized or institutionalized within 30 days of losing services; or
- Lack access to safe, accessible and affordable housing, or
- Face threats of eviction without access to supports with documentation of those threats prior to receiving supports; or
- Be at a significant risk for abuse or exploitation.

Individuals who are approved for services under EWE must develop a make progress on a safe transition plan, including attempting to find housing. Case managers (CMs) will need to verify that the individual is working towards implementing their transition plan every six months. CMs will also be required to complete a new SPL assessment every year or if there is a change of condition. Consumers who do not make progress on their transition plan will be ineligible for EWE:

If the consumer is determined eligible for the EWE program, either the in-home services voucher or the CBC 512 will be created. Individuals determined eligible for EWE will be authorized the following rates:

- Assisted Living Facility: **Level 1 payment;**
- Adult Foster Home or Residential Care Facility: **Base Rate;** or
- Other Settings: **Authorized at their contracted rates.**

Please note: For consumers in EWE status, providers may not issue move out notices for non-payment because of a rate change. As stated in OARs, Medicaid payment is payment in full. Providers may still charge the standard room and board payment but may not bill the consumer for any additional costs.

Additionally, APD is also making changes to in-home services. These include reducing the hours authorized to in-home consumers and converting to a two week service period. These changes will not impact licensed and contracted care settings.

For questions regarding these specific changes, please email janet.l.brattin@state.or.us. For questions regarding licensing impacts, please email CBC.Team@state.or.us