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TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

DMAP 90-2024

CHAPTER 410

OREGON HEALTH AUTHORITY

HEALTH SYSTEMS DIVISION: MEDICAL ASSISTANCE PROGRAMS

FILED

05/22/2024 2:05 PM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Amending rule to reflect closure of program to new enrollment effective 7/1/2024.

EFFECTIVE DATE: 05/22/2024 THROUGH 11/17/2024

AGENCY APPROVED DATE: 05/21/2024

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Filed By:

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NEED FOR THE RULE(S):

The MAGI Expanded Adult Program (TME) is ending 6/30/2024 and is being replaced by the Basic Health Program (BHP). Rule 410-200-0436 needs to be amended to close the program to new enrollment effective 7/1/2024, but the rule must remain active while individuals enrolled in this program go through due process prior to transitioning to another program or ending eligibility.

JUSTIFICATION OF TEMPORARY FILING:

(1) Individuals will not be enrolled in the TME after 6/30/2024 because the program will be closed and individuals will be evaluated for eligibility in the BHP. The rule cannot be repealed at this time, however, because there will be individuals going through due process while their eligibility transitions or closes. The rule needs to cover the individuals that continue to be enrolled in this program in the months following 6/30/2024, but the funding will have ended for any new enrollment into the program. Additionally, there are individuals receiving continuous eligibility in this program that needs to end when the program ends. The ending of continuous eligibility for this reason is captured in 400-200-0135(3)(g)(B)(v) but this would not be supported without amending 400-200-0436.

(2) Individuals enrolled in the TME through regular or through continuous eligibility. The State would also have potential financial consequences as individuals would have to remain covered for a longer period without funding specific for this program. Additionally, there would be potential delays for individuals who may be eligible for the TME, but cannot enroll because the program is closed who file a hearings request. This may result in an increase in workload for hearings staff and difficulties for eligibility staff trying to manage individuals not eligible for this program, into another they may not be eligible for while the process continues for a permanent rule.

(3) There is no additional funding for individuals to remain in the TME, individuals will be transitioning to the BHP, another Medicaid Program, or their eligibility will be ending when the BHP is implemented 7/1/24. There are individuals who are currently receiving TME due to continuous eligibility and their continuous eligibility will end when the BHP starts and the TME ends. The end of these individual's continuous eligibility is accounted for in rule 410-200-0135(3)(g)(B)(v), but if we do not have a temporary rule ending the TME, then ending continuous eligibility in the TME

due to program ending is not supported. This will have financial impacts due to having to keep individuals open in other programs for which they may not be eligible. Also, it will cause confusion and problems for individuals whose eligibility will end and then will need to be managed in other programs until their eligibility can be ended again. There also could be impacts on hearings individuals due to increase in hearings requests from this population, and complications for staff when trying to continue individuals not eligible for other programs and the inability to keep them in the TME.

(4) Adding an end date to rule 410-200-0436 to effectively end the TME provides support for ending an individual's continuous eligibility while in the TME. It will also provide support for any hearings requests filed when someone who would be otherwise eligible for the TME except for the program closing.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Discussions between HSD Medicaid Eligibility Policy Analysts, Analysts from Health Policy Analytics, and our medical rules coordinator.

AMEND: 410-200-0436

RULE SUMMARY: Specific Requirements: MAGI Expanded Adult Program.

CHANGES TO RULE:

410-200-0436

Specific Requirements: MAGI Expanded Adult Program

(1) The Modified Adjusted Gross Income (MAGI) Expanded Adult program is effective April 1, 2023.¶

(2) Notwithstanding any other rule to the contrary in these Chapter 410, Division 200 rules, the MAGI Expanded Adult Program shall be closed to new enrollment effective July 1, 2024. Beginning in June 2024, eligibility for MAGI Expanded Adult Program recipients shall be redetermined, and:¶

(a) If determined eligible for any OHP Plus program shall be transitioned to that program.¶

(b) If determined eligible for a medical program that provides reduced benefits, including an OHP Bridge program, shall be transitioned to that program, with timely notice as described in OAR 410-200-0015 (32)(c).¶

(c) If determined ineligible for any medical assistance program, shall be terminated with timely notice as described in OAR 410-200-0521 (8)¶

(3) Individuals who lose eligibility for other OHP Plus medical benefits due to an increase of countable income may be eligible for the MAGI Expanded Adult program if they:¶

(a) Are 19 years of age or older and under age 65;¶

(b) Have household income greater than 138 percent federal poverty level through 200 percent federal poverty level (OAR 410-200-0315) for the applicable family size;¶

(c) Meet citizenship or non-citizen status requirements outlined in OAR 410-200-0215;¶

(d) Are not entitled to or enrolled in Medicare benefits under part A or B of Title XVIII of the Act; and¶

(e) Are not receiving SSI benefits.¶

(34) As a condition of MAGI Expanded Adult program eligibility for parents or caretaker relatives with a dependent child living in the home, the child must be enrolled in minimum essential coverage.¶

(45) The MAGI Expanded Adult program is not available to new applicants or individuals reapplying after a break in coverage.¶

(56) The MAGI Expanded Adult program is not subject to protected eligibility provisions related to pregnancy, described in OAR 410-200-0135 - Assumed, Continuous, and Protected Eligibility for Children and Pregnant Individuals section (3).¶

(67) The MAGI Expanded Adult program eligibility is not subject to the pursuit of assets requirements found in OAR 410-200-0220 - Requirement to Pursue Assets.

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, 435.952, 435.956, 435.1008, 457.320, 457.380, 435.608, 433.138, 433.145, 433.146, 433.147, 433.148, 435.117, 435.119, 435.1205, 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