



**Date:** January 15, 2020

**To:** Adult Residential Service Providers

**From:** Steve Allen, Behavioral Health Director  
Dana Hittle, Medicaid Deputy Director

**Subject:** Retainer Payments for Adults and Young Adults in Residential Settings

The Oregon Health Authority (OHA) is providing the following clarifications about acceptable actions providers may take to address temporary or permanent absences. The purpose of retainer payments is to ensure continuity of care until the individual returns to the setting.

### Retainer payments for temporary absences

OHA may accept retainer payment requests for individuals who are temporarily absent, as defined in Oregon Administrative Rule [410-172-0705](#), from their current residential setting when the request:

- Is submitted within two business days of the resident's first day of absence, and
- Contains all required documentation, including a completed Retainer Payment Form.

OHA will not consider retainer payment requests to hold beds for individuals who:

- Have been served a notice of eviction, since their absence from the facility is not temporary; or
- Are receiving approved crisis-respite services at the facility, since they are not absent from the facility.

### Eviction notices for permanent absences

If you have served the resident an eviction notice, you cannot request a retainer payment for that resident.

- If actively trying to remediate an individual's behavioral health manifestations prior to eviction or placement outside of the residential setting, providers may consider a right to remedy prior to an eviction notice.
- After seven consecutive days of an individual's absence, providers can choose to terminate a residency agreement based on Oregon Administrative Rule [309-035-0170\(9\)](#), in the manner provided in [Oregon Revised Statute \(ORS\) §105.105 to §105.168](#). The provider must attempt to contact the individual or representative and others interested in the individual's circumstances to confirm the individual's intent to discontinue residency, and offer residents eviction notices comparable to those required by Oregon's Landlord Tenant Laws ([ORS §105.157](#)).

### Why is this happening?

These clarifications are to ensure provider compliance with Oregon's [Medicaid State Plan](#) and Oregon Administrative Rules ([Chapter 309 Division 035](#) and [Chapter 410 Division 172](#)).

## What should you do?

**For Medicaid-eligible members**, submit requests through the MMIS Provider Portal. OHA will withdraw and not process requests that are missing a completed Retainer Payment Form.

If you bill claims for a Retainer Payment (T2033) and Residential Payment for Personal Care (T1020) for the same date of service, OHA will consider these duplicate claims and monitor them for recoupment through retrospective review.

**For non-Medicaid-eligible members or non-Medicaid services**, submit requests to [ABH.ResidentialCapacityReporting@dhsoha.state.or.us](mailto:ABH.ResidentialCapacityReporting@dhsoha.state.or.us). OHA will approve retainer payment requests for absconded or missing individuals for no more than 72 hours, if their current location is unknown.

**For questions about the status of retainer payment requests**, email [ABH.ResidentialCapacityReporting@dhsoha.state.or.us](mailto:ABH.ResidentialCapacityReporting@dhsoha.state.or.us).

- For Medicaid requests, please include the MMIS prior authorization number.
- For non-Medicaid requests, please give as much detail as possible.

**If choosing to terminate a residency agreement with an individual**, please be sure to follow OHA's Oregon Administrative Rules and Oregon's property rights laws to ensure adequate notification.

## Questions?

If you have any questions about this announcement, please email the Mental Health Rate Standardization Committee at [ABH.ResidentialCapacityReporting@dhsoha.state.or.us](mailto:ABH.ResidentialCapacityReporting@dhsoha.state.or.us).

For questions about billing Medicaid, please contact Provider Services at 800-336-6016 (Option 5).