

Cathy Cooper

Authorized Signature

Number: SPD-PT-11-003
Issue Date: 2/3/2011

Topic: Long Term Care

Transmitting (check the box that best applies):

- New Policy
 Policy Change
 Policy Clarification
 Executive Letter
 Administrative Rule
 Manual Update
 Other: _____

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): |

Policy/Rule Title:	State Plan Personal Care Program Rule Revision		
Policy/Rule Number(s):	OAR 411-034-0010 to 411-034-0035 and 309-016-0690 to 309-016-0725	Release No:	
Effective Date:	Immediately	Expiration:	
References:			
Web Address:	Chapter 411, Division 034: http://www.dhs.state.or.us/policy/spd/rules/411_034.pdf Chapter 309, Division 016: http://arcweb.sos.state.or.us/rules/OARs_300/OAR_309/309_016.html		

Discussion/Interpretation:

The Department of Human Services (DHS), Seniors and People with Disabilities Division (SPD) permanently amended the state plan personal care services rule in [Oregon Administrative Rule \(OAR\) chapter 411, division 034](#) for the State Plan Personal Care (SPPC) services program.

These rules have been amended because Addictions and Mental Health Division (AMHD) are no longer serving individuals based on [OAR chapter 411, division 034](#) as

AMHD has now adopted their own permanent personal care services rule. These individuals are now being served based on [OAR chapter 309, division 016](#).

The purpose of revising [OAR chapter 411, division 034](#) for the State Plan Personal Care services program, was to remove references to personal care services provided to individuals due to mental health conditions.

OAR 411-034-0035: Where individuals through AMHD are served SPPC services: **Previous** to this revision, [OAR 411-034-0035\(1\)](#) stated that individuals eligible for or receiving mental health case management services or other services through the AMHD must apply through the local Community Mental Health Program (described in OAR chapter 309, division 014) or agency contracted with AMHD.

Now, due to AMHD implementing its own set of rules for State Plan Personal Care services, [OAR 411-034-0035\(1\)](#) has been amended and directs individuals eligible for state plan personal care services through AMHD to apply through the local community mental health program or agency contracted with AMHD, applying [OAR 309-016-0690](#).

[OAR 309-016-0690](#) for AMHD, states that to be eligible for State Plan Personal Care services, a person must require assistance from a qualified provider due to a disabling mental health condition with one or more of the Personal Assistance Services identified in [OAR 411-034-0020\(2\)\(a\)-\(f\)](#).

Individuals that have a disabling mental health condition as described in [OAR 309-016-0690](#), must apply for State Plan Personal Care (SPPC) services through the local AMHD provider. These individuals must be referred to the local agency that provides services for AMHD individuals.

Denying SPPC services and Sample Decision Notice:

- ▶ **To deny SPPC services** based on the requirement to apply through AMHD, a decision notice must be issued to these individuals. To assist the AMHD provider in determining where this individual must be served, it may be helpful for the individual to provide a copy of SPD's denial notice to the local AMHD provider.
- ▶ **Sample Decision Notice wording:** You are not eligible for State Plan Personal Care Services through Seniors and People with Disabilities (SPD). You require Personal Assistance Services from a qualified provider due to a disabling mental health condition. You must apply for State Plan Personal Care Services through <insert name of local mental health agency here>. OAR 411-034-0020; 411-034-0035; OAR 309-016-0690.

AMHD Contact Information:

For questions or concerns about who and how to contact the local AMHD providers, contact the AMHD Personal Care Coordinators, Noel Suarez or Veronica Gentle.

The contact information is as follows:

- ▶ Noel Suarez, AMHD Personal Care Coordinator
(503) 945-9708
Noel.Suarez@state.or.us
- ▶ Veronica Gentle, AMHD Medicaid Coordinator
(503) 947-5031
Veronica.Gentle@state.or.us

Training/Communication Plan: No formal training offered. Review transmittal with staff. Contact SPD Central Office for technical assistance.

Local/Branch Action Required: Immediately begin applying revised rules, as applicable.

Central Office Action Required: Provide technical assistance as needed.

Field/Stakeholder review: Yes No

If yes, reviewed by: SPD Policy Workgroup, Operations Committee, Lead Administrative Hearing Representative and AMHD Coordinators

Filing Instructions:

If you have any questions about this policy, contact:

Contact(s):	Suzy Quinlan, In-home Services Policy Analyst		
Phone:	(503) 947-5189	Fax:	(503) 947-4245
E-mail:	Suzy.Quinlan@state.or.us		