

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

**CHAPTER 411
DIVISION 40**

HOME DELIVERED MEALS

411-040-0000 Home Delivered Meals

(Temporary Effective 7/1/2013 - 12/28/2013)

(1) Home delivered meals, exclusive of those funded through the Older Americans Act or Oregon Project Independence, constitute a service that is provided as part of home and community-based waived or state plan services to assist an individual to remain in his or her own home.

(2) Payment for meals delivered to an individual at his or 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 individual's needs than nursing facility services. The cost for these meals is calculated into the service plan in conjunction with in-home services provided by a consumer-employed provider or a home care agency.

(3) All requests for home delivered meals must 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) Individuals who are required to make a monthly payment under OAR 461-185-0050 in order to remain eligible for home and community-based waived or state plan services must have the home-delivered meal costs calculated in conjunction with the in-home service provider costs.

(a) To remain eligible for home and community-based waived or state plan services, pay-in individuals are responsible for payment of authorized home-delivered meals received up to their specified monthly pay-in amount. Individual 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 individuals receiving home and community-based waived or state plan services. Direct payment from the Department includes meals paid through the individual's monthly pay-in and for meals that exceed the individual's total monthly liability.

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

(a) Individuals receiving home-delivered meals authorized and paid for by the Department must 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 individual chooses to make a voluntary donation, there is no restriction from doing so.

(b) If the individual 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) An individual 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 individuals required to make a monthly payment under OAR 461-185-0050, these donations may not be credited toward the pay-in liability. In turn, OAA meal programs are not mandated to provide home-delivered meals to individuals, age 65 and older, receiving home and community-based waived or state plan services 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