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TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

DMAP 1-2019

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

FILED
02/28/2019 12:50 PM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Income Eligibility Guidelines for OCCS Medical Programs

EFFECTIVE DATE: 03/01/2019 THROUGH 08/27/2019

AGENCY APPROVED DATE: 02/26/2019

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NEED FOR THE RULE(S):

Every year the Federal Poverty Levels (FPL) are adjusted and published to the Federal Register. A number of OCCS medical programs eligibility and income disregards are based on percentages of the FPL and must be updated now that the FPLs have been published and align with the Oregon Eligibility (ONE) system implementation timeline.

JUSTIFICATION OF TEMPORARY FILING:

The Authority finds that failure to act promptly will result in serious prejudice to the public interest, the Authority, and to Cover Oregon staff who would be required to maintain rules and policy surrounding new income guidelines for MAGI Medicaid/CHIP programs.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Federal Register: <https://aspe.hhs.gov/poverty-guidelines>

AMEND: 410-200-0315

RULE TITLE: Standards and Determining Income Eligibility

RULE SUMMARY: Every year the Federal Poverty Levels (FPL) are adjusted and published to the Federal Register. A number of OCCS medical programs eligibility and income disregards are based on percentages of the FPL and must be updated now that the FPLs have been published and align with the Oregon Eligibility (ONE) implementation timeline.

RULE TEXT:

- (1) MAGI-based income not specifically excluded is countable, and its value is used in determining the eligibility and benefit level of an applicant or beneficiary.
- (2) MAGI-based income is considered available on the date it is received or the date a member of the household group has a legal right to the payment and the legal ability to make it available, whichever is earlier, except as follows:
 - (a) Income usually paid monthly or on some other regular payment schedule is considered available on the regular payment date if the date of payment is changed because of a holiday or weekend;
 - (b) Income withheld or diverted at the request of an individual is considered available on the date the income would

have been paid without the withholding or diversion;

(c) An advance or draw of earned income is considered available on the date it is received.

(3) In determining financial eligibility for each applicant, the sum of the budget month MAGI-based income of all household group members is combined and compared to the applicable income standard for the family size. If the income is at or below the MAGI income standard, the individual meets the financial eligibility requirements. Except as provided in section (4) (a), if income exceeds the MAGI income standard, the individual is ineligible.

(4) This section applies to MAGI Medicaid/CHIP programs:

(a) If an individual is ineligible for MAGI Medicaid based solely on income and would otherwise be eligible for MAGI CHIP or be referred to the Exchange for APTC, a disregard equivalent to five percentage points of the federal poverty level for the applicable family size shall be applied to the household group's income. If the resulting amount is below the income standard for the applicable program and family size, the individual meets the financial eligibility requirements in the following programs:

(A) The MAGI Parent or Other Caretaker Relative Program;

(B) The MAGI Child Program;

(C) The MAGI Adult Program; and

(D) The MAGI Pregnant Woman Program;

(b) If an individual is ineligible for MAGI CHIP based solely on income and would otherwise be referred to the Exchange for APTC, a disregard equivalent to five percentage points of the federal poverty level for the applicable family size shall be applied to the household group's income. If the resulting amount is below the income standard for the applicable program and family size, the individual meets the financial eligibility requirements in the MAGI CHIP;

(c) The MAGI income standard for the MAGI Parent or Other Caretaker-Relative program is set as follows: See attached table.

(d) Effective March 1, 2019, the MAGI income standard for the MAGI Child Program and the MAGI Adult Program is set at 133 percent of the FPL as follows. If an individual's household group income exceeds the income standard for their family size, the appropriate disregard for their family size described in section (4) (a) shall be applied: See attached table.

(e) Effective March 1, 2019, the MAGI income standard for the MAGI Pregnant Woman Program and for MAGI Child Program recipients under age one is set at 185 percent FPL. If an individual's household group income exceeds the income standard for their family size, the appropriate disregard for their family size described in section (4) (a) shall be applied: See attached table.

(f) Effective March 1, 2019, the MAGI income standard for the MAGI CHIP program is set through 300 percent of FPL as follows. If a child's household group income exceeds the income standard for their family size, and the child would be otherwise ineligible for MAGI CHIP, the appropriate disregard for their family size described in section (5) (a) (B) shall be applied: See attached table.

(g) When the Department makes an ELE determination and the child meets all MAGI CHIP or MAGI Child Program nonfinancial eligibility requirements, the household 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, 2019, if the MAGI-based income of the household group is below 163 percent of the 2019 federal poverty level as listed below, the Department deems the child eligible for the MAGI Child Program: See attached table.

(B) If the MAGI-based income of the household group is at or above 163 percent of the FPL through 300 percent of the FPL as listed in section (4) (f) of this rule, the Agency deems the child eligible for MAGI CHIP.

Stat. Auth.: ORS 411.402, 411.404, 413.042

Stats. Implemented: ORS 411.400, 411.402, 411.404, 411.406, 411.439, 411.443, 413.032, 414.025, 414.231, 411.447, 414.706

STATUTORY/OTHER AUTHORITY: 42 CFR 435.110, 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, 435.115, 435.117, 435.118, 435.119, 435.1200,

435.1205, 435.170, 435.190, 435.222, 435.403, 435.406, 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

2019 Oregon Health Authority Medical Programs - effective March 1, 2019

Family Size	Parents & Other Caretaker Relatives (PCR)		MAGI Child (age 1 - under 19) (CMO) / MAGI Adult (AMO)		MAGI Child (under age 1) (CMO) / MAGI Pregnant Woman (PWO)		MAGI CHIP (C21)	
	Standard	Standard + 5% FPL Disregard	Standard (133%)	Standard + 5% FPL Disregard (138%)	Standard (185%)	Standard + 5% FPL Disregard (190%)	Standard (300%)	Standard + 5% FPL Disregard (305%)
1	\$ 399	\$ 451	\$ 1,384	\$ 1,436	\$ 1,926	\$ 1,978	\$ 3,123	\$ 3,175
2	\$ 515	\$ 585	\$ 1,874	\$ 1,945	\$ 2,607	\$ 2,677	\$ 4,228	\$ 4,298
3	\$ 611	\$ 700	\$ 2,364	\$ 2,453	\$ 3,288	\$ 3,377	\$ 5,333	\$ 5,421
4	\$ 747	\$ 854	\$ 2,854	\$ 2,961	\$ 3,970	\$ 4,077	\$ 6,438	\$ 6,545
5	\$ 872	\$ 998	\$ 3,344	\$ 3,470	\$ 4,651	\$ 4,777	\$ 7,543	\$ 7,668
6	\$ 998	\$ 1,142	\$ 3,834	\$ 3,978	\$ 5,333	\$ 5,477	\$ 8,648	\$ 8,792
7	\$ 1,114	\$ 1,277	\$ 4,324	\$ 4,486	\$ 6,014	\$ 6,177	\$ 9,753	\$ 9,915
8	\$ 1,230	\$ 1,411	\$ 4,813	\$ 4,994	\$ 6,695	\$ 6,876	\$ 10,858	\$ 11,038
9	\$ 1,321	\$ 1,520	\$ 5,303	\$ 5,503	\$ 7,377	\$ 7,576	\$ 11,963	\$ 12,162
10	\$ 1,456	\$ 1,674	\$ 5,793	\$ 6,011	\$ 8,058	\$ 8,276	\$ 13,068	\$ 13,285
11	\$ 1,592	\$ 1,828	\$ 6,283	\$ 6,519	\$ 8,740	\$ 8,976	\$ 14,173	\$ 14,409
12	\$ 1,728	\$ 1,983	\$ 6,773	\$ 7,028	\$ 9,421	\$ 9,676	\$ 15,278	\$ 15,532
13	\$ 1,864	\$ 2,137	\$ 7,263	\$ 7,536	\$ 10,103	\$ 10,376	\$ 16,383	\$ 16,656
14	\$ 2,000	\$ 2,291	\$ 7,753	\$ 8,044	\$ 10,784	\$ 11,075	\$ 17,488	\$ 17,779
15	\$ 2,136	\$ 2,446	\$ 8,243	\$ 8,553	\$ 11,465	\$ 11,775	\$ 18,593	\$ 18,902
16	\$ 2,272	\$ 2,600	\$ 8,733	\$ 9,061	\$ 12,147	\$ 12,475	\$ 19,698	\$ 20,026
17	\$ 2,408	\$ 2,755	\$ 9,222	\$ 9,569	\$ 12,828	\$ 13,175	\$ 20,803	\$ 21,149
18	\$ 2,544	\$ 2,909	\$ 9,712	\$ 10,077	\$ 13,510	\$ 13,875	\$ 21,908	\$ 22,273
19	\$ 2,680	\$ 3,064	\$ 10,202	\$ 10,586	\$ 14,191	\$ 14,575	\$ 23,013	\$ 23,396
20	\$ 2,816	\$ 3,218	\$ 10,692	\$ 11,094	\$ 14,872	\$ 15,274	\$ 24,118	\$ 24,519
Each add'l add	\$ 136	\$ 154	\$ 490	\$ 508	\$ 681	\$ 700	\$ 1,105	\$ 1,123

Family Size	2019 100% Annual Income Test (2018 FPL used for 2019 determinations)	2020 100% Annual Income Test (2019 FPL used for 2020 determinations)
1	\$ 12,140	\$ 12,490
2	\$ 16,460	\$ 16,910
3	\$ 20,780	\$ 21,330
4	\$ 25,100	\$ 25,750
5	\$ 29,420	\$ 30,170
6	\$ 33,740	\$ 34,590
7	\$ 38,060	\$ 39,010
8	\$ 42,380	\$ 43,430
9	\$ 46,700	\$ 47,850
10	\$ 51,020	\$ 52,270
11	\$ 55,340	\$ 56,690
12	\$ 59,660	\$ 61,110
13	\$ 63,980	\$ 65,530
14	\$ 68,300	\$ 69,950
15	\$ 72,620	\$ 74,370
16	\$ 76,940	\$ 78,790
17	\$ 81,260	\$ 83,210
18	\$ 85,580	\$ 87,630
19	\$ 89,900	\$ 92,050
20	\$ 94,220	\$ 96,470
Each add'l add	\$ 4,320	\$ 4,420

2018 Oregon Health Authority Medical Programs - effective March 1, 2018

Family Size	Parents & Other Caretaker Relatives (PCR)		MAGI Child (age 1 - under 19) (CMO) / MAGI Adult (AMO)		MAGI Child (under age 1) (CMO) / MAGI Pregnant Woman (PWO)		MAGI CHIP (C21)	
	Standard	Standard + 5% FPL Disregard	Standard (133%)	Standard + 5% FPL Disregard (138%)	Standard (185%)	Standard + 5% FPL Disregard (190%)	Standard (300%)	Standard + 5% FPL Disregard (305%)
1	\$ 399	\$ 450	\$ 1,346	\$ 1,396	\$ 1,872	\$ 1,922	\$ 3,035	\$ 3,086
2	\$ 515	\$ 584	\$ 1,824	\$ 1,893	\$ 2,538	\$ 2,606	\$ 4,115	\$ 4,184
3	\$ 611	\$ 698	\$ 2,303	\$ 2,390	\$ 3,204	\$ 3,290	\$ 5,195	\$ 5,282
4	\$ 747	\$ 852	\$ 2,782	\$ 2,887	\$ 3,870	\$ 3,974	\$ 6,275	\$ 6,380
5	\$ 872	\$ 995	\$ 3,261	\$ 3,383	\$ 4,536	\$ 4,658	\$ 7,355	\$ 7,478
6	\$ 998	\$ 1,139	\$ 3,740	\$ 3,880	\$ 5,202	\$ 5,342	\$ 8,435	\$ 8,576
7	\$ 1,114	\$ 1,273	\$ 4,218	\$ 4,377	\$ 5,868	\$ 6,026	\$ 9,515	\$ 9,674
8	\$ 1,230	\$ 1,407	\$ 4,697	\$ 4,874	\$ 6,534	\$ 6,710	\$ 10,595	\$ 10,772
9	\$ 1,321	\$ 1,516	\$ 5,176	\$ 5,371	\$ 7,200	\$ 7,394	\$ 11,675	\$ 11,870
10	\$ 1,456	\$ 1,669	\$ 5,655	\$ 5,867	\$ 7,866	\$ 8,078	\$ 12,755	\$ 12,968
11	\$ 1,592	\$ 1,823	\$ 6,134	\$ 6,364	\$ 8,532	\$ 8,762	\$ 13,835	\$ 14,066
12	\$ 1,728	\$ 1,977	\$ 6,612	\$ 6,861	\$ 9,198	\$ 9,446	\$ 14,915	\$ 15,164
13	\$ 1,864	\$ 2,131	\$ 7,091	\$ 7,358	\$ 9,864	\$ 10,130	\$ 15,995	\$ 16,262
14	\$ 2,000	\$ 2,285	\$ 7,570	\$ 7,855	\$ 10,530	\$ 10,814	\$ 17,075	\$ 17,360
15	\$ 2,136	\$ 2,439	\$ 8,049	\$ 8,351	\$ 11,196	\$ 11,498	\$ 18,155	\$ 18,458
16	\$ 2,272	\$ 2,593	\$ 8,528	\$ 8,848	\$ 11,862	\$ 12,182	\$ 19,235	\$ 19,556
17	\$ 2,408	\$ 2,747	\$ 9,006	\$ 9,345	\$ 12,528	\$ 12,866	\$ 20,315	\$ 20,654
18	\$ 2,544	\$ 2,901	\$ 9,485	\$ 9,842	\$ 13,194	\$ 13,550	\$ 21,395	\$ 21,752
19	\$ 2,680	\$ 3,055	\$ 9,964	\$ 10,339	\$ 13,860	\$ 14,234	\$ 22,475	\$ 22,850
20	\$ 2,816	\$ 3,209	\$ 10,443	\$ 10,835	\$ 14,526	\$ 14,918	\$ 23,555	\$ 23,948
Each add'l add	\$ 136	\$ 154	\$ 479	\$ 497	\$ 666	\$ 684	\$ 1,080	\$ 1,098

Family Size	Income Test (2017 FPL used for 2018 determinations)
1	\$ 12,060
2	\$ 16,240
3	\$ 20,420
4	\$ 24,600
5	\$ 28,780
6	\$ 32,960
7	\$ 37,140
8	\$ 41,320
9	\$ 45,500
10	\$ 49,680
11	\$ 53,860
12	\$ 58,040
13	\$ 62,220
14	\$ 66,400
15	\$ 70,580
16	\$ 74,760
17	\$ 78,940
18	\$ 83,120
19	\$ 87,300
20	\$ 91,480
Each add'l add	\$ 4,180