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CHAPTER 411

DEPARTMENT OF HUMAN SERVICES

AGING AND PEOPLE WITH DISABILITIES AND DEVELOPMENTAL DISABILITIES

FILING CAPTION: ODDS: General Eligibility for Ancillary Services

EFFECTIVE DATE: 12/01/2021

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AMEND: 411-435-0030

REPEAL: Temporary 411-435-0030 from APD 24-2021

RULE TITLE: General Eligibility for Ancillary Services

NOTICE FILED DATE: 09/02/2021

RULE SUMMARY: OAR 411-435-0030 about General Eligibility for Ancillary Services is being permanently amended to require that an individual must be determined eligible:

- By the Community Developmental Disabilities Program of the county of origin as described in OAR 411-320-0080; or
- As described in OAR 411-300-0120 for the Medically Involved Children's Waiver or the Medically Fragile Children's Program.

In addition, other changes have been made to improve the accuracy and clarity of the rule. These changes are considered housekeeping and do not affect services or introduce additional requirements or processes.

RULE TEXT:

(1) To be eligible for ancillary services an individual must:

(a) Be an Oregon resident.

(b) Be enrolled at a CDDP, a Brokerage, or a CIIS program.

(c) Be determined eligible for developmental disabilities services by the CDDP of the county of origin as described in OAR 411-320-0080, except for those enrolled in the Medically Involved Children's Waiver or the Medically Fragile Children's Program as described in OAR chapter 411, division 300.

(A) A child enrolled in the Medically Involved Children's Waiver must be determined eligible for the waiver as described in OAR 411-300-0120(7).

(B) A child enrolled in the Medically Fragile Children's Program must meet the eligibility requirements described in OAR 411-300-0120(5).

(d) Be receiving a Medicaid Title XIX benefit package through OSIPM or the HSD Medical Program. Individuals receiving Medicaid Title XIX under the HSD Medical Program for services in a nonstandard living arrangement as defined in OAR

461-001-0000 are subject to the requirements in the same manner as if they were requesting these services under OSIPM, including the rules regarding:

(A) The transfer of assets as set forth in OAR 461-140-0210 through 461-140-0300; and

(B) The equity value of a home which exceeds the limits as set forth in OAR 461-145-0220.

(e) Be determined to meet the level of care as defined in OAR 411-317-0000.

(f) Demonstrate a need for the ancillary service.

(g) POST ELIGIBILITY TREATMENT OF INCOME. For individuals with excess income, contribute to the cost of service pursuant to OAR 461-160-0610 and OAR 461-160-0620.

(h) For services available through the Community First Choice State Plan Amendment or a 1915(c) waiver, participate in a functional needs assessment and provide information necessary to complete the functional needs assessment and reassessment within the time frame required by the Department.

(A) Failure to participate in the functional needs assessment or to provide information necessary to complete the functional needs assessment or reassessment within the applicable time frame results in the denial of service eligibility. In the event service eligibility is denied, a written Notification of Planned Action must be provided as described in OAR chapter 411, division 318.

(B) The Department may allow additional time if circumstances beyond the control of the individual or legal representative prevent timely participation in the functional needs assessment or timely submission of information necessary to complete the functional needs assessment or reassessment.

(2) A child receiving supports and services under the family support program as described in OAR 411-305-0235 is not eligible to receive ancillary services.

(3) Additional service limits are described in these rules.

(4) Individuals who meet the general eligibility criteria described in this rule may be eligible for services equivalent to the services described in these rules from a residential program when the individual is enrolled to one through the program's all-inclusive rate.

STATUTORY/OTHER AUTHORITY: ORS 409.050, 427.104, 430.662

STATUTES/OTHER IMPLEMENTED: ORS 409.010, 427.005, 427.007, 427.104, 430.610, 430.620, 430.662-430.670