

**CHAPTER 411
DIVISION 15**

SERVICE PRIORITY/CLIENTS SERVED

411-015-0000 Purpose

The purpose of establishing priorities for persons to be served is to assist the Division in addressing the following goals:

- (1) To enable persons eligible for and receiving services to remain in the least restrictive and least costly setting consistent with their care needs; and
- (2) To serve those persons who are the most functionally impaired and who have no or inadequate alternative service systems; and
- (3) To assure access to services paid by the Division to eligible persons; and
- (4) To assure that services paid by the Division, and the setting in which they are provided are safe and adequate; and
- (5) To manage limited resources to enable the greatest possible number of persons to receive needed services through a priority system based on the Division's assessment of the client's functional impairment and alternative service resources.

411-015-0005 Definitions

- (1) "Activities of Daily Living (ADL)" means those personal functional activities required by an individual for continued well-being which are essential for health and safety. This includes, but is not limited to eating, dressing/grooming, bathing/personal hygiene, mobility, bowel

and bladder management, and cognition.

- (2) "ADL-Dependency" means the person is dependent on another person to perform the task. The person cannot perform the activity of daily living task even with mechanical aids; or the person could perform the ADL task, but has been ordered not to by the physician. The performance problem may arise from the person's physical impairment (including limited endurance) or cognitive impairment.
- (3) "ADL-Assistance" means the person performs the task, with mechanical aids if needed, only if assisted by another person. The performance problem may arise from the person's physical impairment (including limited endurance) or cognitive impairment.
- (4) "ADL-Independent" means the person can perform the ADL task without assistance of another person or needs reminding.
- (5) Dependency, assistance and independent is defined for each activity of daily living as follows:
 - (a) Mobility
 - (A) Independent means the person can get around in familiar surroundings without the assistance of another person.
 - (B) Minimal assistance means the person can get around inside without assistance but needs assistance of another person outside.
 - (C) Substantial assistance means the person needs occasional assistance of another person both inside and outside.
 - (D) Dependency means the person cannot get around without regular assistance of another person or cannot transfer without the assistance of another person.

(b) Eating

- (A) Independence means the person can prepare at least some meals or eat in congregate meal sites, dining rooms, or restaurants independently.
- (B) Assistance means the person needs assistance of another person in serving or cutting food, or needs assistance of another person to eat in a congregate meal site, dining room, or restaurant.
- (C) Dependency means the person must be fed by another person (including IV or tube), or needs standby assistance at all times, or always needs assistance with feeding appliances.

(c) Toileting

- (A) Independent means the person can manage toileting or bowel or bladder continence care independently.
- (B) Assistance means the person needs the assistance of another person for getting to the toilet, or for assistance with any part of the task.
- (C) Dependency means a person is incontinent of bowel or bladder and is dependent on others to manage care and is dependent on another person to manage catheter care.

(d) Bathing/Personal Hygiene

- (A) Independent means a person can manage bathing and personal hygiene with some reminding.
- (B) Assistance means a person requires the assistance of

another person to bathe and manage personal hygiene, including standby assistance.

(C) Dependency means a person is dependent on another person for bathing and personal hygiene.

(e) Dressing/Grooming

(A) Independent means a person can dress and manage grooming independently or with reminding.

(B) Assistance means a person needs assistance of another person to do parts of dressing and grooming.

(C) Dependency means a person must be dressed and groomed by another person.

(f) Cognition

(A) Independent means a person who functions independently in familiar surroundings or may need some reminding or assistance with decisions.

(B) Assistance means a person who is sometimes disoriented and needs supervision of another person some of the time because of occasional wandering or inappropriate behavior.

(C) Dependency means a person has a cognitive impairment or dementia and requires supervision all or most of the time because of extreme confusion, disorientation, or inability to make critical decisions regarding daily living.

(6) "Alternative Service Resources" means other possible resources for the provision of services to meet the person's needs. This includes, but is not limited to, natural physical/social support systems, Risk

Intervention services, Older Americans Act programs, or other community resources. If a person's needs cannot be met at a minimum adequate level by such resources, they are not adequate.

- (7) "Assessment" means the process of identifying the functional impairment levels including the person's dependency, need for assistance, and independence in performing activities of daily living by using the currently designated instrument, form SDS 360, or an approved supplement.
- (8) "Division" means the Senior and Disabled Services Division.
- (9) "Functional Impairment" means a person's pattern of mental and physical limitations which, even in the best of environments, permanently or temporarily restrict his or her capability of functioning independently.
- (10) "Service Priority" means the order in which Division clients are to be provided paid services.
- (11) "Home and Community Based Care Waiver Services" means services approved for Oregon by the Health Care Financing Administration in accordance with Sections 1915 (c) and 1915 (d) of Title XIX of the Social Security Act.

411-015-0010 PRIORITY OF PAID SERVICES

To meet eligibility requirements for the Senior and Disabled Services Division programs, a person must meet at least the functional impairments in the following order and at the level of priority as designated in OAR 411-015-0015.

- (1) Dependent in Mobility, Eating, Toileting, and Cognition.
- (2) Dependent in Mobility, Eating, and Cognition.

- (3) Dependent in Mobility, or Cognition, or Eating.
- (4) Dependent in Toileting.
- (5) Needs substantial assistance with mobility, assistance with toileting and assistance with eating.
- (6) Needs substantial assistance with mobility and assistance with eating.
- (7) Needs substantial assistance with mobility and assistance with toileting.
- (8) Needs minimal assistance with mobility and assistance with eating and toileting.
- (9) Needs assistance with eating and toileting.
- (10) Needs substantial assistance with mobility.
- (11) Needs minimal assistance with mobility and assistance with toileting
- (12) Needs minimal assistance with mobility and assistance with eating.
- (13) Needs assistance with toileting.
- (14) Needs assistance with eating.
- (15) Needs minimal assistance with mobility.
- (16) Dependent in bathing or dressing.
- (17) Needs assistance in bathing or dressing.
- (18) Independent in the above levels but requires structured living for supervision for complex medical problems or a complex medication regimen.

411-015-0015 Current Limitations

The Division has the authority to establish by Administrative Rule the priority level within which to manage its limited resources. The Division is currently able to serve:

- (1) Persons assessed as being eligible for Title XIX or GA funded services if they meet at least one of the priority levels (1) through (17) of OAR 411-015-0010.
- (2) Persons eligible for Oregon Project Independence funded services if they meet at least one of the priority levels (1) through (18) of OAR 411-015-0010.
- (3) Persons needing Risk Intervention Services in areas designated to provide such services. Persons with the greatest priority under OAR 411-0015-0010 will be served first.
- (4)
 - (a) Persons sixty-five years of age or older having a primary diagnosis of mental illness or developmental disability are eligible for nursing facility and community based care services if they meet Sections (1), (2), or (3) of this rule and are not in need of specialized mental health treatment services or other specialized Mental Health and Developmental Disability Services Division (MHDDSD) residential program intervention as identified through the PASARR or MHDDSD assessment process.
 - (b) Persons under sixty-five years of age having a primary diagnosis of mental illness or developmental disability are not eligible for SDDS nursing facility services unless determined appropriate through the PASARR process.
 - (c) Persons under sixty-five years of age whose primary diagnosis and primary need for service is due to mental illness or

developmental disability are not eligible for Title XIX Home and Community Based Care Waivered Services paid for under the SDDS 1915(c) Waiver.

411-015-0100 Eligibility for Nursing Facility or Community-Based Care Services

- (1) To be eligible for nursing facility or community-based care services under the Title XIX (Medicaid) or General Assistance (GA) programs, a person must:
 - (a) Be age 18 or older; or age 17 or younger and currently reside in a nursing facility; and
 - (b) Be eligible for Title XIX or GA pending SSI (Federal Supplemental Security Income Program); and
 - (c) Be eligible for nursing facility services or documented as eligible for services through the Title XIX Home and Community-Based Care Waiver; and
 - (d) Meet the functional impairment level within the service priority levels currently served by the Senior and Disabled Services Division as outlined in OAR 411-015-0000; or
 - (e) Be eligible to have services paid through the State Spousal Pay Program.
- (2) Payment for nursing facility or community-based care services for persons eligible for GA but not pending SSI must be prior authorized by the Division's Central Office staff.