

Policy Transmittal Developmental Disabilities Services



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Number: DD-PT-21-009
Issue date: 2/24/2021

Topic: Disability Determination

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 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:	Presumed Eligible Policy - COVID19		
Policy/rule number(s):	DD-PT-21-008 (Reopening Redeterminations/Terminations); OAR 411-320-0080(1)	Release number:	
Effective date:	3/1/2021	Expiration date:	TBD
References:	https://www.oregon.gov/oha/HSD/OHP/Pages/ohp-covid-19.aspx		
Web address:	https://www.oregon.gov/DHS/SENIORS-DISABILITIES/DD/Pages/ODDS-COVID-19-information.aspx		

Discussion/interpretation: This policy replaces APD-PT-20-025, now obsolete, with Presumed Eligible determination guidance for COVID19, adherence to ODDS

COVID19 policy. For information about eligibility redeterminations for developmental disabilities, see [DD-PT-21-008](#).

Community Developmental Disabilities Program (CDDP) Eligibility Specialists should continue to follow all recommended preventative measures as released by the Oregon Health Authority (OHA) here: Oregon Health Authority's COVID-19 website: www.healthoregon.org/coronavirus/ and the Office of Developmental Disability Services on the [ODDS COVID-19 Information Webpage](#).

Implementation/transition instructions: PRESUMED ELIGIBILITY criteria is established in OAR 411-320-0080(1), effective 10/15/2020, and *must* be utilized when full Oregon Administrative Rule (OAR) eligibility is not possible due to COVID19 related issues until this policy is lifted. **For all actions, staff must clearly progress note changes due to the COVID-19 emergency policy.**

CDDP Eligibility Specialists (ES's) must follow the below practices when completing **Presumed Eligible Determination** activities:

1. **Remote eligibility activity** - All eligibility activities (including applicant and clinician contact) may be completed remotely. Specifically, in-person activities (such as intakes and interviews) may be completed by phone, or secure telehealth technology, when possible to avoid in-person contact and limit risk of spreading the infectious disease. Additionally, please request all medical records, school records, and other required documentation electronically or by mail.
2. **Remote Telehealth** - Eligibility Specialists may accept evaluations from psychologists that were completed remotely until this policy is lifted.
 - a. **Adaptive Assessments** - Telehealth evaluations with adaptive assessments completed with telehealth technology (i.e. phone or secured video technology) have been allowable by the Centers for Medicaid/Medicare Services (CMS) and Oregon Health Authority (OHA), and may continue.
 - b. **Neuropsych/Intelligence testing (new)** - or other evaluation tools that have historically been administered in-person will now temporarily be accepted if administered via telehealth, in accordance with [December 2020 CMS modifications for procedure codes 96130 – 96133](#), using CMS guidelines for Place of Service (POS) 02 = Telehealth. Telehealth Procedure Codes allowed by OHA currently are: 90785, 90791, 90792, 96116, 96121, 96130, 96131, 96132, 96133, 96136, 96137, 90889, H1011

- c. In the event an in-person or telehealth evaluation or assessment is required by 411-320 and cannot be completed, apply below Presumed Eligibility protocols as identified in this policy.

Presumed I/DD Eligibility Criteria – In response to COVID-19, Presumed Eligible is a temporary eligibility status and policy change for new intellectual or developmental disability determinations, if an administrative evaluation is not possible but is required for full OAR 411-320 eligibility. Whenever possible, OAR 411-320 should be followed if current documentation is available or telehealth technology will provide required eligibility documentation for the rule. When full OAR eligibility is not possible, CDDP's must consider an individual Presumed Eligible if OAR 411-320-0080(1) is met.

Presumed I/DD Eligibility policy:

- 1) **Progress Notes** must clearly identify why Presumed Eligibility policy is used for an applicant, the temporary eligibility and redetermination period, and the Presumed Notice sent.
- 2) **Tracking** - CDDP's and Eligibility Specialist must manually track all Presumed Eligible determinations and begin to redetermine eligibility within 1 year of the determination notice date, and redetermination dates until a full OAR eligibility determination has been completed. ODDS will request tracking data as the need demands.
- 3) **Notices** - [The Notice of Presumed Eligible Status/COVID-19 Policy form](#) MUST be completed as follows:
 - a) Indicate "Presumed Eligible" with the presumed qualifying condition in the "due to" reason;
 - b) Indicate redetermination required "*Other: XX/XX/2022*" using the 12-month termination date entered in eXPRS, consistent with 12-months from the Notice of Determination Date of Notice;
- 4) **eXPRS Eligibility** - eXPRS eligibility must have a termination date manually entered for 12 months from the Notice of Determination Date of Notice.
- 5) **Timelines** - Eligibility should be processed timely and not delayed unnecessarily. If the OAR 411-320 requirements are not met by current available records, the Eligibility Specialist should implement Presumed Eligibility **within 30 days** of identifying a possible Presumed Eligibility determination.
 - a) **Decision Notices** - A decision notice should be sent **within 10 days** of obtaining Presumed Eligibility documentation as noted above.
 - b) **Determinations** - A determination should be made **within 90 days** of receiving the signed and dated Request for Eligibility Determination (form 0552) and

release of information forms, unless applying OAR 411-320-0080(11)(c)(B) (effective 10/15/2020) “There is an emergency beyond the control of the CDDP.”

6) Staff should refer to [DD-PT-21-008](#) Eligibility Redeterminations policy for guidance on redeterminations specific to Presumed Eligible determinations.

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](#) 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.

Eligibility related transmittals are also reviewed during monthly Statewide Eligibility Specialists (ES) meetings, hosted by the ODDS Diagnoses & Evaluation Coordinators, the last Monday of each month. The link to participate in the monthly ES meetings is here: [Click here to join the meeting](#) or you may call [+1 971-277-2343, 914586225#](#) to participate by phone (Phone Conference ID: 914 586 225#) for audio only.

Local/branch action required: Review with staff who complete Eligibility Determination tasks prior to March 1, 2021 and implement Presumed Eligible and related transmittals beginning for March 1, 2021.

Central office action required: Monthly Transmittal and Statewide ES Meeting review; Provide ongoing training as needed.

Field/stakeholder review: Yes No

If yes, reviewed by: ODDS Engagement & Innovations website.

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	