

## **Public Notice: Oregon Project Independence and Family Caregiver Assistance Program Demonstration Waiver Application**

The Oregon Department of Human Services (ODHS), Office of Aging and People with Disabilities (APD), working with the Oregon Health Authority (OHA), is applying for Section 1115 Demonstration Waiver authority to provide services to older adults and people with disabilities through Oregon Project Independence and a new Family Caregiver Assistance Program.

### **Public Input:**

APD and OHA seek your comments, questions and suggestions on the proposed demonstration. APD has posted the full application and supporting materials at the following website: <https://www.oregon.gov/dhs/seniors-disabilities/KPLAN/Pages/1115-Demonstration-Waiver.aspx>. Copies of the full applications and supporting materials may also be requested by contacting APD Beth Jackson at [Beth.Jackson3@dhsoha.state.or.us](mailto:Beth.Jackson3@dhsoha.state.or.us).

After receiving and reviewing public comment, APD and OHA will add the comments received and modify the application before submitting the application and materials to the Centers for Medicare and Medicaid Services (CMS).

The public comment period for this demonstration is from Friday, September 24, 2021, through Sunday, October 24, 2021, at 5 p.m. PDT. Comments received within 30 days of the posting of this notice will be reviewed and considered for revisions to or inclusion in the application. You can provide comments by:

- Attending one or both public meetings on the demonstration application (see public hearing information below);
- Attending the Oregon Home Care Commission meeting to learn about the demonstration application (see public meetings information below);
- Emailing public comments to APD Beth Jackson, [Beth.Jackson3@dhsoha.state.or.us](mailto:Beth.Jackson3@dhsoha.state.or.us).
- Mailing public comments to: Oregon Department of Human Services, Attn: Beth Jackson, 500 Summer St NE, Salem, OR 97301.

### Public Meetings:

The public may attend any of the following public meetings to learn more about the proposed demonstration, provide public comment and to observe any public comment offered on the proposed demonstration. The public may attend and participate by Zoom or by phone. Please note: If you wish to provide comment, please join the public hearing by Zoom or by phone no later than 15 minutes after the start time listed.

#### Public Hearing 1:

Friday, October 1, 2021, 11 a.m. to Noon. PDT

<https://www.zoomgov.com/j/1601654859?pwd=YXoyUUdqUU9NWXJLTUNJa3daVdyZz09>

Call: 1-669-254-5252

Meeting ID: 160 165 4859

Passcode: 075715

#### Public Hearing 2:

Monday, October 4, 2021, 9 to 10 a.m. PDT

<https://www.zoomgov.com/j/1603728424?pwd=eFZZbjRnMkViSyttQjFkbTV5QVE5QT09>

Call: 1-669-254-5252

Meeting ID: 160 372 8424

Passcode: 352331

Oregon Home Care Commission Meeting

Thursday, October 7, 10 a.m. to 1 p.m. PDT – By Zoom video conferencing or by phone

<https://www.zoomgov.com/j/1613757773?pwd=a2lxWFJUVD RqVIBlkZWSmdaM WUrdz09>

Call: 1-669-254-5252

Meeting ID: 161 375 7773

Passcode: 045580

## **Background**

In 1981, legislation created the Home and Community-Based Services (HCBS) waiver program. Oregon used the opportunity to begin offering a wide array of home and community-based services for older adults and adults with disabilities. Oregon has worked to reduce the number of older adults and adults with disabilities in nursing facilities and help them to live successfully where they want to live.

While Oregon is proud of the services it has been able to offer to older adults and adults with disabilities, a gap remains. The gap exists for individuals not yet eligible for Medicaid HCBS, yet who have limited income and are at risk of entering the Medicaid system. Some of the individuals receive care from family or unpaid caregivers, while others do not have a caregiver for support with Activities of Daily Living.

Currently, Oregon serves approximately 36,000 consumers with Medicaid long-term services and supports, with over half of these consumers being served in their own homes. Over 85 percent are served outside of nursing facilities. With the current system serving this number of individuals, it is clear Oregon needs a more robust set of alternative services that can provide a limited, preventative array of services and supports so that a greater number of older adults and younger adults with disabilities can maintain their independence and continue living in their own homes.

APD, in coordination with OHA, plans to fill this gap through two programs: Oregon Project Independence (OPI) and a new Family Caregiver Assistance Program (FCAP). The programs have an intentional focus on person-centered, consumer-driven services to help more older adults and adults with disabilities maintain their independence with limited resources. Oregon is dedicated to creating services that are culturally and linguistically responsive to Oregon's diverse population, so all feel welcome to access services.

### **Overview:**

This Demonstration creates a federally matched program of OPI and the FCAP for older adults and adults with physical disabilities who are not currently accessing Medicaid programs. These programs provide limited services and supports to individuals at risk of entering the Medicaid long-term services and supports system, with the intent to assist individuals to either avoid or delay entering the Medicaid system. Individuals found eligible would only receive the services defined below. They would not be eligible to receive additional services through the State plan or any other waivers. An individual eligible for any Medicaid funded program would be informed of their eligibility and allowed to choose which program from which they would like to receive services.

Both proposed programs would meet the following goals and objectives:

- Support older adults and people with disabilities to live their lives safely, with independence, choice and dignity;
- Delay or prevent a portion of consumers becoming eligible for the full Medicaid, and offer an alternative to those who may otherwise be Medicaid-eligible but who choose not to receive all Medicaid services; and
- Leverage avoided costs to maintain and improve Medicaid long term services and supports for consumers who utilize them.

With this Demonstration, Oregon will create a stronger infrastructure to sustain services and supports for older adults and adults with disabilities at risk of accessing current Medicaid long-term services and supports, while maintaining their independence.

Through OPI, the demonstration will replicate the current OPI program while serving more individuals with federal matching funds. Currently, OPI serves

approximately 2,350 individuals statewide. The demonstration is projected to serve up to 4,500 (including the 2,350 currently served) individuals in its initial years. Federal matching funds will permit local programs to serve younger adults with disabilities, whose participation has been limited to only one third of Oregon counties. OPI services include, yet are not limited to, case management, in home support and personal care services, adult day services, home delivered meals, assisted transportation, assistive technology, and other supports. Approximately \$5 million of General Funds allocated by the Oregon Legislature would not be matched to ensure that Aging and People with Disabilities (APD) can continue to provide OPI services to those who cannot participate in the Medicaid Program.

Through a sustainable foundation of federal and state funds, the new FCAP would support consumers whose family members have chosen to care for their loved ones in their own homes. Consumers would be eligible to receive services and supports totaling no more than \$500 per month, with an annual increase in the monthly benefit limit to meet the annual increase due to inflation. Consumers would be able to choose from a list of services to support and sustain the caregiving relationship, such as: caregiver respite, adult day services, transportation, assistive technology, caregiver training and education, and other services that the consumer finds compatible with the caregiving relationship they have with their caregiver. This program would not replace the Older Americans Act funded Family Caregiver services. Rather, it would build on that successful program to serve additional individuals. The demonstration anticipates serving up to 1,800 consumers and their caregivers in its initial years.

With both programs, consumers will receive limited services tailored to their needs and life choices that are culturally and linguistically responsive to each consumer's needs. These programs can help avoid unnecessary hospitalizations or acute emergency medical care and out-of-home placement in an institutional or community long-term care setting.

These programs will further the objectives of the Title XIX program by assisting individuals to remain independent so they can delay or avoid entry into Medicaid services. This also furthers the sustainability of the Title XIX program by saving both federal and state funds in the future. Specifically, as described below, this Demonstration will test the following hypotheses:

- The limited benefit program will give the consumer a higher quality of life and satisfaction with the services received; and
- The limited benefit program slows the projected increase in the number of individuals accessing Medicaid services and saves federal funds for the Title XIX program.

The Demonstration will not modify or affect other components of Oregon's Medicaid and CHIP programs. The individuals served by these programs will have access limited to the Demonstration's benefits. They would not be eligible to receive other Medicaid State plan or waiver services.

The proposed eligibility criteria for both programs are:

- Age 18 or older
- Income at or below 400% of the Federal Poverty Level (FPL)
- Resource limit up to the average cost of six months in a nursing facility, as the goal of these two programs is to make it possible for consumers to live independently at home.
- APD would use its Service Priority Level system. The system has 18 levels to describe needed assistance with Activities of Daily Living. Medicaid currently serves levels 1-13, while the focus of the demonstration would be individuals who fall within levels 1-18.

Consumers participating in the demonstration programs would be exempt from estate recovery while they are accessing these programs. Consumers would not be subject to cost sharing requirements, and the demonstration will utilize the existing fee-for-service delivery system and payment rates as they are currently constituted in the State Plan and Medicaid waivers in Oregon. The demonstration would not have an impact on the current beneficiaries of Medicaid services, but these programs, by the demonstration's design, may serve new consumers in the future who may have otherwise entered into the current Medicaid system.

**Additional Information:**

Hypotheses and Evaluation Parameters

The following hypotheses will be tested:

<b>Hypothesis</b>	<b>Evaluation Approach</b>
The limited benefit program will give the consumer a higher quality of life and satisfaction with the services received.	The state will use an evaluation that compares the consumer’s functional abilities with Activities of Daily Living at redetermination to track overall service outcomes and will use survey data of consumers to evaluate self-reported data on satisfaction and assessment of the quality of life.
The limited benefit program slows the projected increase in the number of individuals accessing Medicaid services and save federal funds for the Title XIX program.	The state will compare the number of individuals served and the federal cost per case against the projected number of people served in the Medicaid program and cost per case if no Demonstration existed.

Waiver and Expenditure Authorities Requested

At a minimum, the State requests the following waiver authorities:

<b>Waiver Authority</b>	<b>Use for Waiver</b>	<b>Reason for Waiver Request</b>
Section 1902(a)(10)(B)	Authority to vary the amount, duration, and scope of benefits for individuals participating in Oregon Project Independence and the	Individuals in the at-risk for Medicaid group will have access to a limited set of benefits that are less than individuals who receive Medicaid long-

<b>Waiver Authority</b>	<b>Use for Waiver</b>	<b>Reason for Waiver Request</b>
	Family Caregiver Assistance Program.	term services and supports.
Section 1902(a)(17)	Authority to apply a more liberal income and resource standard for individuals determined at risk for future entry into the Medicaid long-term services and supports system.	The State will establish a new eligibility category for individuals who do not currently meet the financial or institutional level of care eligibility criteria, but who are identified as being at risk for future need for Medicaid long-term services and supports.
Section 1902(a)(17)	Authority to provide the benefit packages of the Oregon Project Independence and Family Caregiver Assistance Program for the at risk for Medicaid group.	Individuals in the at-risk for Medicaid group established under the Demonstration will have access to a more limited set of benefits than individuals who qualify for Medicaid-funded long-term services and supports.

In addition, the State requests the following expenditure authorities:

<b>Waiver Authority</b>	<b>Use for Waiver</b>	<b>Reason for Waiver Request</b>
<u>Section 1903</u>	Authority to receive federal matching dollars for services provided to	This expenditure authority will allow the State to receive federal matching payments for



	the at-risk for Medicaid group.	services delivered to the at-risk for Medicaid population.
--	---------------------------------	--

Financing and Budget Neutrality:

To manage the expenditures in this Demonstration, Oregon proposes to use an aggregate approach to show the annual federal costs of individuals accessing Medicaid long-term services and supports with the Demonstration will not exceed the projected costs over the five years of the Demonstration absent the Demonstration.

To show budget neutrality, Oregon will use a baseline of historic federal expenditures for Medicaid long-term services and supports from CY 2016-2020, and the projected costs of the federal share for Medicaid long-term services and supports from CY 2022-2026.

A budget neutrality Excel workbook will be provided to include:

- Historical enrollment, trends, and expenditures;
- Estimated enrollment, trends, and expenditures for Medicaid consumers under the Medicaid long-term services and supports program *without the Demonstration*;
- Estimated enrollment, trends, and expenditures for Medicaid consumers under the Medicaid long-term services and supports program and the hypothetical enrollment, trends, and expenditures for consumers in the OPI and FCAP programs *with the Demonstration*; and
- Budget neutrality summary of the costs *with and without the Demonstration*.

The other data shows the projected reduction in the rate of increase of the state's Medicaid LTSS caseload, comparing the projected rolling-month number of consumers from CY2022-2026 without the Demonstration, and the reduction in this projection for the five-year projection of consumers with the Demonstration in place.

You can get this document in other languages, large print, braille or a format you prefer. Contact Beth Jackson with the ODHS Office of Aging and People with Disabilities at [Beth.Jackson3@dhs.ohio.gov](mailto:Beth.Jackson3@dhs.ohio.gov).