

**DEPARTMENT OF HUMAN SERVICES
AGING AND PEOPLE WITH DISABILITIES
OREGON ADMINISTRATIVE RULES**

**CHAPTER 411
DIVISION 40**

MEDICAID HOME DELIVERED MEALS

411-040-0000 Purpose and Scope

(Amended 06/04/2014)

(1) Medicaid home delivered meals may be provided to eligible seniors and people with disabilities as part of a Medicaid long term care services plan to assist a participant to remain in their own home. Provision of home delivered meals reduces the reliance on paid staff during some meal times.

(2) Home delivered meals are available to eligible participants who choose to receive these services in lieu of meal preparation services.

Stat. Auth.: ORS 410.070, 411.060, & 411.070

Stats. Implemented: ORS 410.070

411-040-0010 Definitions

(Adopted 06/04/2014)

Unless the context indicates otherwise, the following definitions apply to the rules in OAR chapter 411, division 040:

(1) "Approved Carrier" means the United States Postal Service, or other carrier, who can ensure providers have passed criminal background checks to protect the well-being of the Medicaid eligible participant. Use of an Approved Carrier must be approved by the Department, Aging and People with Disabilities or the Area Agency on Aging (AAA).

(2) "Client Liability" means the dollar amount participants with excess income must contribute to the cost of service pursuant to OAR 461-160-0610 and OAR 461-160-0620.

(3) "Department" means the Department of Human Services (DHS).

- (4) "Homebound" means that leaving home is a significant effort to the point that leaving home unassisted is not normally possible.
- (5) "Home Delivered Meals" means meals that are delivered to a Medicaid eligible participant in their own home or apartment per 411-040-0035 of this rule.
- (6) "Meal preparation" means safely preparing food as defined in 411-015-0007(6).
- (7) "Medicaid eligible individual" means a participant who meets the eligibility criteria defined in OAR 411-015-0000 through 411-015-0100.
- (8) "Medicaid Home Delivered Meal Provider" means an approved home delivered meal provider that meets the qualifications in these rules and has an active Medicaid provider number.
- (9) "Natural Supports" means resources and supports (e.g. relatives, friends, significant others, neighbors, roommates, or the community) who are willing to voluntarily provide services to an individual without the expectation of compensation. Natural supports are identified in collaboration with the individual and the potential "natural support". The natural support is required to have the skills, knowledge and ability to provide the needed services and supports.
- (10) "Nutrition education" means a program to promote better health by providing accurate and culturally sensitive nutrition, physical fitness, or health (as it relates to nutrition) information and instruction to participants, caregivers, or participants and caregivers in a group or individual setting overseen by a dietitian or individual of comparable expertise.
- (11) "Nutrition screening survey" means the act of screening a participant's nutrition risk.
- (12) "Participant" means a Medicaid eligible individual receiving Medicaid home delivered meals.

(13) "Provider" means Medicaid home delivered meal provider.

Stat. Auth.: ORS 410.070, 411.060, & 411.070

Stats. Implemented: ORS 410.070

411-040-0020 Client Eligibility and Responsibilities

(Adopted 06/04/2014)

(1) To be eligible for Medicaid home delivered meals a participant must:

(a) Be Medicaid eligible per 411-015-0100, and be receiving Medicaid long term services and supports in their own home;

(b) Be home-bound;

(c) Be unable to do meal preparation on a regular basis without assistance; and

(d) Not have natural supports available that are willing and able to provide meal preparation services.

(2) To remain eligible for home delivered meals, participants are responsible for payment of their specified monthly client liability amount so home-delivered meals can be authorized.

(3) If the participant is determined ineligible for Medicaid home delivered meals, but needs food assistance, the case manager shall refer the participant to the nearest Aging and Disability Resource Connection for assistance.

Stat. Auth.: ORS 410.070, 411.060, & 411.070

Stats. Implemented: ORS 410.070

411-040-0030 Medicaid Home Delivered Meal Provider Qualifications and Responsibilities

(Adopted 06/04/2014)

(1) To be in alignment with the provision of services, home delivered meal providers must have contracts with, or be, an AAA as defined in 411-002-0100(1).

(2) The provider must be in compliance, during all stages of food service operation, with applicable federal, state and local regulations, codes, and licensor requirements relating to fire; health; sanitation; safety; building and other provisions relating to the public health, safety, and welfare of meal patrons.

(3) The provider must demonstrate that menu standards are developed to sustain and improve a participant's health through the provision of safe and nutritious meals that are approved by a dietician.

(4) Each provider must be an enrolled Medicaid provider approved to provide Medicaid home delivered meals.

(5) The provider must ensure that all requirements in OAR 411-040-0035 through 411-040-0037 are met.

(6) Providers must ensure that anyone who delivers meals:

(a) Have passed a background check as defined in OAR 407-007-0275; or

(b) Uses an approved carrier.

(7) All requests for Medicaid home delivered meals received by the provider must be referred to the Department or the Medicaid AAA office for prior authorization.

(8) Meal providers must not solicit program income or voluntary donations from Medicaid eligible participants.

Stat. Auth.: ORS 410.070, 411.060, & 411.070

Stats. Implemented: ORS 410.070

411-040-0035 Meal Requirements

(Adopted 06/04/2014)

(1) Each meal served must meet the current United States Department of Agriculture and Health and Human Services Dietary Guidelines and contain at least 33-1/3 percent of the current Dietary Reference Intakes as

established by the Food and Nutrition Board of the National Academy of Science-National Research Council.

(2) Foods must be prepared, served, and transported:

- (a) With the least possible manual contact;
- (b) With suitable utensils; and
- (c) On surfaces that have been cleaned, rinsed, and sanitized to prevent cross contamination prior to use.

(3) Meals may be hot, cold, frozen, dried, or canned with a satisfactory storage life.

(4) Meal frequency.

(a) In areas where the frequency of serving meals five or more days per week is not feasible, per the area plan, nutrition providers have the ability to provide meals at less frequent intervals.

(b) For participants whose case managers have assessed the participant as having low risks, during the Medicaid Risk Assessment process and as part of the individualized service plan, the provider may be authorized to provide frozen meals not to exceed 31 days' worth of meals.

(5) All providers will have a safety plan to ensure participants will receive meals during emergencies, weather-related conditions, and natural disasters. Plans could include, but are not limited to, shelf-stable emergency meal packages, four-wheel drive vehicles, and volunteer arrangements with other community resources.

Stat. Auth.: ORS 410.070, 411.060, & 411.070

Stats. Implemented: ORS 410.070

411-040-0036 Service Requirements

(Adopted 06/04/2014)

(1) Except as provided in subsection (2), providers must provide:

(a) In-person delivery whereby a paid staff or volunteer delivers the meal to the participant's home. To the extent possible, the staff or volunteers must report any changes in participant's condition or concerns to the participant's case manager.

(b) Nutrition screening survey.

(A) The nutrition screening survey must be designed to indicate signs of poor nutritional health. In situations in which the screening shows that the individual has poor nutritional health, the provider will contact the participant's Medicaid case manager.

(B) Nutrition screening surveys will be completed at intake and at annual updates.

(c) Nutrition education.

(A) Nutrition education will be provided a minimum of one time per year.

(B) Nutrition education is required to be offered at the first nutrition risk assessment.

(2) In situations where the AAA has approved alternative delivery carriers, the home delivered meal provider must have weekly contact with the participant to determine if there are any changes in condition or concerns.

Stat. Auth.: ORS 410.070, 411.060, & 411.070
Stats. Implemented: ORS 410.070

411-040-0037 Staff and Volunteer Requirements
(Adopted 06/04/2014)

(1) Prior to having direct contact with participants, staff and volunteers must successfully pass a criminal background check.

(2) All staff and volunteers involved in food preparation will have training in:

- (a) Portion control;
- (b) FDA Food Code practices for sanitary handling of food;
- (c) Oregon food safety requirements; and
- (d) Agency safety policies and procedures.

(3) All staff and volunteers having direct contact with a participant will have training in:

- (a) Protecting confidentiality;
- (b) How to report concerns, which may include: change of condition; self-neglect, and abuse, to appropriate staff for follow-up; and
- (c) When to report to the case manager any participants considered high risk, as a result of the nutrition risk assessment.

Stat. Auth.: ORS 410.070, 411.060, & 411.070
Stats. Implemented: ORS 410.070

411-040-0040 Provider Payment
(Adopted 06/04/2014)

- (1) Providers will be reimbursed on a per meal basis, no more than 1 meal per day within the month.
- (2) Provider rates will be published on the Department's rate table.

Stat. Auth.: ORS 410.070, 411.060, & 411.070
Stats. Implemented: ORS 410.070

411-040-0050 Local Office Responsibility and Oversight
(Adopted 06/04/2014)

- (1) The Department shall establish, authorize, purchase, and monitor the standards for Medicaid paid home delivered meals.

(2) Case managers must authorize Medicaid home delivered meal services.

(3) Subsequent yearly nutrition education:

(a) May be determined by local Medicaid home delivered meal providers; and

(b) Will be monitored by the Medicaid case manager at least annually.

(4) Provision of the home delivered meals reduces the need for reliance on paid staff during some meal times, so meal preparation hours in the service plan must be reduced.

(5) The Department shall make payments to Medicaid paid home delivered meal providers for all home-delivered meals provided to participants.

Stat. Auth.: ORS 410.070, 411.060, & 411.070

Stats. Implemented: ORS 410.070

411-040-0060 Impact on Client Liability

(Adopted 06/04/2014)

(1) The cost for home delivered meals shall be calculated into the service plan, in addition to in-home services provided by a client-employed provider or a home care agency.

(2) Participants required to make a client contribution, under OAR 461-185-0050, must have their home-delivered meal costs added to cost of care calculations.

Stat. Auth.: ORS 410.070, 411.060, & 411.070

Stats. Implemented: ORS 410.070