

Aging and People with Disabilities

Jane-ellen Weidanz

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Number: APD-IM-17-026

Issue date: 3/30/2017

Topic: Long Term Care

Subject: Fees or charges being assessed to Medicaid residents who choose to eat meals in areas other than the facility's main dining room.

Applies to (check all that apply):

- | | |
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| <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 checked="" type="checkbox"/> Aging and People with Disabilities | <input type="checkbox"/> Office of Developmental Disabilities Services(ODDS) |
| <input type="checkbox"/> Self Sufficiency Programs | <input type="checkbox"/> ODDS Children's Intensive In Home Services |
| <input type="checkbox"/> County DD Program Managers | <input type="checkbox"/> Stabilization and Crisis Unit (SACU) |
| <input type="checkbox"/> ODDS Children's Residential Services | <input type="checkbox"/> Other (please specify): |
| <input type="checkbox"/> Child Welfare Programs | |

Message:

Policy is being clarified regarding charging individuals a fee for eating outside the main dining room, such as in their own rooms. This clarification is anticipated to impact some Assisted Living and Residential Care Facilities. Beginning April 1, 2017 fees will no longer be allowed for meals eaten outside the main dining room. There are positive attributes to eating in the main dining area such as daily exercise to and from as well as socialization. This policy clarification is not intended to change the business model where the majority of residents eat most of their meals in the main dining area. It is intended to honor the personal preferences and the expressed wishes of the individuals living in these settings. Please see attached Provider Alert and Guidance document.

If you have any questions about this information, contact:

| | | | |
|--------------------|--|-------------|--|
| Contact(s): | Bob Weir and Chris Angel | | |
| Phone: | 971-600-7876/503-945-7034 | Fax: | |
| Email: | bob.weir@state.or.us/chris.angel@state.or.us | | |



Oregon

Kate Brown, Governor

Department of Human Services

Safety, Oversight, and Quality

PO Box 14530, Salem, OR 97309

3406 Cherry Ave NE, Salem, OR 97303

Phone: (503) 373-2227

Fax (503) 378-8966

CBC Provider Alert

TO: Community Based Care:
Assisted Living, Residential Care,
Memory Care Facilities
PA-17-04-CBC



FROM: CBC Licensing Unit - Safety, Oversight, and Quality

Date: February 22, 2017

RE: New policy, Tray Service Fees

SUBJECT: Fees or charges being assessed to Medicaid residents who choose to eat meals in areas other than the community's main dining room.

Effective April 1, 2017, charging Medicaid residents for choosing to eat meals in areas other than the main dining room will be prohibited.

The subject of facilities charging a fee to a resident when their preference is to eat meals in areas other than the main dining room has come up in recent state trainings and discussions. Aging and People with Disabilities (APD) in concert with Safety, Oversight and Quality (SOQ) Unit have reviewed Federal and State rules and have made the following policy interpretation:

- According to DHS's Medicaid Provider Enrollment Agreement, Medicaid payment is considered payment in full for all services required in the facility setting. This includes all aspects of meal service:

Provider Enrollment Agreement

3. Payment

DHS payment for any service provided under this Agreement is payment in full. Provider will not make any additional charge to Medicaid-eligible individuals served under this Agreement except that specifically allowed by DHS rules.

- Facility service planning is to be person centered, per OAR 411-054-0036 and 411-004-0030 and take into account the preference of the individual. This includes an individual's need or preference to eat meals outside of a facility's main dining area.
- HCBS rules afford all residents the right to control their schedules and to access food at any time, and the practice of requiring residents to eat meals in a main dining room cannot be mandated.

As of April 1, 2017, facilities can no longer:

- Require residents to eat in a main dining room or other centralized location.
- Charge a fee if a Medicaid resident wants to eat in their room or anywhere outside the main dining room.
- Require a resident to pick up their meal from the central dining area in order to take it to their room or other location within the facility where they choose to eat.

As a result of this change, **facilities must take the following actions:**

- Establish clear policies and procedures about how they will determine residents' preferences regarding where they would like to eat. These policies must have an option for:
 - Residents to request an alternate eating location if they choose to do so.
 - Residents to choose to have meals brought to their room/apartment, or pick up their meals
- Update their Residency Agreements and Uniform Disclosure Statements to include the policy stating that residents who receive Medicaid will not be charged for tray service.
- Disclose to private-pay residents *at or prior to the time of admission* that fees will be charged for tray service, in addition to clearly explaining the policy in the facility's residency agreement.

For questions please contact: CBC.TEAM@dhsosha.state.or.us

HCBS web site: <https://www.oregon.gov/DHS/SENIORS-DISABILITIES/HCBS/Pages/ODDS.aspx>

Guidance on Eating Outside of Dining Room

This Fact Sheet provides additional guidance to the Provider Alert entitled [“CBC-Tray Service Fees”](#) dated 2-23-17.

Expectations:

- Residents have the right to eat in common areas, their own rooms, or in other areas, if invited.
- Medicaid residents will not be charged an additional fee to have ready-to-eat meals delivered to their room (tray service), or available for them to take elsewhere. (This change goes into effect April 1, 2017.)

Details:

- This policy is not intended to change the dining room default model of meal service. The expectation remains that meals will be typically served and consumed in the dining room.
 - Benefits of dining room eating can include exercise to and from the dining room, socialization and lack of isolation.
 - Dining room eating may be encouraged but cannot be required.
- If a resident chooses not to eat in the dining room, providers should seek to understand in a person-centered manner why an individual may have a preference for eating elsewhere.
 - Providers should work to correct issues that may keep people from choosing the dining room such as uncomfortable seating, exposure to distasteful behavior, timeliness of meal delivery, or other correctable issues that may cause the individual to avoid the dining room.
- Residents cannot be required to pick up a meal; however facilities may offer the option for an individual to take food from dining room or other central location elsewhere to eat.

- Facilities may request that residents wishing to have meals delivered (rather than eating in the dining room) give the community reasonable advanced notice (24 hours) to allow the community to plan accordingly.
 - Meals requested in advance should be served as close to the regular meal time as is practical.
- Residents who do not give the community advanced notice about the preference for meal delivery outside of the dining room are not entitled to immediate tray service. The dining room meal delivery takes precedence unless there is a health or safety issue related to the individual needing to eat on a specific schedule. These residents will be offered tray service meals after dining room meals are completed.