

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

**CHAPTER 411  
DIVISION 40**

**HOME DELIVERED MEALS**

**411-040-0000 Home Delivered Meals**

*(Temporary Effective 12/20/2011 – 6/13/2012)*

(1) Medicaid paid home delivered meals, exclusive of those funded through the Older Americans Act or Oregon Project Independence, constitute a service that may be provided as part of a waived services care plan to assist an individual to remain in the individual's own home.

(2) To be eligible for Medicaid paid home delivered meals, an individual must comply with the Department's October 2008 Nutrition Program Standards for Medicaid Paid Home Delivered Meal Programs.

(3) Applicants determined ineligible to receive Medicaid paid home delivered meals but who need food assistance shall be directed to the nearest AAA or appropriate food assistance programs.

(4) All Medicaid paid providers of home delivered meals must:

(a) Meet the basic, administrative, and program requirements as described in the Department's October 2008 Nutrition Program Standards for Medicaid Paid Home Delivered Meal Programs;

(b) Follow the food service sanitation and safety requirements for Medicaid paid home delivered meals as directed in the Department's October 2008 Nutrition Program Standards for Medicaid Paid Home Delivered Meal Programs;

(c) Provide nutrition education as described in the Department's October 2008 Nutrition Program Standards for Medicaid Paid Home Delivered Meal Programs;

(d) Plan menus that meet the requirements as described in the Department's October 2008 Nutrition Program Standards for Medicaid Paid Home Delivered Meal Programs; and

(e) Establish a means of soliciting participant input as described in the Department's October 2008 Nutrition Program Standards for Medicaid Paid Home Delivered Meal Programs.

(5) The Department's October 2008 Nutrition Program Standards for Medicaid Paid Home Delivered Meal Programs may be found anytime at: <http://www.dhs.state.or.us/spd/tools/cm/hdm/standards.pdf> or is available from the Department upon request

(6) Payment for meals delivered to an individual at the individual's home may be provided when other plans do not appear feasible and home delivered meals are determined by the Department or AAA 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.

(7) All requests for home delivered meals shall be referred to the Department or AAA.

(8) The Department shall establish, authorize, purchase, and monitor the standards for Medicaid paid home delivered meals.

(9) Individuals 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. Payments due for meal services shall be included as part of the monthly sum and the individual must send the payment to the Department's pay-in unit rather than making any direct payments to the Medicaid paid home delivered meal provider.

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

(10) For individuals whose meals are delivered through an Older Americans Act (OAA) meal service program that also contracts as a Medicaid paid home delivered meals provider:

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

(b) The criteria in section (9) of this rule and subsection (a) of this section applies to individuals that must submit a monthly payment to the Department under OAR 461-185-0050 in order to remain eligible for services.

(c) An individual who meets the criteria in sections (6) or (9) of this rule and is age 65 or older, may choose to receive meals through the OAA meal service program and may make voluntary donations. For individuals required to make a monthly payment under OAR 461-185-0050, these donations are not 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 410.070, 411.060, & 411.070  
Stats. Implemented: ORS 410.070