

**Number:** DD-PT 21-008

Updated

**Issue date:** 7/XX/2021

**Authorized signature**

**Due date:** asap

**Topic:** Developmental Disabilities

**Transmitting (check the box that best applies):**

- New policy   
  Policy change   
  Policy clarification   
  Executive letter  
 Administrative Rule   
  Manual update   
  Other:

**Applies to (check all that apply):**

- |   |  |
|---|--|
| <input type="checkbox"/> All DHS employees                              | <input type="checkbox"/> County Mental Health Directors                                      |
| <input type="checkbox"/> Area Agencies on Aging: {Select type}          | <input type="checkbox"/> Health Services   |
| <input type="checkbox"/> Aging and People with Disabilities             | <input checked="" type="checkbox"/> Office of Developmental Disabilities Services (ODDS)     |
| <input type="checkbox"/> Self Sufficiency Programs                      | <input checked="" type="checkbox"/> ODDS Children’s Intensive In Home Services               |
| <input checked="" type="checkbox"/> County DD program managers          | <input type="checkbox"/> Stabilization and Crisis Unit (SACU)                                |
| <input checked="" type="checkbox"/> Support Service Brokerage Directors | <input checked="" type="checkbox"/> Other ( <i>please specify</i> ): Eligibility Specialists |
| <input type="checkbox"/> ODDS Children’s Residential Services           |  |
| <input type="checkbox"/> Child Welfare Programs                         |  |

<b>Policy/rule title:</b>	Resuming developmental disabilities eligibility redeterminations		
<b>Policy/rule number(s):</b>	411-320-0080(1) OAR 411-320-0080(4) through (9)	<b>Release number:</b>	2
<b>Effective date:</b>	March 1, 2021 <b>Updated July XX, 2021</b>	<b>Expiration date:</b>	TBD
<b>References:</b>	<a href="https://www.medicaid.gov/state-resource-center/downloads/covid-19-tech-factsheet-ifc-433400.pdf">https://www.medicaid.gov/state-resource-center/downloads/covid-19-tech-factsheet-ifc-433400.pdf</a> <a href="https://www.oregon.gov/dhs/SENIORS-DISABILITIES/DD/Pages/ODDS-COVID-19-Information.aspx">https://www.oregon.gov/dhs/SENIORS-DISABILITIES/DD/Pages/ODDS-COVID-19-Information.aspx</a>		
<b>Web address:</b>			

**Discussion/interpretation: June 2021 Updates** – this policy update provides information on eligibility redeterminations resulting in a termination and the COVID-19 Reopening Guide. All new updates below are noted **in ADA compliant red bold text**.

On March 24, 2020, in response to the federal COVID-19 State of Emergency, the Office of Developmental Disabilities Services enacted a policy (previously numbered as PT-20-025 and now obsolete) allowing a Presumed Eligible determination for those who met the criteria in OAR 411-320-0080(1) (Effective 10/15/2020). The obsoleted policy transmittal had relevant details regarding redeterminations and terminations transferred to this policy transmittal and the Presumptive Eligibility policies moved into PT-21-09.

This policy provides guidance for reopening of all redeterminations. APD-PT-20-025 has been made obsolete, and replaced with PT-21-09 for Presumed Eligible determinations. Additional information can be found in the Case Management Reopening Worker Guide located at: <https://www.oregon.gov/dhs/SENIORS-DISABILITIES/DD/ODDS%20Resource%20Library/Case-Management-Reopening-Worker-Guide.pdf>

**Implementation/transition instructions:** **When an individual is found no longer eligible following a redetermination, the CDDP must confirm that the individual is eligible for Oregon Supplemental Income Program Medical (OSIPM) Medicaid (aka: “300%” or “PMDDT”) independent of receiving 1915(c) waived services through developmental disabilities. If it is determined that the individual receives Medicaid as a result of receiving 1915(c) waived services through developmental disabilities, a DDEE(0337) must be submitted in eXPRS. See “Determinations Resulting in Adverse Action” section below.**

**Beginning March 1, 2021**, Community Developmental Disabilities Programs (CDDPs) shall resume ALL eligibility redeterminations, including those that may result in a termination of DD services due to the individual no longer meeting full eligibility rule criteria in OAR 411-320-0080. CDDP’s should review each individuals’ records to identify if a redetermination may be possible under the rule without in-person testing, and only order in-person testing if required by rule.

**Prioritization** - ODDS recommends (not required) CDDP’s consider the following prioritization of redeterminations:

- 1) Presumed Eligible determinations expiring in the 12<sup>th</sup> month, for available in-person evaluations
- 2) Expiring COVID-19 Redetermination extensions
- 3) All other redeterminations coming due

**Example** - A CDDP has the following eligibility determinations due in March: five (5) Presumed Eligible expirations; three (3) COVID-19 Redetermination Extensions; two (2) other redeterminations. The CDDP should prioritize required in-person testing for the five (5) Presumed Eligible redeterminations, *then* Redetermination Extensions coming due, lastly all other redeterminations coming due simultaneously. **If** available testing appointments remain, proceed to the following month redeterminations in a similar consecutive order. If testing appointments become full, submit a COVID-19 Redetermination Extension request to ODDS to allow additional services to continue until required eligibility testing can be obtained and reviewed.

### **Resuming Eligibility Redeterminations Process:**

**Presumed Eligible** - For individuals determined eligible under the Presumed Eligible criteria, CDDPs shall:

- 1) Send the Presumed Eligible Redetermination Notice (posted, with translations, on the [ODDS COVID19 Resources page](#)) at least 30 days prior to the 12-month expiration date, to complete a determination based on OAR 411-320-0080(3) – (9).
- 2) Submit an extension request for 180 days to ODDS if the eXPRS eligibility termination date is expiring.
- 3) When making the extension request, continue to send a COVID Redetermination Extension Notice to the individual/their representative.
- 4) Request updated documents or arrange necessary psychological or adaptive evaluations and provide due process.
  - a) If an administrative exam is required by OAR, CDDPs must schedule in-person testing when possible. If in-person testing is not possible, CDDP's and Admin Exam provides should follow [Oregon Health Authority guidance](#) on tele-health evaluations.
  - b) If an individual is not able to travel for in-person IQ testing, the Non-Emergent Medical Transportation option must be offered ([HSD-AR 20-002](#)). If the individual is unable to travel due to COVID-19, a telehealth evaluation should be considered, and an extension of eligibility requested of ODDS if additional time is needed to complete the redetermination.
  - c) If in-person testing not required, the CDDP should seek tele-health options with providers who can perform assessments via tele-health.
  - d) If an individual is unable to participate in a required Admin Exam due to COVID-19 illness an extension should be provided unless tele-health testing is possible.
- 5) Complete a determination and send a timely decision notice.

a) **Notification of Planned Action (NOPA)** - If a redetermination results in termination of DD eligibility the CDDP **must** follow the Case Management Reopening Guide to identify if the loss of DD services may impact Medicaid benefits. The CDDP may send a Notification of Planned Action (NOPA) terminating eligibility only after reviewing the CME Reopening Guide and receiving verification from ODDS affirming termination of DD eligibility will not impact Medicaid benefits. See Adverse Action section below.

~~b) **ODDS response – The D&E Coordinator will review and provide a written response to the ES for eligibility terminations within 5 business days of receipt of the request to affirm no loss of Medicaid will occur.**~~

**Regular/provisional Redeterminations** - For individuals who are provisionally eligible and requiring redetermination due to age (or a redetermination extension coming due), CDDPs shall:

- 1) Send the Redetermination Notice (5101) to all individuals requiring eligibility redeterminations based on OAR 411-320-0080(1) redeterminations for eligibility under OAR 411-320-0080(3) – (9).
  - a) This includes redetermination extensions coming due and previous determinations resulting in termination of eligibility, which was suspended due to No Adverse Action policy during the State of Emergency.
  - b) If individuals were previously sent a 5101 and informed the redetermination is extended, a new notice must be sent notifying the individual the redetermination process is resuming.
- 2) Submit an extension request for 180 days to ODDS if the eXPRS eligibility termination date is expiring.
  - a) When making the extension request, continue to send a COVID Redetermination Extension Notice to the individual/their representative.
- 3) Prioritize redeterminations from oldest to newest (as indicated in this transmittal).
- 4) Request updated documents or arrange necessary psychological or adaptive evaluations and provide due process. Allow individuals additional time to respond to the 5101 as needed.
- 5) Complete the full OAR eligibility determination and send a determination notice within 10 days of receipt of all necessary current documentation, or as outlined in OAR 411-320-0080(11)(a) and/or 411-320-0080(11)(c)(A)

**Example** – An evaluation from 4/1/2020 documents a qualifying DD condition but an ABAS Composite score of 72, one Domain Score of 70, and several skill areas 5 with only one skill area of 4. The individual may have had an updated adaptive assessment, and the CDDP must identify any new information that may exist from the previous collection of records to current. If new information exists that may be

applicable to a determination, attempts must be made to collect the new information and consider new information for the determination.

**For all Determinations Resulting in Adverse Action:** Until the end of the Public Health Emergency, for any individual who will no longer be eligible, and a Notification of Planned Action will be sent:

- 1) Refer to the CME Reopening Guide for specific guidance related to the Public Health Emergency
- 2) ~~Send name of individual and prime number to [ODDS.DE@dhsosha.state.or.us](mailto:ODDS.DE@dhsosha.state.or.us) prior to sending Notification of Planned Action.~~
- 3) ODDS identifies if the individual is someone who may lose Medicaid as a result of losing I/DD eligibility; see the CME Reopening Guide for specific instructions.
- 4) ODDS and CDDP's follow the CME Reopening Guide to ensure no person shall lose Medicaid as a result of a termination of DD Eligibility.
- 5) Upon ODDS verification that an individual's Medicaid eligibility is based on receiving a monthly 1915(c) waiver service from developmental disabilities services (300%/PMDDT cases) and they would not otherwise be eligible for Medicaid:
  - a) ODDS will provide Medicaid data as indicated in the CME Reopening Guide
  - b) The ES must enter the eXPRS eligibility redetermination denial
  - c) The ES must submit a DDEE (0337) requesting that the Technical Assistance Unit (TAU) add COVID coding with a 12/31/2021 termination date (subject to extension based on the federal public health emergency end date)
  - d) The ES must send a NOPA terminating all 1915(k) plan services due to not meeting I/DD eligibility criteria per OAR 411-318-0020(2)(b)(B) (or within XX days of...submitting the DDEE, of the PHE ending, ???). The Eligibility Determination Notice Worker Guide should be used for eligibility OAR's, and the notice should include service specific OAR's such as:
    - i) Behavior: 411-304-0130(2)(a);
    - ii) 24 Hour: 411-325-0390(2)(a)(C);
    - iii) Supported Living: 411-328-0790(2)(c);
    - iv) Children's Foster Care: 411-346-0240(2)(c);
    - v) Host Homes: 411-348-0390(2)(c);
    - vi) Adult Foster Care: 411-360-0190(2)(a)(C);

- vii) **Ancillary: contact ODDS for guidance: 411-450-0030(1)(c)**
- e) **Efforts to provide monthly waiver services (case management, or any other waiver service) must be made and documented.**
- f) **Upon the end of the Public Health Emergency, ODDS will provide additional guidance regarding further notice situations to end services provided during the ‘no adverse action’ period**
- 6) **New - ODDS requires that as CME’s maintain an individual’s ability to have a monthly waived service, including providing monthly case management services, efforts to include inquiries about any new medical, psychological, or adaptive information that may become available prior to the end of the PHE are recommended.**
  - a) **If new information becomes available that may affect I/DD eligibility, the ES must review it to identify if a revised determination is appropriate**

**Training/communication plan:** ODDS Diagnosis & Evaluation Unit consultation; Statewide Eligibility Specialist meetings; Engagement & Innovation stakeholder website.

Questions sent to [ODDS.Questions@dhsosha.state.or.us](mailto:ODDS.Questions@dhsosha.state.or.us) will be addressed during the regularly scheduled webinars (2nd Wednesday of the month at 2:00 pm):

[Join Microsoft Teams Meeting](#) OR [+1 971-277-2343](tel:+19712772343)

Conference ID: 403 980 561#

**Local/branch action required:** Follow policy guidance as noted in this transmittal and in other communications by ODDS.

**Central office action required:** Engagement & Innovation stakeholder feedback review; Statewide Eligibility Specialist meetings; individual review for adverse actions which result in individuals losing Medicaid.

**Field/stakeholder review:**  Yes  No

**If yes, reviewed by:** Engagement and Innovation website stakeholder review.

**Filing instructions:**

*If you have any questions about this policy, contact:*

Contact(s):	
Phone:	Fax:
Email: <a href="mailto:ODDS.DE@dhsosha.state.or.us">ODDS.DE@dhsosha.state.or.us</a>	