

OFFICE OF THE SECRETARY OF STATE

SHEMIA FAGAN
SECRETARY OF STATE

CHERYL MYERS
DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION

STEPHANIE CLARK
DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 410
OREGON HEALTH AUTHORITY
HEALTH SYSTEMS DIVISION: MEDICAL ASSISTANCE PROGRAMS

FILED
01/18/2023 10:24 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Income Thresholds for HSD Medical Programs Eligibility

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 02/21/2023 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

CONTACT: Nita Kumar
503-847-1357
nita.kumar2@dhsosha.state.or.us

500 Summer St NE
Salem, OR 97301

Filed By:
Nita Kumar
Rules Coordinator

NEED FOR THE RULE(S)

Every year the Federal Poverty Levels (FPL) are adjusted and published to the Federal Register. A number of HSD medical programs' eligibility thresholds and income disregards are based on percentages of the FPL, which must be updated in rule. The amended FPL percentage values were implemented on March 1 2023 and aligned with the Oregon Eligibility (ONE) system implementation timeline.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

<https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines>

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

Federally mandated income thresholds for Medicaid and CHIP programs are applied to all applicants and recipients.

FISCAL AND ECONOMIC IMPACT:

The Authority does not anticipate that there will be a fiscal impact from this rule change.

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). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

1. No impact
- 2.

- (a) Small business and industries are not impacted by this change.
- (b) No impact to these areas.
- (c) No equipment, supplies, labor, or increased administration will be required because of this change.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

None

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

No stakeholder or small business outreach occurred for the development of this rule change. The change was communicated to these entities via standard rule-filing notifications.

AMEND: 410-200-0315

RULE SUMMARY: Financial guidelines for HSD Medical Programs

CHANGES TO RULE:

410-200-0315

Standards and Determining Income Eligibility ¶¶

- (1) This rule outlines income thresholds for HSD Medical Programs. See OAR 410-200-0310 for eligibility and budgeting.¶¶
- (2) The income standard for the MAGI Parent or Caretaker-Relative program is set as follows: See attached table.¶¶
- (3) Effective March 1, 2022~~3~~, the income standard for the MAGI Child Program and the MAGI Adult Program is set at 133 percent of the 2022~~3~~ FPL as follows: See attached table.¶¶
- (4) Effective March 1, 2022~~3~~, the income standard for the MAGI Pregnant Woman Program and for MAGI Child Program recipients under the age of one year is set at 185 percent of the 2022~~3~~ FPL as follows: See attached table.¶¶
- (5) Effective March 1, 2022~~3~~, the income standard for MAGI CHIP is set at 300 percent of the 2022~~3~~ FPL as follows: See attached table.¶¶
- (6) Effective January 1, 2023, the income standard for the COFA Dental Program is set at 138 percent of the 2022~~3~~ FPL as follows: See attached table.¶¶
- (7) Effective January 1, 2023, the income standard for the Veteran Dental Program is set at 400 percent of the 2022~~3~~ FPL as follows: See attached table.¶¶
- (8) When the Department makes an ELE determination and the child meets all MAGI CHIP or MAGI Child Program nonfinancial eligibility requirements, the EDG size determined by the Department is used to determine eligibility regardless of the family size. The countable income of the household is determined by the ELA. A child is deemed eligible for MAGI CHIP or MAGI Child Program as follows:¶¶
 - (a) Effective March 1, 2022~~3~~, if the MAGI-based income of the EDG is below 163 percent of the 2022~~3~~ federal poverty level, the Department deems the child eligible for the MAGI Child Program: See attached table.¶¶
 - (b) If the MAGI-based income of the EDG is at or above 163 percent FPL through 300 percent FPL as described in section (4) of this rule, the Department deems the child eligible for MAGI CHIP.

Statutory/Other Authority: 42 CFR 435.110, ORS 435.112, 435.115, 435.116, 435.118, 435.403, 435.940, 435.1200, 457.80, 457.340, 458.350, 435.3, 435.4, 435.406, 435.407, 435.940, 435.952, 435.956, 435.1008, 457.320, 457.380, 435.608, 433.138, 433.145, 433.146, 433.147, 433.148, 435.117, 435.119, 435.1200, 435.1205, 435.170, 435.190, 435.222, 435.610, 435.916, 435.917, 447.56, 457.350, 457.360, 457.805, ORS 411.402, 411.404, 413.042, 414.534

Statutes/Other Implemented: ORS 411.402, 411.404, ORS 411.060, 411.095, 411.400, 411.406, 411.439, 411.443, 413.032, 413.038, 414.025, 414.231, 414.440, 414.534, 414.536, 414.706

RULE ATTACHMENTS DO NOT SHOW CHANGES. PLEASE CONTACT AGENCY REGARDING CHANGES.

2023 Income Thresholds - Effective March 1, 2023

Oregon Health Plan, Health Systems Division Programs

Family Size	Parents & Other Caretaker Relatives (PCR)		MAGI Child (age 1 - under 19) / MAGI Adult / COFA Dental		MAGI Child (under age 1) (CMO) / MAGI Pregnant Woman (PWO)		MAGI CHIP		Vet Dental
	2023 Standard	Standard + 5% FPL Disregard	2023 Standard (133%)	Standard + 5% FPL Disregard (138%)	2023 Standard (185%)	Standard + 5% FPL Disregard (190%)	2023 Standard (300%)	Standard + 5% FPL Disregard (305%)	2023 Standard (400%)
1	\$ 399	\$ 460	\$ 1,616	\$ 1,677	\$ 2,248	\$ 2,309	\$ 3,645	\$ 3,706	\$ 4,860
2	\$ 515	\$ 598	\$ 2,186	\$ 2,268	\$ 3,041	\$ 3,123	\$ 4,930	\$ 5,013	\$ 6,574
3	\$ 611	\$ 715	\$ 2,756	\$ 2,859	\$ 3,833	\$ 3,937	\$ 6,215	\$ 6,319	\$ 8,287
4	\$ 747	\$ 872	\$ 3,325	\$ 3,450	\$ 4,625	\$ 4,750	\$ 7,500	\$ 7,625	\$ 10,000
5	\$ 872	\$ 1,019	\$ 3,895	\$ 4,042	\$ 5,418	\$ 5,564	\$ 8,785	\$ 8,932	\$ 11,714
6	\$ 998	\$ 1,166	\$ 4,465	\$ 4,633	\$ 6,210	\$ 6,378	\$ 10,070	\$ 10,238	\$ 13,427
7	\$ 1,114	\$ 1,304	\$ 5,035	\$ 5,224	\$ 7,003	\$ 7,192	\$ 11,355	\$ 11,545	\$ 15,140
8	\$ 1,230	\$ 1,441	\$ 5,604	\$ 5,815	\$ 7,795	\$ 8,006	\$ 12,640	\$ 12,851	\$ 16,854
9	\$ 1,321	\$ 1,554	\$ 6,174	\$ 6,406	\$ 8,588	\$ 8,820	\$ 13,925	\$ 14,158	\$ 18,567
10	\$ 1,456	\$ 1,710	\$ 6,744	\$ 6,997	\$ 9,380	\$ 9,633	\$ 15,210	\$ 15,464	\$ 20,280
11	\$ 1,592	\$ 1,867	\$ 7,313	\$ 7,588	\$ 10,172	\$ 10,447	\$ 16,495	\$ 16,770	\$ 21,994
12	\$ 1,728	\$ 2,025	\$ 7,883	\$ 8,179	\$ 10,965	\$ 11,261	\$ 17,780	\$ 18,077	\$ 23,707
13	\$ 1,864	\$ 2,182	\$ 8,453	\$ 8,770	\$ 11,757	\$ 12,075	\$ 19,065	\$ 19,383	\$ 25,420
14	\$ 2,000	\$ 2,340	\$ 9,022	\$ 9,361	\$ 12,550	\$ 12,889	\$ 20,350	\$ 20,690	\$ 27,134
15	\$ 2,136	\$ 2,497	\$ 9,592	\$ 9,953	\$ 13,342	\$ 13,703	\$ 21,635	\$ 21,996	\$ 28,847
16	\$ 2,272	\$ 2,654	\$ 10,162	\$ 10,544	\$ 14,134	\$ 14,516	\$ 22,920	\$ 23,302	\$ 30,560
17	\$ 2,408	\$ 2,812	\$ 10,731	\$ 11,135	\$ 14,927	\$ 15,330	\$ 24,205	\$ 24,609	\$ 32,274
18	\$ 2,544	\$ 2,969	\$ 11,301	\$ 11,726	\$ 15,719	\$ 16,144	\$ 25,490	\$ 25,915	\$ 33,987
19	\$ 2,680	\$ 3,127	\$ 11,871	\$ 12,317	\$ 16,512	\$ 16,958	\$ 26,775	\$ 27,222	\$ 35,700
20	\$ 2,816	\$ 3,284	\$ 12,440	\$ 12,908	\$ 17,304	\$ 17,772	\$ 28,060	\$ 28,528	\$ 37,414
Each add'l add	\$ 136	\$ 158	\$ 570	\$ 592	\$ 793	\$ 814	\$ 1,285	\$ 1,307	\$ 1,714

Family Size	2023 100% Annual Income Threshold (2022 FPL used for 2023 determinations)	2024 100% Annual Income Threshold (2023 FPL used for 2022 determinations)
1	\$ 13,590	\$ 14,580
2	\$ 18,310	\$ 19,720
3	\$ 23,030	\$ 24,860
4	\$ 27,750	\$ 30,000
5	\$ 32,470	\$ 35,140
6	\$ 37,190	\$ 40,280
7	\$ 41,910	\$ 45,420
8	\$ 46,630	\$ 50,560
9	\$ 51,350	\$ 55,700
10	\$ 56,070	\$ 60,840
11	\$ 60,790	\$ 65,980
12	\$ 65,510	\$ 71,120
13	\$ 70,230	\$ 76,260
14	\$ 74,950	\$ 81,400
15	\$ 79,670	\$ 86,540
16	\$ 84,390	\$ 91,680
17	\$ 89,110	\$ 96,820
18	\$ 93,830	\$ 101,960
19	\$ 98,550	\$ 107,100
20	\$ 103,270	\$ 112,240
Each add'l add	\$ 4,720	\$ 5,140

Page 3 of 4

2022 Income Thresholds - Effective March 1, 2022

Oregon Health Plan, Health Systems Division Medical Programs

Family Size	Parents & Other Caretaker Relatives (PCR)		MAGI Child (age 1 - under 19) / MAGI Adult / COFA Dental		MAGI Child (under age 1) (CMO) / MAGI Pregnant Woman (PWO)		MAGI CHIP		Vet Dental
	2022 Standard	Standard + 5% FPL Disregard	2022 Standard (133%)	Standard + 5% FPL Disregard (138%)	2022 Standard (185%)	Standard + 5% FPL Disregard (190%)	2022 Standard (300%)	Standard + 5% FPL Disregard (305%)	January 1, 2023 Standard
1	\$ 399	\$ 456	\$ 1,507	\$ 1,563	\$ 2,096	\$ 2,152	\$ 3,398	\$ 3,455	\$ 4,530
2	\$ 515	\$ 592	\$ 2,030	\$ 2,106	\$ 2,823	\$ 2,900	\$ 4,578	\$ 4,654	\$ 6,104
3	\$ 611	\$ 707	\$ 2,553	\$ 2,649	\$ 3,551	\$ 3,647	\$ 5,758	\$ 5,854	\$ 7,677
4	\$ 747	\$ 863	\$ 3,076	\$ 3,192	\$ 4,279	\$ 4,394	\$ 6,938	\$ 7,054	\$ 9,250
5	\$ 872	\$ 1,008	\$ 3,599	\$ 3,735	\$ 5,006	\$ 5,142	\$ 8,118	\$ 8,253	\$ 10,824
6	\$ 998	\$ 1,153	\$ 4,122	\$ 4,277	\$ 5,734	\$ 5,889	\$ 9,298	\$ 9,453	\$ 12,397
7	\$ 1,114	\$ 1,289	\$ 4,646	\$ 4,820	\$ 6,462	\$ 6,636	\$ 10,478	\$ 10,653	\$ 13,970
8	\$ 1,230	\$ 1,425	\$ 5,169	\$ 5,363	\$ 7,189	\$ 7,384	\$ 11,658	\$ 11,852	\$ 15,544
9	\$ 1,321	\$ 1,535	\$ 5,692	\$ 5,906	\$ 7,917	\$ 8,131	\$ 12,838	\$ 13,052	\$ 17,117
10	\$ 1,456	\$ 1,690	\$ 6,215	\$ 6,449	\$ 8,645	\$ 8,878	\$ 14,018	\$ 14,252	\$ 18,690
11	\$ 1,592	\$ 1,846	\$ 6,738	\$ 6,991	\$ 9,372	\$ 9,626	\$ 15,198	\$ 15,451	\$ 20,264
12	\$ 1,728	\$ 2,001	\$ 7,261	\$ 7,534	\$ 10,100	\$ 10,373	\$ 16,378	\$ 16,651	\$ 21,837
13	\$ 1,864	\$ 2,157	\$ 7,784	\$ 8,077	\$ 10,828	\$ 11,120	\$ 17,558	\$ 17,851	\$ 23,410
14	\$ 2,000	\$ 2,313	\$ 8,307	\$ 8,620	\$ 11,555	\$ 11,868	\$ 18,738	\$ 19,050	\$ 24,984
15	\$ 2,136	\$ 2,468	\$ 8,831	\$ 9,163	\$ 12,283	\$ 12,615	\$ 19,918	\$ 20,250	\$ 26,557
16	\$ 2,272	\$ 2,624	\$ 9,354	\$ 9,705	\$ 13,011	\$ 13,362	\$ 21,098	\$ 21,450	\$ 28,130
17	\$ 2,408	\$ 2,780	\$ 9,877	\$ 10,248	\$ 13,738	\$ 14,110	\$ 22,278	\$ 22,649	\$ 29,704
18	\$ 2,544	\$ 2,935	\$ 10,400	\$ 10,791	\$ 14,466	\$ 14,857	\$ 23,458	\$ 23,849	\$ 31,277
19	\$ 2,680	\$ 3,091	\$ 10,923	\$ 11,334	\$ 15,194	\$ 15,604	\$ 24,638	\$ 25,049	\$ 32,850
20	\$ 2,816	\$ 3,247	\$ 11,446	\$ 11,877	\$ 15,921	\$ 16,352	\$ 25,818	\$ 26,248	\$ 34,424
Each add'l add	\$ 136	\$ 156	\$ 524	\$ 543	\$ 728	\$ 748	\$ 1,180	\$ 1,200	\$ 1,574

Family Size	2022 100% Annual Income Threshold (2021 FPL used for 2022 determinations)
1	\$ 12,880
2	\$ 17,420
3	\$ 21,960
4	\$ 26,500
5	\$ 31,040
6	\$ 35,580
7	\$ 40,120
8	\$ 44,660
9	\$ 49,200
10	\$ 53,740
11	\$ 58,280
12	\$ 62,820
13	\$ 67,360
14	\$ 71,900
15	\$ 76,440
16	\$ 80,980
17	\$ 85,520
18	\$ 90,060
19	\$ 94,600
20	\$ 99,140
Each add'l add	\$ 4,540