

Policy Transmittal Aging and People with Disabilities



Mike McCormick

Authorized signature

Number: APD-PT-20-047

Issue date: 3/31/2020

Topic: Long Term Care

Due date:

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: Type B | <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 checked="" type="checkbox"/> Other (please specify): Hearings Unit |
| <input type="checkbox"/> Child Welfare Programs | |

Policy/rule title:	Extended Waiver Eligibility (EWE) and Final Orders due to COVID-19		
Policy/rule number(s):	411-015-0030	Release number:	
Effective date:	Immediately	Expiration date:	
References:	Hearings, Final orders		
Web address:			

In order to protect individuals and our communities in response to the COVID-19 pandemic, the Office of Aging and People with Disabilities (APD) is delaying certain administrative hearing decisions in which the Department has been affirmed. This temporary change applies to final orders from the administrative hearings process that affirms the Department's decision to close financial or service eligibility when the consumer currently lives in one the following facility settings:

- Nursing Facility (NF)
- Assisted Living Facility (ALF)
- Adult Foster Home (AFH)
- Residential Care Facility (RCF)

The hearings unit must immediately review the final order and the case in detail to determine the consumer's current living situation. If the consumer is no longer in one of the above facility settings, and the Department was affirmed on the closure, the hearings unit will process the final order and notify the Case Manager (CM). The CM will confirm closure of the case.

If the consumer is still in one of the above facility settings, the hearings unit will immediately notify the APD EWE Policy Analyst who will continue appropriate benefits through May 31, 2020. Consumers should still work towards a safe transition plan and be ready to move no later than May 31, 2020.

The hearings unit will notify the CM, the consumer and the facility of the EWE status and the delay in closure using the letter (see attachment A)

OSIPM or MAGI

Consumer will remain eligible for OSIPM or MAGI. MAGI consumers will also get the LTSS benefit even though administrative rules state that they are not eligible for EWE.

No Shows

This temporary delay in closure action DOES NOT APPLY to consumers that fail to call in for their scheduled hearing and have not notified the Office or Administrative Hearings to request a rescheduled hearing. If a consumer is unable to call in for their scheduled hearing due to good cause (hospitalization or other circumstances beyond their control), they will be granted a hearing and closure action will be postponed pending the outcome of the rescheduled hearing.

DOES NOT APPLY TO:

- New applicants.
- In-home consumers.

Training/communication plan: N/A

Local/branch action required:

Review this information with case managers and Diversion/Transition Coordinators.

Central Office action required: Review requests for funding expenses which cannot be approved locally.

Field/stakeholder review: Yes No

If yes, reviewed by:

Filing instructions:

If you have any questions about this policy, contact:

Contact(s): Lindsay Vanderworker	
Phone: 503-856-6931	Fax:
Email: lindsay.r.vanderworker@dhsosha.state.or.us	



Oregon

Kate Brown, Governor

Department of Human Services
Aging and People with Disabilities
APD Field Services
Administrative
Hearing Unit

OAH Case Number:

Dear Claimant,

You received a Proposed and Final Order that Affirmed the Department's [date of notice] to close your Medicaid Service and Support benefits. In response to the risk of Novel Coronavirus (COVID-19), the Department will extend your Medicaid Service benefits under the Extended Waiver Eligibility. You will have Extended Waiver Eligibility through [end date decided].

This means the Department will continue to pay your provider until [end date decided] if you stay at the facility. The facility that you currently reside in will also be notified of your temporary extended eligibility.

The Proposed and Final Order will not become a Final Order by default until [date becomes final order]. Your Extended Waiver Eligibility will begin [date becomes final order] and will be closed [end date decided]. From [date of final order to end date] you will not be charged an overpayment and no collection attempts will be made.

The implementation of the Extended Waiver Eligibility was put in place to ensure that Oregonians who have been determined no longer eligible for Medicaid Services and Supports have time to safely transition to another setting without risk of exposure to COVID-19.

If you have any questions about your temporary extended eligibility, please contact [CM's name and number].

Sincerely,

Aging and People with Disabilities (APD) Hearing Unit

CC: [Facility's name]
[CM's name]