



# Oregon

Kate Brown, Governor

## Department of Human Services

*Safety, Oversight and Quality*

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### **NF-21-047 – Provider Alert**

Date: September 1, 2021

To: All Nursing Facilities

From: Nursing Facility Licensing Unit (NFLU)  
ODHS APD Safety, Oversight and Quality Unit (SOQ)

Subject: Bariatric Reimbursement and Minimum CNA Staffing  
Clarification

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**Summary:** Clarification regarding minimum CNA staffing associated with the Bariatric Reimbursement Rate.

The Nursing Facility program has been made aware of nursing facilities “not billing” for the bariatric rate on days when the additional staffing ratios cannot be met per the rules outlined below. If the nursing facility has any resident(s) who have been approved for the bariatric rate, the facility is required to maintain the additional CNA staffing on all shifts until the Oregon Department of Human Services (ODHS) has no longer authorized the bariatric rate as required under [411-070-0087](#) and [411-086-0100\(5\)\(o\)](#). Failure to comply may result in violations or sanctions.

In July 2020 the ODHS implemented Oregon Administrative Rules allowing nursing facilities to receive approval for a bariatric reimbursement rate when the following criteria is met:

[411-070-0087\(1\)](#) - 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.

This increased rate allows nursing facilities to offset the increased cost of additional CNA staff required to provide care and services for bariatric residents. To obtain this increased rate nursing facilities must increase minimum CNA staffing according to the following Oregon Administrative Rule (OAR):

[OAR 411-070-0087\(2\)](#) 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.

The above rule should be interpreted to mean when a facility has one to five bariatric residents who have been approved to receive the bariatric rate, one additional CNA is required above the minimum staffing ratio for each shift. Six to ten residents would require two additional CNAs per shift, and eleven to fifteen bariatric residents would require three additional CNAs per shift.

If you have questions, please contact your licensing team:  
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