

## **REQUEST FOR COMMENTS**

### **PROPOSAL TO COMMENT ON OREGON 1915(c) #0185 AGING AND PHYSICALLY DISABLED WAIVER AND OREGON 1915(b)(4) FEE-FOR-SERVICE SELECTIVE CONTRACTING PROGRAM**

**COMMENTS DUE: OCTOBER 1, 2021**

#### **BACKGROUND:**

Oregon Department of Human Services, Office of Aging and People with Disabilities (APD), is in the process of renewing two waivers. The 1915(c) #0185 Aging and Physically Disabled Waiver provides case management services to help individuals gain access to needed medical, social, educational, and other services. The waiver also provides community transition services to support individuals who want to transition from an acute care hospital or licensed care setting to an in-home setting. For individuals over the standard Medicaid income level, monthly waived services allow them to access all other Long-Term Services and Supports (LTSS) benefits funded through the 1915(k) for which they are determined eligible.

The 1915(b)(4) Fee-For-Service Selective Contracting Program, also known as the Case Management Freedom of Choice Waiver, lets Oregon choose to only contract with specific qualified providers for case management services offered in the 1915(c). Through this selective contracting, Oregon provides case management services through Area Agencies on Aging, willing Tribes, and APD offices. This selective contracting ensures that ongoing case management is coordinated with all of the other services provided to eligible individuals.

#### **PROPOSAL:**

The Oregon Department of Human Services, Office of Aging and People with Disabilities, is asking for review and comment on its submission of the renewals for the 1915(c) and 1915(b)(4) waivers. The current waivers expire December 31, 2021. The waiver renewal applications will be submitted as drafts by August 31, 2021, with an effective date of January 1, 2022, and will run for an additional 5 years, through December 2026.

On March 11, 2021, President Biden signed the American Rescue Plan Act of 2021 (ARP). The ARP provides a temporary 10 percentage point increase to the federal medical assistance percentage (FMAP) for Medicaid Home and Community-Based Services (HCBS) expenditures. State savings from the increased match must be reinvested to support HCBS. APD plans to submit the following requests to CMS when filing the waiver renewals.

- For the 1915(c) Waiver, APD will eliminate the client contribution for in-home consumers. Currently, in-home consumers are allowed to keep up to \$1,294/month. Any income above that amount must be contributed toward the cost of services. With this change, in-home consumers would no longer need to pay for their services.
- For the 1915(b)(4) and 1915(c) Waivers, APD will add Housing Supports Services to assist consumers who want to transition or want to maintain living outside of facilities.

In response to preparing for the end of the Public Health Emergency (PHE), APD plans to submit the following.

- For the 1915(c) Waiver, to request a permanent change tied to the Person-Centered Service Plan that when written signature is not possible, an alternative signature method may be used. The methods include the use of e-signatures that meet privacy and security requirements, email signatures, and/or person-centered plan coordinators who can provide documented verbal consent.

**EFFECTIVE DATE OF NOTICE: SEPTEMBER 1, 2021**

**ADDITIONAL INFORMATION LOCATED AT:**

<https://www.oregon.gov/dhs/seniors-disabilities/KPLAN/Pages/index.aspx>

**HOW TO COMMENT:** Send written comments by fax, mail or email to:

Beth Jackson  
Oregon Department of Human Services  
500 Summer Street NE  
Salem, Oregon 97301  
Fax: 503-947-4245, Attn: Beth Jackson

Email: [Beth.Jackson3@dhsoha.state.or.us](mailto:Beth.Jackson3@dhsoha.state.or.us)

**NEXT STEPS:** ODHS will consider all comments received prior to the official waiver renewal submissions.