

**DEPARTMENT OF HUMAN SERVICES
SENIORS AND PEOPLE WITH DISABILITIES DIVISION
OREGON ADMINISTRATIVE RULES**

CHAPTER 411

**DIVISION 40
HOME DELIVERED MEALS**

411-040-0000 Home Delivered Meals

(Amended 6/1/2004)

(1) Home delivered meals, exclusive of those funded through the Older Americans Act or Oregon Project Independence, constitute a service that can be provided as part of a waived services care plan to assist a client to remain in his/her own home.

(2) Payment for meals delivered to the client at his/her home may be provided when other plans do not appear feasible and home delivered meals are determined by the Department's local unit to be more appropriate for the client's needs than nursing facility care. The cost for these meals shall be calculated into the service plan in conjunction with in-home services provided by a client-employed provider or a home care agency.

(3) All requests for home delivered meals will be referred to the Department's local unit.

(4) The Department's unit staff are responsible for establishing, authorizing, purchasing and monitoring a plan for home-delivered meals.

(5) Clients who are required to make a monthly payment under OAR 461-185-0050 in order to remain eligible for Medicaid waiver services must have their home-delivered meal costs calculated in conjunction with their in-home service provider costs.

(a) To remain eligible for waiver services, pay-in clients are responsible for payment of authorized home-delivered meals received up to their specified monthly pay-in amount. Client payments

due for meal services are to be included as part of the monthly sum sent to the Department's pay-in unit rather than making any direct payments to the meal provider.

(b) The Department is responsible for direct payments made to providers for all authorized home-delivered meals to waiver service eligible clients. Direct payment from the Department includes meals paid through the client's monthly pay-in and for meals that exceed the client's total monthly liability.

(6) For clients whose meals are delivered through an Older Americans Act meal service program, which also contracts as a Medicaid home delivered meals provider:

(a) Clients receiving home-delivered meals authorized and paid for by the Department shall be officially informed by the case manager that there is no obligation to make any voluntary or suggested donation for this service. However, if the client chooses to make a voluntary donation, there is no restriction from doing so.

(b) If the client has a monthly payment to the Department under OAR 461-185-0050 in order to remain eligible for services, the criteria in both subsections (5) and (6) (a) of this rule applies to them.

(c) A client who meets the criteria in subsections (2) or (5) of this rule and is age 65 or older, may choose to receive meals through the Older Americans Act (OAA) meal service program and can make voluntary donations. For clients required to make a monthly payment under OAR 461-185-0050, these donations may not to be credited toward the pay-in liability. In turn, OAA meal programs are not mandated to provide home-delivered meals to Medicaid waiver service clients, age 65 and older, unless the agency is a Medicaid-contracted meal provider and the meals are authorized and paid for by the Department.

Stat. Auth.: ORS 410 & 411
Stats. Implemented: ORS 410.070