Resuming Developmental Disabilities Eligibility Redeterminations

Policy/rule title: Resuming Developmental Disabilities Eligibility Redeterminations
Policy/rule number(s): 411-320-0080(1) OAR 411-320-0080(4) through (9)
Effective date: March 1, 2021
Version 2 August 4, 2021
Version 3 November 18, 2021
Release number: 3
Expiration date: TBD
References:
Web address:
Discussion/interpretation: Most recent updates are noted in ADA compliant red bold text.

November 2021 Updates – removal of COVID19 Emergency Eligibility Redetermination Suspension/Extension notice; condensed duplicative text where appropriate; updated redetermination extension policy and loss of Medicaid timelines.

August 2021 Updates – this policy update provides information on eligibility redeterminations resulting in a termination and the COVID-19 Reopening Guide.

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 I/DD eligible following a redetermination, and a Notice of Planned Action (NOPA) should be issued, refer to the CME Reopening Worker Guide. Also 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 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 Redetermination Extension request to ODDS to allow additional services to continue until required eligibility testing can be obtained and reviewed.

**Resuming Eligibility Redeterminations Process:**

For any individual who requires a redetermination, CDDPs shall:

1) Send the Redetermination Notice (5101) or the Presumed Eligible Redetermination Notice (posted on the: [ODDS COVID19 Resources page](#)) to individuals requiring eligibility redeterminations eligibility under OAR 411-320-0080(1) – (9), at least 30 days prior to the termination notice.
   a. If individuals were previously sent a 5101 and informed the redetermination is suspended, a new notice must be sent notifying the individual the redetermination process is resuming.

2) Submit a **1-year extension request to ODDS** if the eXPRS eligibility termination date will expire prior to the redetermination and complete the redetermination as timely as possible.

3) Prioritize redeterminations according to Presumed Eligible 12-month determinations, **expiring extended redeterminations**, and 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 Redetermination Notice as needed.
   a. For School-Age to Adult redeterminations, CDDP’s should apply OAR 411-320-0080(7)(f)(C) and (D) use of an informal adaptive behavior assessment when possible.
   b. 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 providers should follow Oregon Health Authority guidance on tele-health evaluations.

c. 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 eligibility extension requested if additional time is needed to complete the redetermination.

d. If in-person testing not required, the CDDP should seek tele-health options with providers who can perform assessments via tele-health.

e. If an individual is unable to participate in a required Admin Exam due to COVID-19 illness an extension should be provided

5) Consider use of the Notice of Pending Status (SDS2853) form if an individual is not collaborating or responding to requests to complete the redetermination timely.

6) 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)

7) Multiple Redetermination Extensions per Case - Additional redetermination extensions may not be approved by ODDS when an individual or their representative are not collaborating to complete the redetermination, and the CDDP may implement OAR 411-320-0080(11)(c)(A), and a NOPA is more appropriate.

   a. CDDP’s should track redetermination extensions, and reasons why a redetermination was not completed timely
   b. Good Cause explanations may be requested by ODDS when a case has had multiple extension requests

8) Notification of Planned Action (NOPA) - If a redetermination results in termination of DD eligibility the CDDP must:

   i. Follow the Case Management Reopening Guide to identify if the loss of DD services may impact Medicaid benefits.
   ii. 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.
   iii. Follow the Redetermination Resulting in Adverse Action section below.

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
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. If the individual’s impairments are obvious, and an adaptive by a Qualified Professional has already been completed (e.g. over three years old), schedule an informal adaptive assessment to complete the redetermination of eligibility.

**Redeterminations 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 and the CDDP must continue to identify if the individual will lose Medicaid as a result of loss of I/DD Eligibility, and:

1) Enter the eXPRS eligibility redetermination termination

2) **To maintain Medicaid (e.g. 300%/PMDDT) for eligibility redetermination termination situations (all others, skip to step 3):**
   Submit a DDEE (0337) requesting that the Technical Assistance Unit (TAU), add a new eXPRS line for “Other” Disability, add “COVID coding” in the notes section with a **12/31/2022 termination date** (subject to extension based on the federal public health emergency end date); this will allow data collection in the future.

3) **For all terminations,** send a NOPA terminating DD eligibility and all 1915(k) plan services due to not meeting I/DD eligibility criteria per OAR 411-318-0020(2)(b)(B). The **Eligibility Determination Notice Worker Guide** should be used for eligibility OAR’s, and the notice should include service specific OAR’s such as:
   a. Behavior: 411-304-0130(2);
   b. 24 Hour: 411-325-0390(2);
   c. Supported Living: 411-328-0790(2);
   d. Children’s Foster Care: 411-346-0240(2);
   e. Host Homes: 411-348-0390(2);
   f. Adult Foster Care: 411-360-0190(2);
   g. Ancillary: 411-435-0030(1)
   h. Community Living Services: 411-450-0030(2)

4) The CDDP must make documented attempts of monthly contact and/or provide monthly waiver services (case management, or any other waiver service).

5) **ODDS and TAU will extend eXPRS 12/31/2021 termination dates for Loss of Eligibility/Medicaid (COVID) cases to 12/31/2022.** ODDS will provide future
guidance on sending a new NOPA at the end of the Public Health Emergency, to end services provided to those who would otherwise lose Medicaid.

6) When waiver services are required to continue (to preserve Medicaid eligibility) ODDS recommends that CDDP case management activities include inquiries about any new medical, psychological, or adaptive information that may become available prior to the end of the PHE.

   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

Communication/training:
This transmittal will be discussed during the next Monthly Transmittal Review. Please send questions in advance to ODDS.Questions@dhsoha.state.or.us.

The Monthly Transmittal Reviews are held the second Wednesday of every month at 2 pm using the Zoom platform. Please register in advance for these meetings: https://www.zoomgov.com/meeting/register/vJIsc-qvqD8iGURx5OQk8TAdIS6Arg9ZAf4

After registering, you will receive a confirmation email containing an appointment and information about joining the meeting. American Sign Language (ASL) and live captioning will be provided. To request other accommodations or languages, please send an email to ODDS.Questions@dhsoha.state.or.us at least three business days prior to the meeting.

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 Diagnoses & Evaluation Coordinator
Email: ODDS.DE@dhsoha.state.or.us