

Policy Transmittal Aging and People with Disabilities



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Number: APD-PT-20-034

Issue date: 3/27/2020

CORRECTED

Topic: Medical Benefits

Due date:

Transmitting (check the box that best applies):

- New policy
 Policy change
 Policy clarification
 Executive letter
 Administrative Rule
 Manual update
 Other:

Applies to (check all that apply):

- | | |
|--|---|
| <input type="checkbox"/> All DHS employees | <input type="checkbox"/> County Mental Health Directors |
| <input checked="" type="checkbox"/> Area Agencies on Aging: Type B | <input type="checkbox"/> Health Services |
| <input checked="" type="checkbox"/> Aging and People with Disabilities | <input type="checkbox"/> Office of Developmental Disabilities Services (ODDS) |
| <input type="checkbox"/> Self Sufficiency Programs | <input type="checkbox"/> ODDS Children’s Intensive In Home Services |
| <input type="checkbox"/> County DD program managers | <input type="checkbox"/> Stabilization and Crisis Unit (SACU) |
| <input type="checkbox"/> Support Service Brokerage Directors | <input type="checkbox"/> Other (please specify): |
| <input type="checkbox"/> ODDS Children’s Residential Services | |
| <input type="checkbox"/> Child Welfare Programs | |

Policy/rule title:	Temporary Suspension of Adverse Actions on APD Medicaid Cases per COVID-19		
Policy/rule number(s):		Release number:	
Effective date:	3/19/2020	Expiration date:	TBD
References:	Families First Coronavirus Response Act (H.R. 6201)		
Web address:			

Discussion/interpretation:

Due to the passage of the Families First Coronavirus Response Act (H.R. 6201) on the evening of March 18, 2020, no adverse actions will be taken on open APD Medicaid cases until further notice.

“Adverse Actions” include the following:

- APD Medicaid program reductions;
- APD Medicaid program closures;
- APD Medicaid service case reductions;

- APD Medicaid service case closures;
- Increases in liability not due to service setting changes;
- Increases in participant fees; and
- Cessation of ongoing Special Needs for individuals who remain in their current service setting. For example, an ongoing special diet allowance or \$22 ISS payment should end if an in-home client moves to a CBF.

“Adverse Actions” do not include:

- Denials of new applications or requests for new benefits from current recipients
- Restoring benefits after approving the following:
 - One-time special needs payments, such as home repairs
 - One-time medical deductions

All APD Medicaid recipients will remain eligible for their current Medicaid benefits through the end of the month in which the Novel Coronavirus/COVID-19 emergency ends, unless the consumer moves out of state (permanently and unrelated to quarantine) is incarcerated, consumer dies, or the consumer voluntarily requests the closure of their benefits.

In addition, APD shall not close APD Medicaid benefits for recipients whose mail is returned to the Agency as “Undeliverable” with no forwarding address and for whom no other forwarding address is found (per existing business processes) except when the recipient:

- Is deceased
- Is incarcerated
- Is confirmed to have permanently moved out of state.

Please note, reported changes that result in an increase in benefits and/or services or a reduction in liability or participant fees should continue to be processed per normal business process.

Important: MAGI has also implemented temporary no-adverse action provisions (see [SS-AR-20-005](#)). APD will continue to receive APD tasks, which should be worked as they are now following the current procedure outlined in [APD Referrals from 5503](#). Workers should evaluate for APD (non-MAGI) medical programs. Obtaining a 539A is part of this process. Refer to [Signature Requirements in Response to COVID-19](#). Any reductions to MSP-only or closures of MAGI when all APD benefits are denied will be delayed. Anyone who is found eligible for OSIPM should be converted to OSIPM, except OSIPM-EPD with a participant fee or OSIPM with a service liability (except if the individual is applying for the Independent Choices Program). Remember to incorporate the other temporary provisions outlined in the new COVID-19 worker guide when processing applications. Click or copy and paste the following URL in your browser’s menu bar:

Implementation/transition instructions:

- APD Eligibility Workers and Case Managers must cease or reverse any adverse actions on APD Medicaid cases that have an effective date of March 19, 2020 or later.
- If a notice was already issued, notify the consumer that the department is not implementing the adverse action as planned.
- Actions with an effective date prior to March 19, 2020 are not impacted by H.R. 6201.
- Denial actions are not impacted by H.R. 6201.
- Cases in which adverse actions were warranted but not taken due to this new law should be tracked at the branch level, and eligibility should be reevaluated when the Novel Coronavirus/COVID-19 emergency declaration is lifted and additional guidance is provided by Central Office.
- For ongoing Special Needs, staff should extend the end date until September 30, 2020, and reevaluate when the Novel Coronavirus/COVID-19 emergency declaration is lifted and additional guidance is provided by Central Office.
- Staff must clearly narrate the changes reported and that no action was taken due to the COVID-19 emergency.
- Staff must process APD referrals from 5503 according to the current process, except that any adverse actions will be delayed (reduction to MSP-only, closure of MAGI for no APD/non-MAGI eligibility, approval of EPD or OSIPM with service liability)

Impact on Administrative Hearings

- APD Hearings Unit will be notifying local offices of cases pending hearing without continuing benefits in place, and those cases will need to be restored effective March 19, 2020. Consumers who previously **did not request** this benefit should not be restored farther back than this effective date. Once the work resumes, the APD Hearings Unit will proceed to hearing on the timeframe prior to March 19, 2020 that consumers were contesting.
- Local offices should not take the above action until contacted by the APD Hearings Unit.

- Consumers who have not contested an action prior to March 19, 2020 are not impacted by this change.
- APD Hearings will continue to process all denials as the first work priority during this timeframe.

Training/communication plan:

This information is being communicated via policy transmittal and Field Leadership Conference Call on Monday, March 23, 2020.

Local/branch action required: Cease taking adverse actions on open APD Medicaid Cases immediately.

Central office action required: Provide technical assistance as needed.

Field/stakeholder review: Yes No

If yes, reviewed by:

Filing instructions:

If you have any questions about this policy, contact:

Contact(s): APD.MedicaidPolicy@dhsosha.state.or.us	
Phone:	Fax:
Email:	