

# Policy Transmittal Aging and People with Disabilities



Mike McCormick

**Authorized signature**

**Number:** APD-PT-18-038

**Issue date:** 6/6/2019

**CORRECTED**

**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 type="checkbox"/> Other (please specify):                              |
| <input type="checkbox"/> Child Welfare Programs                        |   |

<b>Policy/rule title:</b>	Continued Eligibility and the Program for All-inclusive Care for the Elderly (PACE)		
<b>Policy/rule number(s):</b>	<a href="#">APD-PT-17-038</a> ; <a href="#">CFR 460.160(2)(3)</a> ; <a href="#">OAR 411-015-0300</a> ; <a href="#">CFR 422.74</a>	<b>Release number:</b>	
<b>Effective date:</b>	Immediately	<b>Expiration date:</b>	
<b>References:</b>	<a href="#">Standard Operating Procedures</a> between Providence ElderPlace and PACE service area APD/AAA offices		
<b>Web address:</b>	None		

**Discussion/interpretation:**

Aging and People with Disabilities (APD) received approval from the Center for Medicare & Medicaid Services (CMS) to implement criteria for Extended Waiver Eligibility (EWE) effective October 1, 2017. EWE criteria are utilized when a consumer receiving Medicaid funded Long Term Care Services & Supports (LTCSS) and has been assessed, according to the process outlined in [OAR 411-015-0008](#), at Service Priority Level (SPL) 14 – 18. A consumer may be eligible for EWE if he/she meets the

criteria outlined in [OAR 411-015-0030](#)(1)(a-c) and Section (4)(a-b) of this rule.

In the Program of All-Inclusive Care for the Elderly (PACE), CFR §460.160(2)(3) allows a consumer to be “deemed continued eligibility” (also referred to ‘deeming’) if the participant is found to be ineligible for LTCSS as assessed by the State and would have a significant decline in health within 6 months of disenrollment from PACE.

### **HOW DOES IT WORK?**

Following regular protocol, the APD/AAA case manager will notify the PACE social worker of the CA/PS assessment results.

The PACE Inter-Disciplinary Team (IDT) may decide to initiate the deeming process when notified that the <sup>1</sup>participant is assessed at an SPL 14 or higher. If the PACE IDT does not initiate the deeming process, the APD/AAA case manager will review the case for EWE eligibility. The PACE IDT will have 10 days from the date of notification of LTC ineligibility to initiate the Deeming process.

When a consumer is assessed at an SPL 14 or higher and is a PACE participant, the hierarchy for screening continued eligibility is as follows:

- \*Deeming process, if initiated by the PACE IDT
- \*Screen for Extended Waiver Eligibility (EWE) initiated by the APD/AAA case manager.

No closure notice for LTC services will be sent while the case is being reviewed for deeming through PACE and/or Extended Waiver Eligibility (EWE) through APD. The case may need to be put into ADMIN status until the review process for Deeming and/or EWE is completed. The progress and outcome of both the PACE deeming process and the EWE process must be narrated in the Oregon ACCESS case.

### **PACE Deeming Process**

Per the most current version of the [Standard Operating Procedures](#) (an agreement between APD/AAA and the PACE organization):

Deeming is a process used only within the PACE program, per federal guidelines, and the State contract between Oregon APD and the PACE organization. Per 42 CFR §460.160(b), “the <sup>2</sup>State Administering Agency (SAA) may deem a participant who no longer meets the State Medicaid nursing facility level of care requirements” (SPL 1 - 13) “to continue to be eligible for the PACE program if, in the absence of continued coverage under the program, the SAA determines the participant reasonably would be expected to meet the nursing facility level of care requirement in the next six months”.

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<sup>1</sup> The word ‘participant’ is used only in PACE and is the same as the APD term ‘consumer’

<sup>2</sup> State Administering Agency (SAA) is DHS-APD PACE Coordinator

Please see the [Standard Operating Procedures](#) document, Attachment C, for the established process between the local offices and the PACE organization regarding the Deeming Process. This document is located on the Case Management Tools page under [Program of All-Inclusive Care for the Elderly](#) (PACE).

If a PACE consumer/participant is assessed at SPL 14 or higher at reassessment, the APD/AAA case manager, in collaboration with the PACE Social Worker, will review the PACE consumer/participant's previous assessments to evaluate the effect of disenrollment on the PACE consumer/participant's health status, activities of daily living, and social functioning. After the review, if both parties agree that without PACE services the consumer/participant's health would deteriorate within the next six months after PACE disenrollment, the PACE consumer/participant may be deemed eligible until the next annual assessment. The APD/AAA case manager will notify the State PACE Coordinator if deeming is approved.

The detailed process for establishing a PACE deeming case can be found on the Case Management Tools page under [Program of All-Inclusive Care for the Elderly](#) (PACE).

The APD/AAA case manager will be responsible for notifying the PACE organization and the State PACE Coordinator when the consumer/participant has a change of condition and has been reassessed to an SPL level 1 – 13.

If the local office *Deeming Review Team* (APDAAA case manager and manager) and PACE Social Worker cannot come to an agreement regarding the need for deeming through PACE, the documentation is sent to the State PACE Coordinator. The State PACE Coordinator will coordinate a Central Office (CO) review team to review the documentation and make a final decision. During the CO review of the deeming documentation, CO PACE Deeming Review Team may initiate additional discussions with the PACE SW Program Manager and the local office *Deeming Review Team* before a final decision can be made.

### **PACE and EWE Process**

If deeming through PACE is denied or never requested, the APD/AAA case manager will:

- \*Review the case for EWE eligibility ([per APD-PT-17-038](#))
- \*Narrate the denial for deeming (if requested) in the Oregon ACCESS case
- \*Narrate the EWE eligibility decision in the Oregon ACCESS case

The APD/AAA case manager will follow the current EWE process outlined in policy transmittal [APD-PT-17-038](#). If the consumer is EWE eligible, the provider payment to PACE will remain the same when the EWE case is set up.

In the EWE process, the APD/AAA case manager is responsible for making the

monthly contacts and monitoring of the EWE transition plan. The case manager and the PACE SW may work together to assist the consumer/participant transition from LTC services. When the consumer/participant is ready to transition from LTC services, the APD/AAA case manager will notify the PACE social worker and narrate in Oregon ACCESS.

When notified by the APD/AAA case manager that the consumer will be transitioning from LTC services, the PACE organization will begin the involuntary disenrollment process. Per §[CFR 422.74](#) and §[CFR 460.164](#), PACE must provide a 30 day notice of involuntary disenrollment.

If the PACE organization gives the involuntary disenrollment notice to the consumer/participant after the first day of the month, the APD/AAA case manager will close the EWE case at the end of the following month.

*(example: PACE gives the disenrollment notice to the consumer/participant on April 12; the EWE case will end May 31.)*

If the involuntary disenrollment notice is given to the consumer/participant on the first day of the month, then the EWE case would close at the end of that month.

*(example: PACE gives the disenrollment notice to the consumer/participant on April 1; the EWE case will end April 30.)*

### **Ineligible for Deeming and EWE**

If the consumer/participant is found ineligible for PACE deeming **AND** for EWE, the APD/AAA case manager will:

- \*Contact the PACE social worker regarding the ineligibility decisions
- \*End services; the end date should allow for the PACE organization to provide a 30-day notice (see examples above)
- \*Provide timely notice(s) for service closure, possible medical benefits closure or reduction, and reduction or closure to any other affected programs
- \*Provide the consumer the [Administrative Hearing Request](#) form MSC 0443
- \*Narrate all decisions and actions on the case in Oregon ACCESS

Make sure all decisions and actions in the deeming and EWE processes are narrated in Oregon ACCESS. The consumer/participant will have the right to appeal the decisions and request a hearing.

The PACE organization will follow its own processes for notifying the consumer/participant of Involuntary Disenrollment (closure of PACE services).

**Implementation/transition instructions:** See the section ‘How Does It Work’ other sections thereafter; review the detailed deeming process document for additional information.

**Training/communication plan:** TBD

**Local/branch action required:** Review this policy with PACE service area office staff

**Central office action required:**

Mediate a final decision for PACE deeming when necessary; track all PACE deeming cases; review EWE requests ([APD.EWE.request@dhsosha.state.or.us](mailto:APD.EWE.request@dhsosha.state.or.us)) and provide an 'Approve' or 'Deny' decision as outlined in transmittal [APD-PT-17-038](#)

**Field/stakeholder review:**  Yes  No

**If yes, reviewed by:** Providence ElderPlace; PACE service area APD/AAA office leadership; APD Operations; APD Policy

**Filing instructions:** To be filed in the PACE section on the Case Management Tools page.

*If you have any questions about this policy, contact:*

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