

OFFICE OF THE SECRETARY OF STATE
BEV CLARNO
SECRETARY OF STATE
JEFF MORGAN
INTERIM DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION
STEPHANIE CLARK
DIRECTOR
800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 461
DEPARTMENT OF HUMAN SERVICES
SELF-SUFFICIENCY PROGRAMS

FILED
12/21/2020 2:43 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Amending Three Rules Regarding Income Standards for APD Medical Programs

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 02/10/2021 11:59 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.

CONTACT: Meorah Solar
503-602-7545
meorah.a.solar@dhsosha.state.or.us

2885 Chad Drive
Eugene, OR 97408

Filed By:
Meorah Solar
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 01/25/2021

TIME: 11:00 AM - 12:00 PM

OFFICER: Meorah Solar

ADDRESS: No Physical Location due to
COVID-19

Phone 1-971-277-2343, code 301 641
713#

Microsoft Teams link also available

Electronic Only, OR 97301

SPECIAL INSTRUCTIONS:

Everyone has a right to know about
and use Oregon Department of Human
Services (ODHS) programs and
services. DHS provides free help. Some
examples of the free help ODHS can
provide are: sign language and spoken
language interpreters, written
materials in other languages, braille,
large print, audio and other formats. If
you need help or have questions,
please contact Meorah Solar at (503)
602-7545, 711 TTY, or
meorah.a.solar@dhsosha.state.or.us at
least 48 hours before the meeting.

NEED FOR THE RULE(S):

OAR 461-155-0290, OAR 461-155-0291, and OAR 461-155-0295 need to be amended because the Department is required to adjust its eligibility standards as a result of these congressionally approved changes. These amendments keep Oregon in line with current federal standards for Department Medicaid programs and changes in the Federal Poverty Level.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Available in January 2021, at U.S. Department of Health and Human Services Poverty Guidelines, here: <https://aspe.hhs.gov/poverty-guidelines>

FISCAL AND ECONOMIC IMPACT:

The Department is unable to estimate the fiscal impact of amending OAR 461-155-0290, 461-155-0921, and 461-155-0295 on the Department and on clients because the 2021 Federal Poverty Limit are not published until January. It is possible that a few clients will lose eligibility for certain Medicare Savings Programs (MSP) as a result, since it is often the case that the percentage Social Security benefits increase due to the annual Cost of Living Adjustments exceeds that of the overall Federal Poverty Level increases. However, in 2013, 2016, and 2017 the overall percentage of the Federal Poverty Level increase exceeded the COLA increases. In light of that, it is also possible that the amendments will result in either clients being eligible for an MSP for the first time or clients who are receiving QMB-SMB will be eligible for the QMB-BAS program, which offers a medical benefit in addition to payment of the Part B premium. 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.

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).

see above under Fiscal and Economic Impact

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

Small businesses were not involved in the development of these rules but are invited to provide input during the public comment period.

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

No rule advisory committee was used for these changes because each of these involve routine annual adjustments.

RULES PROPOSED:

461-155-0290, 461-155-0291, 461-155-0295

AMEND: 461-155-0290

RULE SUMMARY: OAR 461-155-0290 about income standards for QMB-BAS, is being amended to adjust these standards to reflect the annual updates to the Federal Poverty Level that happens every March. These amendments keep Oregon in line with current federal standards for Department Medicaid programs and changes in the Federal Poverty Level. These amendments will take effect March 1.

CHANGES TO RULE:

461-155-0290

Income Standard; QMB-BAS ¶

THIS RULE WILL BE AMENDED TO REFLECT FEDERAL POVERTY LEVEL STANDARDS PUBLISHED ANNUALLY. The adjusted income standard for the QMB-BAS program is 100 percent of the 2020 federal poverty level.

Statutory/Other Authority: ORS 411.060, 411.070, 411.404, ORS 409.050, 413.085, 414.685

Statutes/Other Implemented: ORS 411.060, 411.070, 411.404, ORS 409.010

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

QMB-BAS Adjusted Income Standard

No. in Need Group	Amount
1	\$1,064
2	1,437
3	1,810
4	2,184
5	2,557
6	2,930
7	3,304
8	3,677
9	4,050
10	4,424
Each additional person	+ 374

AMEND: 461-155-0291

RULE SUMMARY: OAR 461-155-0291 about income standards for QMB-DW, is being amended to adjust these standards to reflect the annual updates to the Federal Poverty Level that happens every March. These amendments keep Oregon in line with current federal standards for Department Medicaid programs and changes in the Federal Poverty Level. These amendments will take effect March 1.

CHANGES TO RULE:

461-155-0291

Income Standard; QMB-DW ¶¶

THIS RULE WILL BE AMENDED TO REFLECT FEDERAL POVERTY LEVEL STANDARDS PUBLISHED ANNUALLY. The adjusted income standard for the QMB-DW program is 200 percent of the 2020 federal poverty level (see OAR 461-155-0290).

Statutory/Other Authority: ORS 411.060, 411.070, 411.404, ORS 409.050, 413.085, 414.685

Statutes/Other Implemented: ORS 411.060, 411.070, 411.404, ORS 409.010

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

QMB-DW Adjusted Income Standard

No. in Need Group	Amount
1	\$2,127
2	2,874
3	3,620
4	4,367
5	5,114
6	5,860
7	6,607
8	7,354
9	8,100
10	8,847
Each additional person	+ 747

AMEND: 461-155-0295

RULE SUMMARY: OAR 461-155-0295 about income standards for QMB-SMB and QMB-SMF, is being amended to adjust these standards to reflect the annual updates to the Federal Poverty Level that happens every March. These amendments keep Oregon in line with current federal standards for Department Medicaid programs and changes in the Federal Poverty Level. These amendments will take effect March 1.

CHANGES TO RULE:

461-155-0295

Income Standard; QMB-SMB, QMB-SMF ¶

THIS RULE WILL BE AMENDED TO REFLECT FEDERAL POVERTY LEVEL STANDARDS PUBLISHED ANNUALLY¶

(1) Eligibility for QMB-SMB requires income greater than 100 percent (see OAR 461-155-0290) but less than 120 percent of the federal poverty level. The adjusted income standard for QMB-SMB is 120 percent of the 2020 federal poverty level.¶

(2) Eligibility for QMB-SMF requires income equal to or greater than 120 percent (see section (1) of this rule) but less than 135 percent of the federal poverty level. The adjusted income standard for QMB-SMF is 135 percent of the 2020 federal poverty level.

Statutory/Other Authority: ORS 411.060, 411.070, ORS 409.050, 413.085, 414.685

Statutes/Other Implemented: ORS 411.060, 411.070, ORS 409.010

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

(1)

QMB-SMB Adjusted Income Standard
(Case Descriptor SMB)

<u>No. in Need Group</u>	<u>Amount</u>
1	\$1,276
2	1,724
3	2,172
4	2,620
5	3,068
6	3,516
7	3,964
8	4,412
9	4,860
10	5,308
Each additional person	+ 448

(2)

QMB-SMF Adjusted Income Standard
(Case Descriptor SMF)

<u>No. in Need Group</u>	<u>Amount</u>
1	\$1,436
2	1,940
3	2,444
4	2,948
5	3,452
6	3,956
7	4,460
8	4,964
9	5,468
10	5,972
Each additional person	+ 504