

**NOTICE OF PROPOSED RULEMAKING FILING  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT**

*For internal agency use only.*

|  |  |              |
|--|--|--------------|
| Department of Human Services, Aging and People with Disabilities (APD) | 411                                      |              |
| Agency and Division Name   | Administrative Rules                     |              |
| Chapter Number   |  |              |
| Kristina Krause  | <u>apd.rules@state.or.us</u>             | 503-945-6398 |
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| Filing Contact   | Email                                    | Telephone    |

**FILING CAPTION**

Rule change to extend the date of the Oregon Project Independence Pilot

Last Date and Time for Public Comment: Written comments may be submitted via email to Kristina.R.Krause@state.or.us, faxed to 503-373-7823, or mailed to Kristina Krause, APD Rules Coordinator, 500 Summer Street NE, E2, Salem, OR 97301 until **October 21, 2019 at 5:00 p.m.**

|                   |                  |   |
|-------------------|------------------|---|
| <u>10/16/2019</u> | <u>8:30 a.m.</u> | <u>Human Services Building, 500 Summer St NE, Salem, OR 97301, Room 160 Staff</u> |
| Hearing Date      | Time             | Address   |
|                   |                  | Hearings Officer  |

**RULEMAKING ACTION**

*List each rule number separately (000-000-0000) below. Attach proposed, tracked changed text for each rule at the end of the filing.*

**AMEND:**

411-032-0050

**RULE SUMMARY:**

*Include a summary for each rule included in this filing.*

The Department is proposing to permanently amend 411-032-0050 to expand the date of the OPI pilot program for Adults with Disabilities through June 30, 2021.

**STATEMENT OF NEED AND FISCAL IMPACT**

**Need for Rule(s):**

The Department needs to permanently amend the Oregon Project Independence Pilot rule in 411-032-0050 to continue providing services to adults with physical

disabilities that are currently receiving such services in regionally diverse pilot locations through the Area Agencies on Aging. This rulemaking expands the date of the pilot program to allow the Department to continue providing services through the next biennium.

## **Fiscal and Economic Impact**

### **Statement of Cost of Compliance:**

**(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s).**

The Department estimates that amending OAR 411-032-0050 will have the following fiscal and economic impact:

#### State Agencies:

\$6.22 million in General Funds over a biennium – allocated in the 2019-2021 Regular Session. The Department is retaining 5% of this allocation (\$311,000) for project administration.

#### Units of Local Government:

Area Agencies on Aging (AAAs) will administer the program at a cost of \$5.9 million per biennium. Six of the seven Area Agencies on Aging currently administering the program are units of local government. One AAA is a non-profit organization.

#### Consumers:

Consumers will be served – there is a sliding fee scale associated with services delivered under the rule. A one-time fee is applied to individuals receiving OPI authorized services who have adjusted income levels at or above the federal poverty level.

#### Providers:

The Department estimates there will be a positive economic impact on providers as there will be increased funding for provider payments for goods and services delivered.

#### Public:

The Department estimates there will be no fiscal or economic impact on the public.

**(2) Effect on Small Businesses:**

**(a) Estimate the number and type of small businesses subject to the rule(s);**

This pilot is being administered by 7 selected Area Agencies on Aging. Of these, all 7 may be considered a small business as defined by ORS 183.310.

**(b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s);**

The proposed changes may impact reporting, recordkeeping and other administrative activities as described above in the Department's statement of cost of compliance.

**(c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).**

The proposed changes may impact equipment, supplies, labor and administration as described above in the Department's statement of cost of compliance.

Describe how small businesses were involved in the development of these rule(s)?

Small businesses, as defined in ORS 183.310 will be included in the public review and comment period.

**Documents Relied Upon, and where they are available:** None

**Was an Administrative Rule Advisory Committee consulted? Yes or No?**

**If not, why not?**

No. The Department received a RAC exception since the only thing changing was the date that the program was set to expire due to funding. The Department received funding, so the date of the pilot was extended through the 2019-2021 biennium. This change allows the program to continue, which is favorable to stakeholders.

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Signature

Date

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

**CHAPTER 411  
DIVISION 32**

**OREGON PROJECT INDEPENDENCE**

**411-032-0050 Pilot for Adults with Disabilities**

This rule applies only until June 30, 2021~~19~~.

(1) The purpose of this rule is to set out the policies that apply to the expansion of Oregon Project Independence services to adults with physical disabilities. The pilot allows the Department to study the potential to transition Oregon Project Independence to a statewide, age neutral, program that assesses and serves seniors and persons with physical disabilities based on their functional needs.

(2) "Disability" means, for the purposes of this rule, a physical, cognitive, or emotional impairment which, for an individual, constitutes or results in a functional limitation in one or more of the activities of daily living defined in OAR 411-015-0006, or in one or more of the instrumental activities of daily living defined in OAR 411-015-0007.

(3) "Adult" means, for purposes of this rule, any person 19 to 59 years of age.

(4) OAR 411-032-0000 to 411-032-0044 apply to this pilot program, except as noted below:

(a) Authorized Services and Allowable Costs. Authorized services may not be available in all service areas. Authorized services for the pilot funds include home care supportive services, service coordination, and other services, including the following:

- (A) Home care.
- (B) Chore services.
- (C) Assistive Technology.
- (D) Personal care services.
- (E) Adult day services.
- (F) Registered nurse services.
- (G) Home delivered meals.
- (H) Services to support community caregivers and strengthen the natural support system of individuals.
- (I) Evidence-based health promotion services.
- (J) Options counseling.
- (K) Assisted transportation options that allow individuals to live at home and access the full range of community resources.

(b) Eligibility.

(A) In order to qualify for authorized services under this pilot, an individual must:

- (i) Be an adult with a disability;
- (ii) Be a resident of a designated pilot area and seek services at that location;

(iii) Not be receiving Medicaid; and

(iv) Meet the requirements of the long-term care services priority rules in OAR chapter 411, division 015.

(B) The Area Agencies on Aging must determine eligibility prior to an individual receiving authorized services.

Stat. Auth.: ORS 409.050, 410.070, 410.435

Stats. Implemented: ORS 409.010, 410.410 - 410.480