

OFFICE OF THE SECRETARY OF STATE
BEV CLARNO
SECRETARY OF STATE

A. RICHARD VIAL
DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION
STEPHANIE CLARK
INTERIM 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
07/08/2019 4:04 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Income Eligibility Guidelines for OCCS Medicaid/CHIP

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 08/21/2019 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: Brean Arnold
503-569-0328
brean.n.arnold@dhsosha.state.or.us

500 Summer St NE
Salem, OR 97301

Filed By:
Brean Arnold
Rules Coordinator

NEED FOR THE RULE(S):

Every year the Federal Poverty Levels (FPL) are adjusted and published to the Federal Register. Several OCCS medical programs' eligibility thresholds and income disregards are based on percentages of the FPL; OAR must be updated to reflect these new values.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

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

FISCAL AND ECONOMIC IMPACT:

The Authority estimates that amending OAR 410-200-0315 will result in a positive fiscal impact for some applicants for MAGI Medicaid/CHIP programs by increasing the uppermost income limits. The Department estimates that these amendments will have no fiscal impact on other state agencies, local government, and business, including small business. There is no cost of compliance for small business. No small businesses are subject to these rules.

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) Amending these rules will have no fiscal impact on the Authority, other state agencies, units of local government, the public, or businesses, including small businesses.

2a) None

2b) None

2c) None

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

N/A

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

This is a Federally mandated rule change

AMEND: 410-200-0315

RULE SUMMARY: Every year the Federal Poverty Levels (FPL) are adjusted and published to the Federal Register. Several OCCS medical programs' eligibility thresholds and income disregards are based on percentages of the FPL; OAR must be updated to reflect these new values.

CHANGES TO RULE:

410-200-0315

Standards and Determining Income Eligibility ¶¶

- (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, 2018~~9~~2, 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 ~~T~~table.¶

(e) Effective March 1, 2018~~9~~2, 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 ~~T~~table.¶

(f) Effective March 1, 2018~~9~~2, 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 ~~T~~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, 2018~~9~~2, if the MAGI-based income of the household group is below 163 percent of the 2018~~9~~2 federal poverty level as listed below, the Department deems the child eligible for the MAGI Child Program: See attached ~~T~~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.

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 411.400~~2~~, 411.402~~4~~, 411.404~~0~~ORS 411.060, 411.095, 411.400, 411.406, 411.439, 411.443, 413.032, 413.038, 414.025, 414.231, 411.447~~4~~.440, 414.534, 414.536, 414.706

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

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