

Policy Transmittal

Developmental Disabilities Services



Anna Lansky
Authorized signature

Number: DD-PT-23-057
Issue date: 11/16/2023

Topic: Developmental Disabilities

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 type="checkbox"/> Area Agencies on Aging: {Select type} | <input type="checkbox"/> Health Services |
| <input type="checkbox"/> Aging and People with Disabilities | <input checked="" type="checkbox"/> Office of Developmental Disabilities Services (ODDS) |
| <input type="checkbox"/> Self Sufficiency Programs | <input checked="" type="checkbox"/> ODDS Children’s Intensive In Home Services |
| <input checked="" type="checkbox"/> County DD program managers | <input type="checkbox"/> Stabilization and Crisis Unit (SACU) |
| <input checked="" type="checkbox"/> Support Service Brokerage Directors | <input type="checkbox"/> Other (please specify): |
| <input type="checkbox"/> ODDS Children’s Residential Services | |
| <input type="checkbox"/> Child Welfare Programs | |

Policy/rule title:	In-home Hours Maintenance of Effort Worker Guide		
Policy/rule number(s):		Release number:	
Effective date:		Expiration date:	
References:			
Web address:	https://www.oregon.gov/odhs/providers-partners/idd/workerguides/wg-ihh-maintenance-of-effort-period.pdf		

Discussion/interpretation:

ODDS released a new worker guide related to Oregon’s maintenance of effort obligations related to the American Rescue Plan Act. When the state of Oregon accepted funds under the federal ARPA, Oregon agreed not to reduce access to services and spending on services until at least March of 2025. Additionally, Oregon made an agreement with the Centers for Medicare and Medicaid Services (CMS) that

no individual's in-home hours would be reduced because of transitioning to the Oregon Needs Assessment (ONA) service group (SG) framework for hour allocation until after March of 2025. These agreements are called Maintenance of Effort (MOE). This guide provides instructions and resources to transition to use service groups for in-home hours allocation while meeting the obligation of the MOE.

The guide can be found here: <https://www.oregon.gov/odhs/providers-partners/idd/workerguides/wg-ihh-maintenance-of-effort-period.pdf>

Training/communication plan:

This transmittal will be discussed during the next Monthly Transmittal Review. Please send questions in advance to ODDS.Questions@odhsoha.oregon.gov.

The Monthly Transmittal Reviews are held the second Wednesday of every month at 2 p.m. using the Zoom platform. Please register in advance for these meetings: <https://www.zoomgov.com/meeting/register/vJlsc-qvqD8iGURx5OQk8TAdIS6Arg9ZAf4>

After registering, you will receive a confirmation email containing an appointment and information about joining the meeting. American Sign Language (ASL) and live captioning will be provided. To request other accommodations or languages, please send an email to ODDS.Questions@odhsoha.oregon.gov at least three business days prior to the meeting.

Field/stakeholder review: Yes No

If yes, reviewed by: Worker Guide was posted to Engagements and Innovation for 10/17 -10/31/2023

If you have any questions about this policy, contact:

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Topic: In-home Hours During the Maintenance of Effort Period

Date Issued/Updated: 11/15/2023

Overview

Purpose/Rationale:

When the state of Oregon accepted funds under the federal American Rescue Plan Act (ARPA), Oregon agreed not to reduce spending on services until at least March of 2025. Additionally, Oregon made an agreement with the Centers for Medicare and Medicaid Services (CMS) that no individual's in-home hours would be reduced because of transitioning to the Oregon Needs Assessment (ONA) service group (SG) framework for hour allocation until after March of 2025. These agreements are called Maintenance of Effort (MOE). This guide provides instructions and resources to transition to use service groups for in-home hours allocation while meeting the obligation of the MOE.

Applicability:

This guide is for Case Management Entities (CME) to use to implement the transition to using the SG framework to set in-home hours while complying with the MOE. The MOE is expected to end sometime in early 2025. This guide is applicable until withdrawn by ODDS.

Definitions

"Hour Allocation" means *the number of hours authorized on an ISP (DHS4118) for any combination of attendant care, DSA, skills training services, private duty nursing services, direct nursing services, and state plan personal care.*

"Service Level" means *the maximum number of hours available to an individual in a month for any combination of attendant care, skills training services, private duty nursing, or state plan personal care. Unless there is an exception, a maximum hour allocation is equivalent to the service level.*

Procedure(s) that apply:

Plan renewals:

During the MOE period, CMEs may not make a reduction in the service level that an person had in their 2023 Individual Support Plan (ISP). If a person's SG service level is higher than the ANA or CNA summer hours, they may access the higher SG service level only when the plan renews.

Minimum hours for 2024 ISPs:

- For adults, the Adult Needs Assessment (ANA) hours used in the 2023 ISP will set the minimum hour allocation that can be included in a person's 2024 ISP.
- For children, the Child Needs Assessment (CNA) summer hours used in the 2023 ISP is the minimum hour allocation that can be included in a child's 2024 ISP.

The service level for an ANA is found in cell D12 of the Summary of In-Home Hours tab of the ANA.

The service level for a CNA is found in cell D13 of the Summary of In-Home Hours tab of the CNA.

An approved exception increases a service level and should be included when determining a maximum hour allocation.

Maximum hours for 2024 ISPs:

When ISPs renew in 2024, the maximum hour allocation (without an exception) is whichever is greater of:

- The 2023 ANA hours or CNA summer hours; OR,
- The upper end of the [service group hour range](#). This does not change simply because a child ages into a new age group. For example, when someone turns 18, their service group service level is the adolescent service limit until an adult ONA is completed.

When the ANA/CNA has the greater number of hours, those hours are the minimum *and* the maximum hour allocation (without an exception).

When the SG's service level is above the ANA hours or CNA summer hours, the hour allocation on an ISP must be between the ANA/CNA service level (the minimum) and the SG's service level (the maximum). For example, an adult whose ANA in 2023 allocated 300 hours per month, and is assigned to SG 4 "High", with an

hour range of 184-369 hours per month, will have an hour allocation anywhere from 300 to 369, depending on how much support the person needs.

Minimum Hours:
300 (ANA service level)

Maximum Hours:
369 (Upper limit of SG)

Hour allocation:
Between 300-369

ANA/CNA Reassessments

CMEs may not complete ANA or CNA reassessments for any person in 2024. The ANA will continue to be used as part of the rate setting process for supported living, but if the person had an ANA/CNA service level in 2023, that 2023 service level will continue to be used for compliance with the MOE. No ANA/CNA service levels may change after January 1, 2024.

ONA reassessments:

If a person's SG goes up in the middle of their plan year due to a Change in Need ONA reassessment (such as from High to Very High), the person can utilize additional hours as soon as they are added to an ISP. If a person's SG goes down (such as from Very High to High) **do not** reduce the hour allocation or issue a Notice of Planned Action (NOPA). That person will continue to be able to access the Very High service level until after the end of the MOE. Other communications and worker guides will inform the reduction process in 2025.

Plans of Care

To assist in compliance with the MOE, ODDS will send a spreadsheet to each CME manager/director with the ANA hours or CNA *summer* service level from the 2023 Plan of Care (POC) and the SG service level. This is **information only**, but may be used to populate the "Total Monthly Hour Limit" in a POC in eXPRS if nothing has changed between the data pull and the person's ISP renewal. Data will be sent monthly based on when POC's expire. Data will not include POC's in draft status.

Summer/School hour limits for school aged children

A child's CNA summer hours that were authorized in their 2023 ISP will determine the minimum hour allocation in the child's 2024 ISP, even if the child turns 18 in 2024.

If the SG service level is *above* the CNA summer hours authorized in the 2023 ISP, the child can have an hour allocation up to the SG service level when the plan renews in 2024. This means they will see an increase in available hours.

For some children, the SG service level might be *above* the child's CNA summer hours during the summer, but *below* during the school year. In those situations, the hour allocation may be up to the SG service level during the summer, but will be the CNA summer hours during the school year. See [Appendix B](#) for a graphical representation of school/summer service levels.

People new to in-home services:

During the MOE period, the ANA and CNA will continue to set the minimum hour allocation for a person **new** to in-home services after January 1, 2024. These are the **only** ANAs and CNAs that will be completed after January 1, 2024. An ANA or CNA will need to be completed for people to set the minimum hour allocation when a person is:

- Newly eligible to ODDS services and wanting in-home services;
- Exiting a residential setting except when a person is returning to in-home services after less than a year break; or
- Currently e but not having accessed in-home services in over a year.

After the completion of the ANA or CNA and the ONA, the maximum hour allocation is the greater of the ANA/CNA hours or the upper end of the service group hour range.

2:1 Staffing Ratios

When the ANA/CNA is the instrument being used to set a service level after a person's ISP renewal in 2024, if they need 2:1 staffing, the 2:1 identified by the ANA/CNA is used to determine how many hours may be authorized locally. This is found on the last tab of the ANA/CNA.

When the SG is used to set a service level, the process in the 2:1 Worker Guide is followed (coming soon).

Plan ahead if an exception is needed. ODDS approval can take up to 45 days.

Resources:

[Compass Project: Resources for Case Managers and Providers](#)

Contact(s):

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Email: chrissy.fuchs@odhs.oregon.gov

Appendix A: Notes about eXPRS

Many in-home plans of care in eXPRS will have an add-on of the type "MOE" with an amount of hours associated with it. It looks like this:

System Logged in as Test - All my Organizations and Program Areas

Plan of Care

Plan ID: 768123789 Plan Dates: 11/1/2023 - 10/31/2024
 Client Name: SHEENA P ROCKER Client Prime: RA403E2S
 Plan Status: Approved

Edit Copy Print Summary

Service Eligibility **Plan Overview** In Home Services Residential Supported Living Community Transportation Ancillary Legacy

Authorized Monthly Hours

Dates	Hour Limit
11/1/2023 - 10/31/2024	225.00

Weekly Employment Hours Approved per ISP

Date	Hour	Supported Employment
11/1/2023 - 10/31/2024	25.00	<input type="checkbox"/>

Add Ons

Service Type	Service Setting	Type	Unit Type	Frequency	Amount	Effective Date	End Date	Status	Approved Reason	NOPA Resolved	Corrected	End Reason	Job	Job Status	Review
MOE	All	Unit	Hours	Month	100.00	1/1/2023	1/31/2028	Approved							

The MOE add on **does not** affect the hour limit or any other aspect of eXPRS that a CME would use. It is for ODDS' administrative purposes only.

Service Groups are best expressed using terms, rather than numbers: Infant/Toddler, Very Low, Low, Moderate, High, and Very High. However, eXPRS does associate those with a number. All infants and toddlers are (5). For children, Low and Very Low are grouped together and display as SG (3). A child in the moderate SG displays as SG (4). Finally, High and Very High are grouped together and display as SG (5). For example, this is from the Find Oregon Needs Assessment page and is for a child in the Moderate SG:

ID	Status	Prime	Client Name	County	Service Setting	ONA Submit Date	Expiration Date	Assessor	Service Group	Enhanced	LOC	Risk Report
69591774-1	Approved			Multnomah	Children's In-Home Services (SE151)	6/29/2023	6/30/2024	Jennifer	4 - Moderate	No	Approved	

Adult 18+	Adolescent 12-17	Child 4-11	Infant/Toddler 0-3
1 – Very Low	1 – Very Low		

2 - Low	2 - Low	3 – Very Low to Low	5 – Infant Toddler Supports
3 - Moderate	3 - Moderate	4 - Moderate	
4 - High	4 - High	5 – High to Very High	
5 – Very High	5 – Very High		

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Appendix B: School and Summer Hours

Hours and Service Group	Condition	ISP Period 2/1/2023- 1/31/2024 Current Service Level	2/1/2024- 5/31/2024 ISP Start- School	6/1/2024- 8/31/2024 Summer	9/1/2024- 1/31/2025 School-end of ISP period	2/1/2025- 3/31/2025 ISP Start- end of MOE	3/1/2025- 5/31/2025 ISP Start- School	6/1/2025- 8/31/2025 Summer	9/1/2025- 1/31/2026 School- end of ISP period	2/1/2026- 5/31/2026 ISP Start- School	6/1/2026- 8/31/2026 Summer
<ul style="list-style-type: none"> CNA School Hours: 83 CNA Summer Hours: 108 Service Group: Moderate*** Summer 92-109 School 84-96 	<p>CNA Summer limit is higher than the Service Group School Limit</p> <p>Service Group Summer limit is higher than the CNA Summer Limit</p>	108*	108*	109**	108*	108*	108*	109**	108*	96**	109**
<ul style="list-style-type: none"> CNA School Hours: 144 CNA Summer Hours: 182 Service Group: Moderate*** Summer 92-109 School 84-96 	<p>CNA Summer limit is higher than the Service Group School and Service Group Summer Limit</p>	182*	182*	182*	182*	182*	182*	182*	182*	96**	109**
<ul style="list-style-type: none"> CNA School Hours: 68 CNA Summer Hours:80 Service Group: Moderate*** Summer 92-109 School 84-96 	<p>CNA Summer limit is lower than the Service Group School and Service Group Summer Limit</p>	80*	96**	109**	96**	96**	96**	109**	96**	96**	109**

* CNA Limit. Also color coded in red.

** Service Group limit. Also color coded in green