

Cathy Cooper

Authorized Signature

Number: SPD-AR-10-056
Issue Date: 6/25/2010

Topic: Developmental Disabilities

Due Date: 7/4/2010

Subject: DD Eligibility emergency rule changes

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 | <input type="checkbox"/> Health Services |
| <input type="checkbox"/> Children, Adults and Families | <input type="checkbox"/> Seniors and People with Disabilities |
| <input checked="" type="checkbox"/> County DD Program Managers | <input checked="" type="checkbox"/> Other (please specify): DD eligibility specialists |

Action Required: As of July 4, 2010, the eligibility emergency rule will be in effect. The emergency rule changes include:

- 1) notifying the individual or legal representative, on the prescribed SPD form, that a re-determination of provisional eligibility by the CDDP is occurring
- 2) elimination of the Review process by the CDDP after a determination of eligibility
- 3) elimination of the Administrative Review by SPD

The emergency rule describes how to request a contested case hearing in the event that the individual or their legal representative is dissatisfied with the determination made by the CDDP.

The following forms will be available on the DHS website beginning July 4, 2010 and are required for all eligibility determinations including re-determinations and County Transfers initiated as of July 4, 2010;

- Form SDS5101 Redetermination Memo
- Form SDS5101INS Redetermination Memo instructions
- Form SDS5102 County Transfer Memo
- Form SDS5102 County Transfer Memo instructions
- Form SDS5103 Notice of Eligibility Determination – eligible
- Form SDS5103 Notice of Eligibility Determination – eligible instructions

- Form SDS5104 Notice of Eligibility Determination – denial and terminations
- Form SDS5104 Notice of Eligibility Determination-denial/termination instructions

Further instructions on how to use these forms and the emergency rule changes will be occurring during a special DD call-in and in future eligibility trainings.

Reason for Action: Failure to act promptly will result in serious prejudice to individuals for whom eligibility decisions are being made. These rules need to be adopted promptly to provide a clear timeline for when a hearing must be requested. Failure to immediately take the temporary rulemaking action would result in individual's being denied the right to a hearing based on a technicality of missing a deadline. The temporary rules are a clearer, straightforward process that provides for one notice of eligibility determination with clear timelines resulting in individuals accessing services in a timely manner.

Field/Stakeholder review: Yes No

If yes, reviewed by:

If you have any questions about this action request, contact:

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