

TEMPORARY FILING
INCLUDING STATEMENT OF NEED & JUSTIFICATION
For internal agency use only.

Department of Human Services, Aging and People with Disabilities (APD)		411
Agency and Division Name		Administrative Rules Chapter Number
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FILING CAPTION

APD: Amends rule to include community-based rates effective July 1, 2022

Agency Approved Date: [03/09/2022]

Effective Date: [03/28/2022] through [09/02/2022]

RULEMAKING ACTION

List each rule number separately (000-000-0000). Attach clean text for each rule at the end of the filing

AMEND:

411-027-0170

RULE SUMMARY:

Include a summary for each rule included in this filing.

The Department of Human Services, Aging and People with Disabilities Program is immediately amending temporary rules that became effective March 7, 2022, for OAR chapter 411, division 027 regarding payment limitations in home and community-based services.

411-027-0170 Rate Schedule for Home and Community-Based Services

Amended to include the Legislatively approved rates effective July 1, 2022, for Medicaid rates to assisted living, residential care and memory care facilities. **This updated filing addresses rates from April 1, 2022, through June 30, 2022, that were approved during the 2022 legislative**

session. The recently approved budget also required an update to the rates beginning July 1, 2022, for assisted living, residential care and memory care facilities, and In-home agencies.

STATEMENT OF NEED AND JUSTIFICATION

Need for the Rule(s):

The Department is amending OAR chapter 411, division 027 to revise 2021 Legislatively approved rates to the current 2022 Legislatively approved rates.

Justification of Temporary Filing:

Failure to act promptly and immediately amend OAR chapter 411, division 027 could result in an incorrect rate being paid to providers. This change is extremely important for contracted facilities who have a 2-year contract with ODHS.

Documents Relied Upon, and where they are available:

None.

/s/ Mike McCormick, Interim Director, Aging and People with Disabilities

Signature

03/09/2022

Date

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

**CHAPTER 411
DIVISION 27**

**PAYMENT LIMITATIONS IN HOME AND COMMUNITY-BASED
SERVICES**

**411-027-0170 Rate Schedule for Home and Community-Based
Services** *(Temporary effective 03/28/2022 through 09/02/2022)*

(1) In addition to a cost of living increase effective July 1, 2021, a temporary increase, that accounts for extraordinary expenses incurred as a result of COVID-19, has been authorized for Residential Care Facilities, Assisted Living Facilities, Memory Care Facilities (Endorsed Units Only) and in-home care agencies for services provided July 1, 2021 thru ~~March 31, 2022~~June 30, 2022. The effective rates for July 1, 2021 to June 30, 2022 ~~this time period~~ are as follows:

(a) Residential Care Facilities:

- (A) Base - \$1,882.00.
- (B) Base plus 1 add-on - \$2,247.00.
- (C) Base plus 2 add-ons - \$2,612.00.
- (D) Base plus 3 add-ons - \$2,977.00.
- (E) Hourly Exception Rate - \$15.87 per hour.

(b) Assisted Living Facilities:

- (A) Level 1 - \$1,511.00.
- (B) Level 2 - \$1,873.00.
- (C) Level 3 - \$2,351.00.

(D) Level 4 - \$2,953.00.

(E) Level 5 - \$3,551.00.

(c) Memory Care Facilities (Endorsed Units Only) - \$4,939.00 per month.

(d) Contracted In-Home Care Agencies Rate - \$29.92 per hour.

(e) Home Delivered Meals do not get a COVID-19 increase, however, effective July 1, 2021 the rate increases to \$12.25 per meal.

~~(2) Monthly Rates in effect starting April 1, 2022 are as follows:~~

~~(a) Residential Care Facilities:~~

~~(A) Base - \$1,792.00.~~

~~(B) Base plus 1 add-on - \$2,140.00.~~

~~(C) Base plus 2 add-ons - \$2,488.00.~~

~~(D) Base plus 3 add-ons - \$2,836.00.~~

~~(E) Hourly Exception Rate - \$15.11 per hour.~~

~~(b) Adult Foster Homes: Rates shall be paid in accordance with the terms of collective bargaining agreements negotiated between the Service Employees International Union and the State of Oregon.~~

~~(c) Assisted Living Facilities:~~

~~(A) Level 1 - \$1,439.00.~~

~~(B) Level 2 - \$1,784.00.~~

~~(C) Level 3 - \$2,239.00.~~

~~(D) Level 4 - \$2,812.00.~~

~~(E) Level 5 - \$3,382.00.~~

~~(d) Memory Care Facilities (Endorsed Units Only) - \$4,704.00 per month.~~

~~(e) Contracted In-Home Care Agencies Rate - \$28.48 per hour.~~

~~(f) Home Delivered Meals Rate - \$12.25 per meal.~~

(23) Monthly rates ~~below are~~ in effect starting July 1, 2022, which includes the temporary increase referenced in Section (1) of this rule, are as follows:

(a) Residential Care Facilities:

(A) Base - ~~\$1,882.00~~2,071.00.

(B) Base plus 1 add-on - ~~\$2,247.00~~2,473.00.

(C) Base plus 2 add-ons - ~~\$2,612.00~~2,875.00.

(D) Base plus 3 add-ons - ~~\$2,977.00~~3,277.00.

(E) Hourly Exception Rate - ~~\$15.87~~17.46 per hour.

(b) Adult Foster Homes: Rates shall be paid in accordance with the terms of collective bargaining agreements negotiated between the Service Employees International Union and the State of Oregon.

(c) Assisted Living Facilities:

(A) Level 1 - ~~\$1,511.00~~1,663.00.

(B) Level 2 - ~~\$1,873.00~~2,061.00.

(C) Level 3 - ~~\$2,351.00~~2,587.00.

(D) Level 4 - ~~\$2,953.00~~3,249.00.

(E) Level 5 - ~~\$3,551.00~~3,907.00.

(d) Memory Care Facilities (Endorsed Units Only) - ~~\$4,939.00~~ 5,433 per month.

(e) Contracted In-Home Care Agencies Rate - ~~\$29.92~~ 32.92 per hour.

(f) Home Delivered Meals Rate - \$12.25 per meal.

Stat. Auth.: ORS 410.070

Stats. Implemented: ORS 410.070