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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

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

FILED
07/06/2021 10:11 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Amending Administrative Rule With Updated 2021 Federal Poverty Level (FPL) Values.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 08/21/2021 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.

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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. Several HSD 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 HSD Medical Programs by increasing the uppermost income limits. OHA 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.

(2)

(a) None.

(b) None.

(c) None.

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

There is no cost of compliance for small business. No small businesses are subject to these rules.

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

FPL update rule amendments have received a RAC exception.

AMEND: 410-200-0315

RULE SUMMARY: OAR 410-200-0315 identifies income standards for HSD Medical Programs, most of which are based on a percentage of the FPL. Every year the federal government publishes updated FPLs, necessitating an update to the income standards.

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 MAGI-based income standard for the MAGI Parent or Caretaker-Relative program is set as follows: See attached table.¶¶

(3) Effective March 1, 2020~~1~~, the MAGI income standard for the MAGI Child Program and the MAGI Adult Program is set at 133 percent ~~of the~~ FPL as follows: See attached table.¶¶

(4) Effective March 1, 2020~~1~~, the MAGI income standard for the MAGI Pregnant Woman Program and for MAGI Child Program recipients under ~~age one~~ the age of one year is set at 185 percent FPL as follows: See attached table.¶¶

(5) Effective March 1, 2020~~1~~, the MAGI income standard for the MAGI CHIP program is set at 300 percent ~~of~~ FPL as follows: See attached table.¶¶

(6) 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, 2020~~1~~, if the MAGI-based income of the EDG is below 163 percent of the 2020~~1~~ 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 EDG is at or above 163 percent ~~of the~~ FPL through 300 percent ~~of the~~ FPL as ~~list~~ FPL as described in section (4)-(f) of this rule, the ~~Agency~~ 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, 435.115, 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

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

2021 Income Thresholds - Effective March 1, 2021

Oregon Health Plan, Health Systems Division Medical Programs

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)	
	2021 Standard	Standard + 5% FPL Disregard	2021 Standard (133%)	Standard + 5% FPL Disregard (138%)	2021 Standard (185%)	Standard + 5% FPL Disregard (190%)	2021 Standard (300%)	Standard + 5% FPL Disregard (305%)
1	\$ 399	\$ 453	\$ 1,428	\$ 1,482	\$ 1,986	\$ 2,040	\$ 3,220	\$ 3,274
2	\$ 515	\$ 588	\$ 1,931	\$ 2,004	\$ 2,686	\$ 2,759	\$ 4,355	\$ 4,428
3	\$ 611	\$ 703	\$ 2,434	\$ 2,526	\$ 3,386	\$ 3,477	\$ 5,490	\$ 5,582
4	\$ 747	\$ 858	\$ 2,938	\$ 3,048	\$ 4,086	\$ 4,196	\$ 6,625	\$ 6,736
5	\$ 872	\$ 1,002	\$ 3,441	\$ 3,570	\$ 4,786	\$ 4,915	\$ 7,760	\$ 7,890
6	\$ 998	\$ 1,147	\$ 3,944	\$ 4,092	\$ 5,486	\$ 5,634	\$ 8,895	\$ 9,044
7	\$ 1,114	\$ 1,282	\$ 4,447	\$ 4,614	\$ 6,186	\$ 6,353	\$ 10,030	\$ 10,198
8	\$ 1,230	\$ 1,417	\$ 4,950	\$ 5,136	\$ 6,886	\$ 7,072	\$ 11,165	\$ 11,352
9	\$ 1,321	\$ 1,526	\$ 5,453	\$ 5,658	\$ 7,585	\$ 7,790	\$ 12,300	\$ 12,505
10	\$ 1,456	\$ 1,680	\$ 5,957	\$ 6,181	\$ 8,285	\$ 8,509	\$ 13,435	\$ 13,659
11	\$ 1,592	\$ 1,835	\$ 6,460	\$ 6,703	\$ 8,985	\$ 9,228	\$ 14,570	\$ 14,813
12	\$ 1,728	\$ 1,990	\$ 6,963	\$ 7,225	\$ 9,685	\$ 9,947	\$ 15,705	\$ 15,967
13	\$ 1,864	\$ 2,145	\$ 7,466	\$ 7,747	\$ 10,385	\$ 10,666	\$ 16,840	\$ 17,121
14	\$ 2,000	\$ 2,300	\$ 7,969	\$ 8,269	\$ 11,085	\$ 11,385	\$ 17,975	\$ 18,275
15	\$ 2,136	\$ 2,455	\$ 8,473	\$ 8,791	\$ 11,785	\$ 12,103	\$ 19,110	\$ 19,429
16	\$ 2,272	\$ 2,610	\$ 8,976	\$ 9,313	\$ 12,485	\$ 12,822	\$ 20,245	\$ 20,583
17	\$ 2,408	\$ 2,765	\$ 9,479	\$ 9,835	\$ 13,185	\$ 13,541	\$ 21,380	\$ 21,737
18	\$ 2,544	\$ 2,920	\$ 9,982	\$ 10,357	\$ 13,885	\$ 14,260	\$ 22,515	\$ 22,891
19	\$ 2,680	\$ 3,075	\$ 10,485	\$ 10,879	\$ 14,585	\$ 14,979	\$ 23,650	\$ 24,045
20	\$ 2,816	\$ 3,230	\$ 10,989	\$ 11,402	\$ 15,285	\$ 15,698	\$ 24,785	\$ 25,199
Each add'l add	\$ 136	\$ 155	\$ 504	\$ 523	\$ 700	\$ 719	\$ 1,135	\$ 1,154

Family Size	2021 100% Annual Income Threshold (2020 FPL used for 2021 determinations)	2022 100% Annual Income Threshold (2021 FPL used for 2022 determinations)
1	\$ 12,760	\$ 12,880
2	\$ 17,240	\$ 17,420
3	\$ 21,720	\$ 21,960
4	\$ 26,200	\$ 26,500
5	\$ 30,680	\$ 31,040
6	\$ 35,160	\$ 35,580
7	\$ 39,640	\$ 40,120
8	\$ 44,120	\$ 44,660
9	\$ 48,600	\$ 49,200
10	\$ 53,080	\$ 53,740
11	\$ 57,560	\$ 58,280
12	\$ 62,040	\$ 62,820
13	\$ 66,520	\$ 67,360
14	\$ 71,000	\$ 71,900
15	\$ 75,480	\$ 76,440
16	\$ 79,960	\$ 80,980
17	\$ 84,440	\$ 85,520
18	\$ 88,920	\$ 90,060
19	\$ 93,400	\$ 94,600
20	\$ 97,880	\$ 99,140
Each add'l add	\$ 4,480	\$ 4,540

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2020 Income Thresholds - Effective March 1, 2020

Oregon Health Plan, Health Systems Division Medical Programs

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)	
	2020 Standard	Standard + 5% FPL Disregard	2020 Standard (133%)	Standard + 5% FPL Disregard (138%)	2020 Standard (185%)	Standard + 5% FPL Disregard (190%)	2020 Standard (300%)	Standard + 5% FPL Disregard (305%)
1	\$ 399	\$ 453	\$ 1,415	\$ 1,468	\$ 1,968	\$ 2,021	\$ 3,190	\$ 3,244
2	\$ 515	\$ 587	\$ 1,911	\$ 1,983	\$ 2,658	\$ 2,730	\$ 4,310	\$ 4,382
3	\$ 611	\$ 702	\$ 2,408	\$ 2,498	\$ 3,349	\$ 3,439	\$ 5,430	\$ 5,521
4	\$ 747	\$ 857	\$ 2,904	\$ 3,013	\$ 4,040	\$ 4,149	\$ 6,550	\$ 6,660
5	\$ 872	\$ 1,000	\$ 3,401	\$ 3,529	\$ 4,730	\$ 4,858	\$ 7,670	\$ 7,798
6	\$ 998	\$ 1,145	\$ 3,897	\$ 4,044	\$ 5,421	\$ 5,567	\$ 8,790	\$ 8,937
7	\$ 1,114	\$ 1,280	\$ 4,394	\$ 4,559	\$ 6,112	\$ 6,277	\$ 9,910	\$ 10,076
8	\$ 1,230	\$ 1,414	\$ 4,890	\$ 5,074	\$ 6,802	\$ 6,986	\$ 11,030	\$ 11,214
9	\$ 1,321	\$ 1,524	\$ 5,387	\$ 5,589	\$ 7,493	\$ 7,695	\$ 12,150	\$ 12,353
10	\$ 1,456	\$ 1,678	\$ 5,884	\$ 6,105	\$ 8,184	\$ 8,405	\$ 13,270	\$ 13,492
11	\$ 1,592	\$ 1,832	\$ 6,380	\$ 6,620	\$ 8,874	\$ 9,114	\$ 14,390	\$ 14,630
12	\$ 1,728	\$ 1,987	\$ 6,877	\$ 7,135	\$ 9,565	\$ 9,823	\$ 15,510	\$ 15,769
13	\$ 1,864	\$ 2,142	\$ 7,373	\$ 7,650	\$ 10,256	\$ 10,533	\$ 16,630	\$ 16,908
14	\$ 2,000	\$ 2,296	\$ 7,870	\$ 8,165	\$ 10,946	\$ 11,242	\$ 17,750	\$ 18,046
15	\$ 2,136	\$ 2,451	\$ 8,366	\$ 8,681	\$ 11,637	\$ 11,951	\$ 18,870	\$ 19,185
16	\$ 2,272	\$ 2,606	\$ 8,863	\$ 9,196	\$ 12,328	\$ 12,661	\$ 19,990	\$ 20,324
17	\$ 2,408	\$ 2,760	\$ 9,359	\$ 9,711	\$ 13,018	\$ 13,370	\$ 21,110	\$ 21,462
18	\$ 2,544	\$ 2,915	\$ 9,856	\$ 10,226	\$ 13,709	\$ 14,079	\$ 22,230	\$ 22,601
19	\$ 2,680	\$ 3,070	\$ 10,352	\$ 10,741	\$ 14,400	\$ 14,789	\$ 23,350	\$ 23,740
20	\$ 2,816	\$ 3,224	\$ 10,849	\$ 11,257	\$ 15,090	\$ 15,498	\$ 24,470	\$ 24,878
Each add'l add	\$ 136	\$ 155	\$ 497	\$ 516	\$ 691	\$ 710	\$ 1,120	\$ 1,139

Family Size	2020 100% Annual Income Test (2019 FPL used for 2020 determinations)
1	\$ 12,490
2	\$ 16,910
3	\$ 21,330
4	\$ 25,750
5	\$ 30,170
6	\$ 34,590
7	\$ 39,010
8	\$ 43,430
9	\$ 47,850
10	\$ 52,270
11	\$ 56,690
12	\$ 61,110
13	\$ 65,530
14	\$ 69,950
15	\$ 74,370
16	\$ 78,790
17	\$ 83,210
18	\$ 87,630
19	\$ 92,050
20	\$ 96,470
Each add'l add	\$ 4,420