

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

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

	ODHS, Aging and People with Disabilities 500 Summer Street NE, E-02 Salem, OR 97301	
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FILING CAPTION
(Must be 15 words or fewer)

APD: 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 apd.rules@dhsoha.state.or.us or mailed to Kristina Krause at 500 Summer Street NE, E-02, Salem, OR 97301 until **February 17, 2022 at 5 p.m.**

TELECONFERENCE ONLY			
+1 (971) 277-2343			
01/26/2022	2 p.m. – 2:30 p.m.	Conference ID: 791915456#	Staff
Hearing Date	Time	Address	Hearings Officer

HEARING NOTES: If you wish to provide comment, please call in to the teleconference number no later than 15 minutes after the start time listed.

Everyone has a right to know about and use DHS|OHA programs and services. DHS|OHA provides free help. Some examples of the free help DHS|OHA can provide are: sign language and spoken language interpreters, written materials in other languages, braille, large print, audio or other formats. If you need help or have questions, please contact Kristina Krause at 503-339-6104, apd.rules@dhsoha.state.or.us or 711 TTY at least five business days before the hearing.

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 Oregon Department of Human Services (Department) is proposing to permanently amend rules in chapter 411, division 032 to do the following:

411-032-0050 Pilot for Adults with Disabilities - Amends OAR 411-032-0050 to extend the date of the OPI pilot program through June 30, 2023. The rules applicable to the pilot expired on June 30, 2021. This rule modification changes the time period effective July 1, 2021.

Other changes may be made to OAR 411-032-0050 to correct grammatical errors, ensure consistent terminology, address issues identified during the public comment period, and to improve the accuracy, structure and clarity of the rule.

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.

Other changes may be made to OAR 411-032-0005 to correct grammatical errors, ensure consistent terminology, address issues identified during the public comment period, and to improve the accuracy, structure and clarity of the rule.

Fiscal and Economic Impact:

The Fiscal and Economic Impact is stated below in the Department's statement of Cost of Compliance.

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: \$ 3,111,100 million in General Funds over a biennium – allocated in the 2021-2023 Regular Session. The Department is retaining 5 % of this allocation \$155,550 for project administration. Due to the pending 1115 Demonstration Waiver application submitted by APD on June 8, 2021; the allocations represent only FY 2022.

Units of Local Government: Area Agencies on Aging (AAAs) will administer the program at a cost of \$3,111,100 million per biennium. 6 of the 7 Area Agencies on Aging currently administering the program are units of local government. 1 AAA is a non-profit organization.

Consumers: Consumers will be served – there is a sliding fee scale associated with services delivered under this rule. A one-time fee is applied to individuals receiving OPI authorized services who have adjusted incomes 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, 0 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? No.

A Rule Advisory Committee (RAC) was not convened. The Department was granted a RAC exception by the ODHS|OHA Administrative Rules Program Manager because the sole change was the date the program was set to expire due to funding. The Department received funding, so the date of the pilot was extended through the 2021-2023 biennium. This change allows the program to continue, which is favorable to stakeholders.

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

Signature

12/20/2021

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

The temporary rule change filed in chapter 411, division 032 on September 17, 2021 is effective as of July 1, 2021.

This rule applies only until June 30, 202~~3~~4.

(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