

Secretary of State
Certificate and Order for Filing
TEMPORARY ADMINISTRATIVE RULES
A Statement of Need and Justification accompanies this form.

I certify that the attached copies* are true, full and correct copies of the TEMPORARY Rule(s) adopted on [upon filing] by the
Date prior to or same as filing date

Department of Human Services, Aging and People with Disabilities 411

Agency and Division	Address	Administrative Rules Chapter Number
Kimberly Colkitt-Hallman	500 Summer Street NE, E-48 Salem, OR 97301-1074	(503) 945-6398

Rules Coordinator	Address	Telephone
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to become effective [July 1, 2015] through [December 27, 2015].
Date upon filing or later A maximum of 180 days including the effective date.

RULE CAPTION

Oregon Project Independence Pilot for Adults with Disabilities

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION
List each rule number separately, 000-000-0000.
Secure approval of new rule numbers (Adopted rules) with the Administrative Rules Unit prior to filing

ADOPT:

AMEND: 411-032-0050

SUSPEND:

Stat. Auth.: ORS 409.050, 410.070, 410.435

Other Auth.: _____

Stats. Implemented: ORS 409.010, 410.410-480

RULE SUMMARY

The Department is immediately amending 411-032-0050 to continue providing services to adults with physical disabilities that are currently receiving such services in regionally diverse pilot locations under the Oregon Project Independence Pilot. This rulemaking expands the date of the pilot program to allow the Department to continue providing services. Minor formatting adjustments were made to the rule as well.

Signed Michael R. McCormick, Director, Aging and People with Disabilities	6/15/2015
Signature	Date

STATEMENT OF NEED AND JUSTIFICATION

A Certificate and Order for Filing Temporary Administrative Rules accompanies this form.

Department of Human Services, Aging and People with Disabilities

411

Agency and Division

Administrative Rules Chapter Number

In the Matter of: **The temporary amendment of OAR 411-032-0050.**

Rule Caption: (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

Statutory Authority: **ORS 409.050, 410.070, 410.435**

Other Authority:

Stats. Implemented: **ORS 409.010, 410.410-480**

Need for the Temporary Rule(s):

The Department needs to amend the rule and extend the date of the pilot program in order to continue serving those currently receiving services. The pilot program is set to expire on June 30, 2015. The Department is amending the date to expand the rules expiration date to December 27, 2015 in order to allow the pilot to continue until the Department receives notification on the future of the pilot program from the legislature.

Documents Relied Upon, and where they are available:

Justification of Temporary Rule(s):

Failure to act promptly and immediately amend OAR 411-032-0050 will result in serious prejudice to the public interest, the Department, and adults with physical disabilities receiving services under the pilot program. These rules need to be adopted promptly so the rule does not expire. If the rule expires, it would cause a disruption in services for individuals receiving services under the pilot program.

OAR 411-032-0050 needs to be amended promptly because the rules are set to expire on June 30, 2015. The Department would like to continue providing services to individuals currently receiving services under the pilot program. In order to continue providing services, the Department is expanding the expiration date of the pilot program rule to allow more time for legislative direction in regards to the future of the program.

Signed Michael R. McCormick, Director, Aging and People with Disabilities

6/15/2015

Signature

Date

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

**CHAPTER 411
DIVISION 32**

OREGON PROJECT INDEPENDENCE

411-032-0050 Pilot for Adults with Disabilities

This rule applies only until ~~June 30~~[December 27](#), 2015.

(1) The purpose of this rule is to set out the policies that apply to the expansion of Oregon Project Independence services to adults with physical disabilities. The pilot allows the Department to study the potential to transition Oregon Project Independence to a statewide, age neutral, program that assesses and serves seniors and persons with physical disabilities based on their functional needs.

(2) "Disability" means, for the purposes of this rule, a physical, cognitive, or emotional impairment which, for an individual, constitutes or results in a functional limitation in one or more of the activities of daily living defined in OAR 411-015-0006, or in one or more of the instrumental activities of daily living defined in OAR 411-015-0007.

(3) "Adult" means, for purposes of this rule, any person 19 to 59 years of age.

(4) OAR 411-032-0000 to 411-032-0044 apply to this pilot program, except as noted below:

(a) Authorized Services and Allowable Costs. Authorized services may not be available in all service areas. Authorized services for the

pilot funds include home care supportive services, service coordination, and other services, including the following:

- (A) Home care.
- (B) Chore services.
- (C) Assistive Technology.
- (D) Personal care services.
- (E) Adult day services.
- (F) Registered nurse services.
- (G) Home delivered meals.
- (H) Services to support community caregivers and strengthen the natural support system of individuals.
- (I) Evidence-based health promotion services.
- (J) Options counseling.
- (K) Assisted transportation options that allow individuals to live at home and access the full range of community resources.

(b) Eligibility.

(A) In order to qualify for authorized services under this pilot, an individual must:

- (i) Be an adult with a disability;

(ii) Be a resident of a designated pilot area and seek services at that location;

(iii) Not be receiving Medicaid;

(iv) Meet the requirements of the long-term care services priority rules in OAR chapter 411, division 015.

(B) The Area Agencies on Aging must determine eligibility prior to an individual receiving authorized services.

(c) The fees described in OAR 411-032-0044(1)(a) do not apply to this pilot program.

Stat. Auth.: ORS 409.050, 410.070, 410.435

| Stats. Implemented: ORS 409.010, 410.410-~~410~~.480