



Oregon

Kate Brown, Governor

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NF-20-96 - Information Memorandum

Nursing Facility Providers

Date: July 1, 2020
From: APD Medicaid Long Term Care Systems
Subject: 2020 Nursing Facility Bariatric Rate

Summary: Information about Nursing Facility Bariatric rates in OAR 411-070.

Dear Interested Nursing Facility Staff,

Effective July 1, 2020, the Nursing Facilities/Medicaid - Generally and Reimbursement Division, [OAR 411-070](#), will include a new bariatric rate and criteria for individuals residing in a nursing facility (NF). Two new rules have been added: OAR 411-070-0028 (Bariatric Authorization and Payment) and OAR 411-070-0087 (Bariatric Criteria and Services).

The new OAR for bariatric criteria is as follows:

411-070-0087 - Bariatric Criteria and Services

(1) A Medicaid eligible individual qualifies for the bariatric reimbursement rate if the individual has a physician diagnosis of obesity with a BMI>40 and the individual meets the following criteria as defined in OAR chapter 411, division 015:

- (a) Two-person full assist with ambulation or transfers; and**
- (b) Full assist in one of the following: cognition, eating or elimination.**

(2) If an individual meets the criteria listed in section (1) of this rule, and the Department has authorized the bariatric rate, the facility must provide one (1) additional Certified Nursing Assistant, above the licensing staffing standard in OAR 411-086-0100(5), for every five (5) individuals receiving the bariatric rate.

Provided below is DHS/APD process for the NF bariatric rate authorization:

1. A current APD assessment will need to be completed by APD/AAA staff prior to requesting the bariatric rate.

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2. The NF may request the bariatric rate by filling out this form: [Nursing Facility Bariatric Rate Authorization Request](#). Please note: This is a temporary location for a NF to access this form. The form will soon be available on the [Nursing Facility Provider Forms](#) site.
3. NF staff must complete Sections I and II for individuals currently residing in the NF or those that are pending admission. The form is submitted to the appropriate APD/AAA case manager or diversion/transition staff member. When submitting the form, please provide medical documentation that includes the physician's current diagnosis of Obesity with a BMI>40 if it was not previously provided.
4. APD/AAA staff will complete Section III and submit to APD Central Office for review.
5. APD Central Office will notify the NF, APD/AAA staff, and NF Licensing of the decision that is made.
 - If approved, the effective date is determined in accordance to OAR 411-070-0028. The effective date is typically on the day APD Central Office makes the decision. The department has 7 days from the date it receives the application to make a decision. If the resident is already residing in the NF, approval can be retroactive only to date of admission only if the request is received within 7 calendar days of admission. The effective date for an existing resident admitted more than 7 calendar days ago will be either the date of the decision or, if the application is submitted no later than July 7, July 1.
 - The NF may request an administrative review for any decision made. Additional instructions on requesting this review are provided on the form.

Note: If an individual has been residing in the NF prior to July 1, 2020, Central Office will approve the bariatric rate retroactively to July 1, 2020, if the request is made by July 7, 2020 and meets the bariatric criteria. This is a one-time exception; no extensions will be granted.

Sincerely,

Cindy Susee

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For general information contact the DHS Office of Licensing and Regulatory Oversight or visit the DHS Web site at www.oregon.gov/DHS/

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