

Patricia Baxter

Authorized Signature

Number: SPD-AR-11-076

Issue Date: 11/1/2011

Topic: Other

Due Date: 11/1/2011

Subject: Reduction of Instrumental Activities of Daily Living (IADL) Hours for Individuals Receiving Title XIX 1915(c) Waivered In-Home Services

Applies to (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> All DHS employees | <input type="checkbox"/> County Mental Health Directors |
| <input checked="" type="checkbox"/> Area Agencies on Aging | <input type="checkbox"/> Health Services |
| <input type="checkbox"/> Children, Adults and Families | <input checked="" type="checkbox"/> Seniors and People with Disabilities |
| <input type="checkbox"/> County DD Program Managers | <input type="checkbox"/> Other (please specify): |

Discussion and Reason for Action: Effective January 1, 2012, Seniors and People with Disabilities (SPD) is reducing the Title XIX waived in-home services monthly maximum hours for self management tasks by 10 percent. Self management tasks are commonly known as Instrumental Activities of Daily Living (IADL). This change is being made to be in compliance with the 2011-2013 Legislatively Approved Budget. As a result, OAR 411-030-0070 has been revised with reduced hours for meal preparation and housekeeping.

Reducing meal preparation and housekeeping hours will accomplish an overall 10 percent reduction in IADLs. For most individuals, this reduction will be a minimal reduction of hours ranging between four to nine hours per month. For example: Individuals currently eligible for and receiving full assist meal preparation (Breakfast, Lunch and Dinner/Supper) and housekeeping hours will be reduced nine hours. However, individuals currently eligible for and receiving minimal assist in meal preparation and housekeeping hours will be reduced four hours. Individuals who are not currently receiving meal preparation and housekeeping hours will not have any reduction of IADL hours.

This reduction applies to waived hourly and live-in services provided by homecare workers and In-Home Agencies, the Spousal Pay Program, and the Independent Choices Program.

This reduction does not apply to State Plan Personal Care (SPPC), Oregon Project Independence (OPI) or Specialized Living.

Actions required by SPD Central Office:

- ▶ A new version of the CAPS Full Benefit Results will be generated as a result of the IADL reductions. The new version with the new maximum allowable IADL hours will be available in CAPS on 11-7-11. This new version will display the reduced IADL hours based on the revised OAR 411-030-0070 in effect January 1, 2012.
- ▶ During the 11-7-11 OACCESS Release, the majority of CAPS APD In-Home, APD SPH (spousal pay) and ICP (Independent Choices Program) service Benefits and Plans will automatically end effective December 31, 2011.
- ▶ SPD Central Office (CO) will review all existing CO Tier 3 exceptions and will set up and approve the service plans. This will not require any local SPD/AAA office action other than issuing payment vouchers for January 2012.

Actions Required by SPD/AAA Local Office Staff:

1. **Minimizing Risks:** SPD/AAA Local Office staff must identify those who would be at greatest risk due to the reduction in hours and attempt to mitigate risks by offering any potential untapped natural supports, community resources or other Medicaid services. The reduction of service hours will not pose a risk to all individuals.

To assist in this process, SPD previously offered a Transition Planning and Risk Assessment Netlink training in February 2011. This training provided tools to assist in mitigating risks to individuals. The tools and Netlink presentation can be found on the [SPD Case Management Staff Tools website](#).

The direct link is: <http://www.dhs.state.or.us/spd/tools/cm/capstools/index.htm>

2. **CAPS Service Planning requirements:**

- Prior to the January 1, 2012 effective date, new CAPS service plans, including the Benefits, Hour Segment, Providers, Needs Association, Task List, Provider Hours Assignment and all other service related functions need to be set up and approved. The effective date of these service plans is January 1, 2012.
- When creating a new Hours Segment based on the reductions, DO NOT increase the hours in any Activities of Daily Living (ADL) or IADL need above the hours the individual is already receiving for each need. This means the allowed hours (Alwd Hrs) column in the CAPS Hours Segment can NOT be increased in any area.

The following are examples of previously reduced hours prior to the implementation of IADL reductions and required actions:

Example #1 – previously reduced ADL need based on case manager decision:

- Prior to the IADL reductions, the maximum assessed hours for mobility

was 10 (minimal assist) hours per month. The case manager previously determined and allowed 7 hours. These hours cannot be increased and must remain at 7 hours.

Example #2 - previously reduced lunch hours based on Home Delivered Meals:

- Prior to the IADL reductions, the maximum assessed hours for lunch preparation was 8 (substantial assist) hours per month. Since the individual is receiving home delivered meals, the case manager had previously determined and allowed 2 of the 8 hours. The new IADL reduction based on OAR 411-030-0070 for lunch preparation is 7 hours. Lunch preparation hours cannot be increased and must remain at 2 hours.

Example #3 - reduced housekeeping hours based on Natural Supports:

- Prior to the IADL reductions, the maximum assessed hours for housekeeping was 20 (full assist) hours per month. Since the individual's daughter cleans the house on the week-ends, the case manager had previously determined and allowed 8 of the 20 hours. The new IADL reduction based on 411-030-0070 for housekeeping is now 18 hours. Housekeeping hours cannot be increased and must remain at 8 hours.

- Individuals who voluntarily reduced hours prior to the IADL reductions will not be required to take additional IADL reductions unless he or she is receiving more than the new maximum assessed hours. This is usually the case when an individual accepts less hours in order to have a lower pay-in amount.
- 546 In-Home Service Plan form & Vouchers: A new 546 form needs to be completed for homecare workers (HCWs) and In-home agencies with reduced IADL hours. This form will be used to generate new vouchers for HCWs and In-Home agencies. **Note:**
 - Vouchers based on the previous Full Benefit Results (version #1) cannot be copied from the December voucher on the CEP Payment System due to a system edit.
 - January vouchers must be created using the new 546 form authorizing the reduced hours. These vouchers can be created as soon as a revised 546 form is received in November or December. Any currently issued vouchers for January must be deleted.
 - Existing 546 forms can be used to generate January vouchers based on current service plans with approved CO Tier 3 exceptions.
 - January vouchers must be created no later than 7 calendar days from when the prior pay period's voucher processed, per the current HCW collective bargaining agreement with SEIU, local 503. For most HCWs, this will be 1-7-12.
 - SPD/AAA local offices not using the voucher system for In-Home agencies will authorize these services using their current local office

process.

- A new 546 IC form with reduced hours must be sent to Independent Choices Program participants and Kelsey Weigel, Independent Choices Program Coordinator before 1-1-12.

- Task List: The Task List does not need to be resent to individuals, as HCWs will continue to provide the same tasks authorized from the previous Task List. However, as part of the service planning process, the Task List in CAPS must be re-created and validated (for detail on the Task List validation system requirement, see transmittal [SPD-PT-11-012](#)).
- Manual CAPS service planning actions must be completed for service plans that did not automatically end (as follows):
 - "Pending" status service benefits with a begin date of 1-1-12 or later and have Allowed Hours will need to be invalidated.
 - Service benefit/plans based on Admin Status because of 1) Untimely Reassessment or 2) To Provide Adequate Notice, will need to be manually ended effective 12-31-11. Follow the same service planning requirements described in this transmittal for these Admin status service plans.
 - Do NOT end service benefit/plans based on Admin Status because of "Hearing/APP" (continuing benefits) unless instructed by Central Office. Please see the #5 of the Client Notices section, under Administrative Hearing Rights for details.
 - Any service with a future approved benefit effective 1-1-12 or later must be invalidated.

3. Annual reassessments due in November or December 2011:

- Set up and approve CAPS service benefit/plan based on the assessment Version 1 Full Benefit Results if the CAPS service benefit begin date is 11-1-11 through 12-31-11. This benefit end date cannot extend beyond 12-31-11.
- Create and approve a second benefit with a begin date of 1-1-12.
- If the annual review results in a reduction of service hours, the individual must be sent an SDS 540 following standard procedure. On 12-1-11, the individual must be mailed an additional reduction notice based on the IADL reductions (see Section #5). This will be viewed as two separate actions for hearing purposes. All other actions outlined in this transmittal must be followed.

4. New Service Assessments in November or December 2011:

- Set up and approve the CAPS service benefit/plan based on the assessment Version 1 Full Benefit Results if the CAPS service benefit begin date is 11-1-11

through 12-31-11. This benefit end date cannot extend beyond 12-31-11.

- Create and approve a second benefit with a begin date of 1-1-12.
- For services beginning in November, follow the IADL reduction process described in this transmittal.
- For services beginning in December, use the SDS 541 Notice of Eligibility and Responsibility form to notify the individual of the approved hours for December (hours are usually prorated) and the reduced hours for January based on the revision to OAR 411-030-0070.

Example: An individual is approved 50 hours per month based on his assessed level of need during December's assessment. To show the prorated hours for December 2011 and the reductions in meal preparation and housekeeping hours effective 1-1-12, use the "Additional Oregon Administrative Rules" field on the SDS 541 form. The following is an example of notice language:

"You are authorized to receive 25 hours of in-home service benefits effective 12/16/11 through 12/31/11. Effective 01/01/12, you will be authorized to receive 46 hours per month of in-home service benefits. OAR 411-015-0006, 411-015-0007, 411-030-0020, 411-030-0050 and 411-030-0070"

5. **Client Notices**: All individuals receiving Title XIX waived in-home service affected by the IADL reductions must be issued a notification advising them their meal preparation and/or housekeeping hours will be reduced. This notice (Notice of Reduction in Self Management Hours Form 553) has been specifically designed for this IADL reduction and will be available 11-1-11.

- For each area reduced, the notice must include the number of hours the client previously received and the hours they will receive after the reduction.
- In order for this notice to be in effect January 1, 2012, it must be mailed to individuals on 12-1-11. **A copy of the notice must be kept in the individual's file.**
- The English version of the notice in standard font can be accessed on the DHS/OHA form server via OACCESS and will auto-fill most fields except for the specific service hours and the "Date of Notice". The blank date field will allow workers to print notices in advance and fill in the date with the actual date the form is mailed (12-1-11). A valid notice must include the date the form is mailed.

- A copy of this notice is included with this Action Request, but can be found on the [DHS/OHA form server](#) in large print and in the languages listed below:

- | | | |
|-----------|-----------|--------------|
| - English | - Chinese | - Romanian |
| - Spanish | - Korean | - Vietnamese |
| - Russian | - Laotian | - Somali |

- SPD/AAA local offices have been provided a list of individuals who require translated notices or alternate formats. Notices requiring translation into languages not mentioned above or in an alternate format must be requested through the DHS Office of Communication Resources (OCR). OCR will forward translation requests to the vendor to complete the translation and mail the notice to the individual on 12-1-11. Requests for translation must be made by 11-18-11.

Information about this process can be found in the SPD Worker Guide A.2. "Alternate Format and Interpretation/Translation Services", #7: "Written Translation Services" by following this link:

<http://www.dhs.state.or.us/spd/tools/additional/workergd/a.2.htm#07>

- Administrative hearing rights are included with the notices being issued to individuals receiving this reduction.
 - An assessment result can be disputed if it is due to a change in condition. If an individual has not experienced a change in condition or does not dispute the current assessment, a new assessment will be conducted at his or her next regularly scheduled review.
- Note:** Completing a new assessment for an individual already eligible to receive full assist hours in meal preparation or housekeeping will not result in an increase in hours, as the individual is already receiving the maximum assessed hours based on the revised OAR 411-030-0070.
- Individuals may request continuing benefits based on this reduction (aid paid pending), but because the IADL hours are the new maximum allowed by OAR 411-030-0070, they will be issued a final order denying eligibility for continuing benefits based on a reduction of a program. These notices will be issued by the SPD Hearing Representatives.
 - Existing individuals receiving continuing benefits prior to the IADL reductions pending a hearing: Contact the SPD Hearings Representative assigned to the case for direction.

- Client Pay-in amounts will be reduced for cost-of-care individuals who receive IADL reductions. Per [OAR 461-175-0230\(3\)\(c\)](#), individuals must receive a basic notice of decreased pay-in prior to the effective date of a change.

For a direct link to SPD Client Pay-in information:

http://www.dhs.state.or.us/spd/tools/cm/pay_in/index.htm

Reminder: Since this is a new year, a SFMU account for 2012 must be set up.

For a direct link to the SPD Client Pay-In Cookbook information:

http://www.dhs.state.or.us/spd/tools/cm/pay_in/cookbook/index.htm

Auto-generated notices: To ensure individuals receive an auto-generated notice by 1-1-12, SFMU must be updated with the decreased pay-in amount by 12-27-11. SFMU may be completed as early as 12-1-11, but must not be completed prior to the month of December due to the following reasons:

- There are additional year-end changes which may impact the calculation, such as a COLA increase, elimination of the MDC need code and potential change in the Medicare part B premium.
- For Independent Choices Program participants, the reduced benefit amount must be entered on the needs/resource detail section of CMUP/PCMS tab on the integration screen by 12-27-11.

6. **Homecare Worker Notices:** Whenever hours are reduced for HCWs, a notification must be issued, per the current collective bargaining agreement with SEIU, local 503.
 - Please use the current process for HCWs affected by this IADL reduction by using the [Homecare Worker Notice of Authorized Hours and Services form SDS 4105](#) to advise them that their authorized hours for specific individuals are being reduced.
 - Form SDS 4105 must be issued to the HCW between 12-2-11 and 12-9-11. Case managers must contact and consult with individuals who employ multiple HCWs in order to determine what each provider's new hours will be so the notice can be issued.
7. **In-home Agency Notices:** Agencies who serve individuals with reduced meal preparation and/or housekeeping service hours must receive a new 546 form no later than 12-31-11.
8. **Narrate in OACCESS** any information about other resources and services offered to individuals and all other actions taken based on these IADL reductions.

Outline of Important Dates Requiring Local Office Action

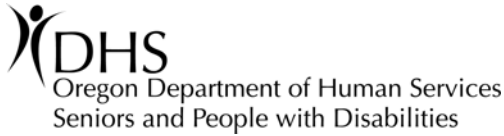
11/4/11	OACCESS conversion runs CAPS versioning and ends CAPS service plans effective 12-31-11 (available on 11-7-11)
11/7/11 - 11/30/11	Create new CAPS benefits and service plans with an effective date of 1-1-2012
11/7/11 - 12/19/11	Print 546's for CEP clerks so that January vouchers can be created
11/18/11	Due date to send notices requiring individual translation or alt. formats to the Office of Communication Resources (they will mail out 12/1/11)
12/1/11	Mail client reduction notices
12/2/11 - 12/9/11	Mail reduction notices to homecare workers (4105's)
12/27/11	Due date to update case coding for pay-in changes and ICP benefits for January
Prior to 12/31/11	Send 546's to In-Home Agencies
1/1/12	IADL Reductions take effect
1/7/12	January vouchers must be issued by this date

Field/Stakeholder review: Yes No

If yes, reviewed by: SPD Policy Workgroup and Operations Committee

If you have any questions about this action request, contact:

Contact(s):	In-Home Service Policy Analysts: Suzy Quinlan, Darwin Frankenhoff, Kelsey Weigel & Selina Hickman		
Phone:	Suzy (503) 947-5189 Darwin (503) 947-5162 Kelsey (503) 945-6413 Selina (503) 945-6414 Jenny Cokeley: In-home unit manager (503) 945-6985	Fax:	(503) 947-4245
E-mail:	Suzy.Quinlan@state.or.us Darwin.Frankenhoff@state.or.us Kelsey.Weigel@state.or.us Selina.Hickman@state.or.us Jenny.Cokeley@state.or.us		



Branch:	Prime:	Pgm:	DOB:
Case name:			Date of notice:
Worker name:	ID	Phone number:	

Notice of Reduction in Self Management Hours

This notice is about an important change in your in-home services benefit. We are sorry to tell you that some of those services will be reduced beginning January 1, 2012.

The reason for this reduction is that there is less money available for important, state-funded programs. As a result, the state is unable to fully fund all the services it currently provides. This program is one of many services being reduced.

As of January 1, 2012, the total number of authorized hours you have for housekeeping services will be reduced from _____ to _____. The total number of authorized hours you have for meal preparation will be reduced from _____ to _____.

The reduction in hours for meal preparation and housekeeping services are the only in-home services being reduced in this notice. Please note the coverage you receive through your medical card will not change.

We are sorry to bring this news to you, and we understand that this change may cause a hardship for you.

This notice is based on a change to Oregon Administrative Rule 411-030-0070 that reduces the maximum hours available for self-management tasks (also referred to as Instrumental Activities of Daily Living). You have a right to request a hearing. Please refer to the hearing information on page 2 of this notice. Oregon Administrative Rules 411-015-0007, and 410-120-0006 also apply to this notice.

If you have any questions or need further explanation, please contact your case manager.

What You Can Do When You Do Not Agree with This Decision

Please contact your local office if you need this form in another language or alternate format

- You have the right to challenge this decision by requesting a hearing. Hearings are held by the Office of Administrative Hearings, which is independent from the Department of Human Services (DHS) or Oregon Health Authority (OHA). DHS or OHA may make decisions affecting your medical benefits. **If you want a hearing, you must request it on time.** For more information, see part 1 below.
 - You can also talk with a manager. Ask for a meeting by contacting your local office. To find the closest office, call **1-800-442-5238** or go online to <http://egov.oregon.gov/DHS/localoffices/localoffices.pdf>. Your deadline to request a hearing (part 1 below) does not change even if you are in contact with a manager or trying to reach one.
-

Part 1 — Ask for a hearing.

What must I do to get a hearing? For all benefits except Supplemental Nutrition Assistance Program (SNAP) food benefits, you must fill out an Administrative Hearing Request form (DHS 0443) and return it to a DHS or OHA office. You can get this form at a DHS or OHA office or on the web at <https://apps.state.or.us/Forms/Served/DE0443.pdf>. For food benefits, you can ask for a hearing on DHS form 0443, by phone, in writing or by asking a DHS employee in person. Your local office can help you. In most cases, DHS or OHA must receive your request within 45 days from the date identified as the sending date on the decision notice. You have 90 days for food benefits and for Temporary Assistance for Needy Families (TANF) reductions for not cooperating with your case plan. You may request a hearing at any time if you disagree with the current amount of your food benefits.

Who can help with my hearing? In the SNAP and medical programs, any adult may represent you. In all other programs, you must represent yourself or have a lawyer or a legal assistant (supervised by a Legal Aid attorney) represent you. You may call the Public Benefits Hotline (a program of Legal Aid Services of Oregon and the Oregon Law Center) at **1-800-520-5292** for advice and possible representation.

What are my other hearing rights? At the hearing, you can tell why you do not agree with the decision. You can have people testify for you. The laws about your hearing rights and the hearing process are at OAR 137-003-0501 to 0700, 410-120-1860, 410-141-0264, 461-025-0300 to 0375, ORS 183.411 to 183.470 and ORS 411.095.

What happens if there is no hearing? If you do not ask for a hearing on time, or if you withdraw the hearing request or miss your hearing, you may lose your right to a hearing. This notice will be the final DHS or OHA decision (called a “final order by default”). You will not get a separate final order by default. The case file, along with any materials you submitted in this matter, is the record. The record is used to support the DHS decision upon default. You may appeal the final order by default by filing a petition in the Oregon Court of Appeals. (ORS 183.482) If you do not ask for a hearing, this appeal must be filed within **60 days** of the date this notice becomes a final order by default. If you withdraw a hearing request or miss your hearing, the appeal deadline is set out in the dismissal order.

Part 2 — How can I keep getting benefits until my hearing?

- You can ask for your benefits to stay the same until the hearing decision (“*continuing benefits*”). In all programs other than SNAP, you must ask on the Administrative Hearing Request form (DHS 0443). For SNAP benefits, use DHS form 0443, phone, write or ask a DHS employee in person.
 - You must ask your branch for continuing benefits by either the “effective date” on the notice or **10 days** after the date identified as the sending date of the notice. To keep getting benefits, you must ask by whichever date is *later*.
 - If you keep getting benefits but lose the hearing, you must pay back the benefits you should not have received.
 - If you don’t keep getting benefits and win the hearing, DHS or OHA will give you the benefits you should have received.
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Part 3 — Can I have my hearing within five working days?

You may have the right to an “expedited hearing” for any of the following types of benefits or events:

- Expedited or emergency food benefits
 - JOBS and Pre-TANF payments
 - Temporary Assistance for Domestic Violence Survivors (TA-DVS) eligibility and payments
 - While receiving medical benefits, you are denied a medical service for an immediate, serious threat to your life or health
 - DHS or OHA denied your request to keep getting benefits until your hearing
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DHS will not discriminate against anyone. This means DHS will help all who qualify. DHS will not deny help to anyone based on age, race, color, national origin, sex, sexual orientation, religion, political beliefs, or disability. You can file a complaint if you think DHS discriminated against you because of any of these reasons.

DHS 0447 (07/11), recycle prior versions