

# Request for Comments

## Proposal to Comment on Oregon 1915(k) Community First Choice and Oregon 1915(b)(4) Fee-for-Service Selective Contracting Program

### Comments due

September 1, 2025

### Background

Oregon Department of Human Services, Office of Aging and People with Disabilities (APD) is in the process of amending two authorities. The 1915(k), also known as Community First Choice, allows Oregon to serve individuals either in-home or in a community-based setting by providing a variety of services and supports. Oregon currently receives an additional six percent in federal medical assistance from the federal government for the services in the 1915(k). Individuals have increased choice and additional support if interested in transitioning to a lower level care. Additional services allow individuals to remain in their own home, integrate into the community, and increase their independence or replace the need for human assistance.

The 1915(b)(4) Fee-For-Service Selective Contracting Program, also known as the Case Management Freed of Choice Waiver, lets Oregon choose to only contract with specific qualified providers for case management services offered in the 1915(c) #0185 Aging and Physically Disabled Waiver. Through this selective contracting, Oregon is able to provide case management services through Area Agencies on Aging, APD offices, and willing Tribes. APD added willing Tribes as a qualified provider for case management services during a 2019 Waiver amendment. This selective contracting ensures ongoing case management is coordinated with all other services provided to eligible individuals.

### Proposal

Oregon Department of Human Services, Office of Aging and People with Disabilities (APD) is asking for review and comments on its proposed amendments to the 1915(k) and 1915(b)(4).

APD was directed by House Bill 4129 (2024) to create an Agency with Choice (AwC) service model to APD's array of in-home service options. The detailed requirements for AwC will

be in Oregon Administrative Rules. The 1915(k) language will reference those rules. The 1915(k) will also include a description of how the AwC rates will be developed. Since HB 4129 limits the number of AwC providers to two, APD will specify that in the 1915(k) and will add AwC to APD's 1915(b)(4).

APD is also proposing a new rate methodology and structure for APD Adult Foster Homes and Residential Care Facilities. The rate methodology for these providers was created in the 1980s and no longer captures the complexity of individuals served in these settings. The rate methodology will use the assessment to more accurately account for individuals' needs. Individuals will be assigned to one of five tiers, with Tier 1 assigned to individuals with the lowest need and Tier 5 assigned to individuals with the highest need. Each Activity of Daily Living and Instrumental Activity of Daily Living will receive points, with low needs receiving one point and high needs receiving six points. Individuals with cognitive needs will receive additional points. The sum of all points will place individuals in their specific tier, which will require specific services and supports. The 1915(k) will define the methodology and provider requirements.

## **Effective date**

January 1, 2026

## **Additional information**

ODHS Agency with Choice web page found at:

<https://www.oregon.gov/odhs/agency/pages/apd-agency-with-choice.aspx>

## **How to comment**

Send written comments by mail, fax or email to:

Beth Jackson  
Oregon Department of Human Services  
500 Summer Street NE  
Salem, Oregon 97301

**Fax:** 503-947-4245, Attn: Beth Jackson

**Email:** [beth.jackson3@odhs.oregon.gov](mailto:beth.jackson3@odhs.oregon.gov)

## **Next steps**

ODHS will consider all comments received prior to amending these authorities for submission to the Centers for Medicare and Medicaid Services.