

Policy Transmittal Developmental Disabilities Services



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Number: DD-PT-21-008

Issue date: 2/24/2021

Topic: Developmental Disabilities

Due date: 3/1/2021

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 checked="" 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 type="checkbox"/> Other (<i>please specify</i>): |
| <input type="checkbox"/> ODDS Children's Residential Services | |
| <input type="checkbox"/> Child Welfare Programs | |

Policy/rule title:	Resuming Developmental Disabilities Eligibility Redeterminations		
Policy/rule number(s):	411-320-0080(1) OAR 411-320-0080(4) through (9)	Release number:	
Effective date:	March 1, 2021	Expiration date:	TBD
References:	https://www.medicaid.gov/state-resource-center/downloads/covid-19-tech-factsheet-ifc-433400.pdf https://www.oregon.gov/dhs/SENIORS-DISABILITIES/DD/Pages/ODDS-COVID-19-Information.aspx		
Web address:			

Discussion/interpretation: 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 obsolete policy transmittal has relevant details regarding redeterminations and terminations being transferred to this policy transmittal and the Presumptive Eligibility policies being moved into [PT-21-009](#). Individuals with eligibility determinations that were previously denied ongoing eligibility, had the adverse action suspended due to the State of Emergency. On 7/7/2020, ODDS updated the March 24, 2020 policy as Version 4, permitting the option of completing redeterminations when doing so would cause no adverse action, and on 10/23/2020 Version 5 announced ongoing redetermination extensions associated with the State of Emergency until further notice.

This policy provides guidance for reopening of all redeterminations. **APD-PT-20-025 has been made obsolete**, and replaced with [PT-21-009](#) for Presumed Eligible determinations.

Implementation/transition instructions: 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 individual's 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 12th 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, the [ODDS COVID19 Resources](#)) 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.
 - a) When making the extension request, continue to follow [PT-21-009](#) by sending COVID Redetermination Extension Notice to the individual/their representative.
- 3) 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.
- 4) 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** send an email to ODDS.DE@dhsosha.state.or.us with the individuals' name and prime number to identify if the loss of DD services may impact Medicaid benefits. The CDDP may send a Notice of Planned Action (NOPA) terminating eligibility only after receiving written approval from ODDS affirming termination of DD eligibility will not impact Medicaid benefits.

- b. **ODDS response** – The D&E Coordinator will review and provide a written response to the CDDP within 5 business days of receipt of the NOPA consultation request.

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) If the eXPRS eligibility termination date is expiring, submit an extension request for 180 days to ODDS and send a written extension notice.
- 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, send name of individual and prime number to ODDS.DE@dhsosha.state.or.us prior to sending Notification of Planned Action.

- 1) ODDS will identify if the individual is someone who may lose Medicaid as a result of losing DD eligibility.

- 2) ODDS will work with each eligibility specialist on a case by case basis in these situations to ensure no person shall lose Medicaid as a result of a termination of DD Eligibility

Communication/training: This transmittal will be discussed during the next Monthly Transmittal Review. These meetings are held the second Wednesday of every month at 2 pm using the TEAMS platform. The link to participate is here: [Join Microsoft Teams Meeting](#), or you can call [971-277-2343](tel:971-277-2343) using conference ID: 403 980 561# to hear only the audio portion of the meeting. Please send questions in advance to ODDS.INFO@state.or.us.

ODDS Diagnosis & Evaluation Unit consultation and Statewide Eligibility Specialist meeting discussion as needed.

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): ODDS D&E Coordinators	
Phone:	Fax:
Email: ODDS.DE@dhsosha.state.or.us	