

Living with a Provider: In-Home or AFH?

Purpose

- To ensure that staff understand how to apply policy so consumers and the providers that serve them are protected by rules that have been established to differentiate between living arrangement requirements for in-home care settings. In-home versus AFH care settings are similar in many ways with distinct and important differences.

What are the rules around provider owned or rented dwellings and receiving/providing in-home services?

- OAR [411-030-0033](#) allows consumers to receive in-home services if they live in their own or rented home or in a home owned or rented by a family member (anyone related by blood, marriage or adoption).
 - If they are related by blood, marriage or adoption, the consumer does not have to be added to the rental agreement, lease, mortgage or title and may receive in-home services.

What if the consumer is NOT related to their paid provider?

- If a consumer lives in their provider's home and they are NOT related by blood, marriage or adoption and that person is being paid to provide care to the consumer then:
 - The consumer's name must be added to the rental agreement, lease, mortgage or title; or
 - Note: A consumer is not eligible for Medicaid in-home services if the individual resides in a provider-owned or rented dwelling through an informal or formal arrangement (unless they are related by blood, marriage or adoption). In other words, the consumer cannot rent a room from the provider.

- The provider must apply for and obtain a limited Adult Foster Home License in order to be paid (OAR [411-050-0605](#)); or
- The consumer may choose to hire a different hourly provider or use an in-home care agency; or
- The consumer may choose to close their in-home services case and pay the provider privately.

Additional information

- This in-home service living arrangement rule also applies to participants of the Independent Choices Program (ICP) and State Plan Personal Care in-home consumers.
- Although the term ‘dwelling’ is not specifically defined, the rule related to ‘provider-owned/rented dwelling’ includes but is not limited to:
 - Houses, apartments and condominiums.
 - A portion of a house such as a basement or garage even when remodeled with the intention of it being used as a separate dwelling.
 - Trailers and mobile homes (which are in a space where they are paying space rent through an informal or formal arrangement).
 - Duplexes (unless the structure has a separate address from the other unit and was originally built as a duplex).