



**Information
Memorandum**

Oregon Department of Human Services

Originating Cluster:

Seniors and People with Disabilities

Date:	May 30, 2003	IM Number:	SPD-IM-03-046
To:	Area Agency on Aging Directors AAA Program Managers and Staff SPD Central Office Staff CHS Central Office Managers	CHS SDA Managers CHS SDA Assistant Managers CHS/SPD Line/Program Managers CHS/SPD All Staff	
From:	Office of Employment and Financial Benefits		
Subject:	EPD Rule Changes		

Message: On April 24th a Netcast was held to train staff on the EPD rule changes which became effective May 1st. During the training, it was requested that we follow-up with a question and answer sheet summarizing the issues which arose during the Netcast. This question and answer sheet is attached to this memorandum.

Another request made during the Netcast was to send an informal letter to current EPD clients informing them of the change and how it could affect their case. This letter has been drafted and will be sent to clients within the next week. A copy of this letter is also attached.

On June 24th, we will have another Netcast outlining EPD rule changes. This Netcast will focus on the changes which become effective on July 1st. You can sign up for this session online by using the following link: <https://dhstraining.hr.state.or.us/training>.

If you have any questions about this information, contact:

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EPD May 1 Rule Revisions Netcast Questions and Answers

1. What does “Attached to the Workforce” (ATW) mean?

Rule 461-110-0115 states, “Attached to the Workforce means a person is employed and has, in each countable quarter, earnings sufficient to receive credit from the Social Security Administration for a quarter of coverage for purposes of obtaining Social Security benefits.”

What this means is that when you are looking at eligibility for an EPD client, the person needs to earn \$890 in a three month period. This period is not based on a calendar quarter, but on three full consecutive months that will equal a quarter.

2. When do you start applying this policy?

You will look at the definition of ATW for all new applicants starting May 1, 2003. Ongoing clients would need to meet the criteria at recertification.

3. When you are looking at initial eligibility for EPD, how would you determine that a client met the definition of “Attached to the Workforce (ATW)”?

When a client applies for EPD, you need to look at prospective eligibility for three full months to determine whether or not they will meet the definition of ATW. Therefore, if a client applies on the 13th of the month, you will not look at income prospectively received that month, but will instead start the three month period the beginning of the next month.

For example, Ken applies for EPD on February 4. You will look at the income Ken anticipates receiving for March, April and May (this will be the quarter). You need to verify that the client is employed, but you can base your projection of the income to be received on the clients word. If the total earned income Ken anticipates receiving for the quarter is \$890 or above, he would meet the definition of ATW. If not, you would need to deny the case. (Rule 461-150-0050)

4. How do you apply ATW at recertification?

Ongoing EPD clients need to meet the definition of ATW to be recertified. This means they will need to show that they have made at least \$890 when you total the income they received the last month of their certification, plus the two prior months.

For example, if Elizabeth's review is due in August, you will use earnings from June, July and August to determine whether or not she meets the ATW definition. If she is still employed, and earned \$890 or more during that time period she will meet the definition of ATW.

If Elizabeth is still working, but did not earn \$890 during this time period, you would give her 10 day notice and close the case.

There are three instances where Elizabeth might not meet the definition of ATW, but would still be eligible for the EPD program.

1. If Elizabeth was not working but her employer is still treating her as an employee, such as if she were receiving benefits under the Family Medical Leave Act.
2. If Elizabeth has reason to believe that the income she will receive in the next quarter would be more representative of her earnings than the income she received in the budget quarter. For example: If Elizabeth had missed a lot of work in her budget quarter and so did not meet the \$890 requirement, but was back to work and would be earning enough in the next quarter to meet the requirement, she could still be considered ATW. In this case, you would look at the final month of certification and the following two months, to determine whether or not she will be working enough to meet the definition.
3. If a client is no longer working and except for resources, meets **all** other OSIPM requirements (including income) they can retain eligibility for EPD. In this instance, the client can retain EPD eligibility as long as they are over the OSIPM resource limit, but continue to meet all other OSIPM requirements.

461-135-0725/461-150-0050

5. **Do EPD clients need to report changes in income/employment etc?**

According to rule 461-170-0030, EPD clients must report the following changes within 10 days:

- A change in employment, including obtaining, quitting or losing a job.
- A change in source of income.
- A change in earned income based on hourly wages when the change is due to:
 - A change in rate of pay; or
 - A change greater than five in the number of hours worked each week when the change is expected to last one month or longer.
 - A change in earned income not based on hourly wages of more than \$100 a month.
- A change in unearned income of more than \$25.
- A change in residence.

6. **If you have a client on the EPD program and they report that they are no longer working, but they have met the \$890 requirement already, would you continue their benefits until the end of the quarter?**

NO. To be considered attached to the workforce, a client needs to be employed. Be sure to determine whether or not they might be eligible for another program. If not, send a 10 day notice and close the case.

7. **Is there going to be a letter sent to EPD clients informing them of the change?**

Yes. We are sending an informal letter to clients letting them know about the change. (Copy of letter is attached.)

8. **How do you look at Self employment income, when determining whether or not a client meets the \$890?**

Since EPD is a sub-program of OSIPM, we would look at the countable income to determine whether or not the client meets the \$890 requirement. See rules 461-145-0910, 461-145-0920 and 461-145-0930 for details.

9. **Are EPD clients eligible for retroactive medical coverage?**

Yes, since EPD is a sub-program of OSIPM, we will default to the OSIPM rules. Remember to make sure the client would meet all eligibility factors in each of the months.

10. **If you have a client who you determine is eligible for the EPD program, and they request retroactive OSIPM, will they have a client contribution for the retroactive period ?**

Since EPD is a sub program of OSIPM, there is potential eligibility for retroactive Medicaid. If you determine that the client was eligible for EPD during that time period, the client would have a client contribution. You would not charge them a client contribution for a partial month of eligibility, but you would need to determine their client contribution for all eligible full months of Medicaid eligibility.

11. **Is someone with a DD diagnosis able to be on the EPD program?**

Yes, a person with a DD diagnosis can be on the EPD program.

12. **How do DD clients pay for both a Cost Share and a Residential Offset?**

DD clients living in residential care are responsible for a Residential Offset. Additionally, if they are an EPD client, they are responsible for a client contribution. The Client Contribution consists of a Cost Share and Premium. However, since both the Cost Share and the Residential Offset are based upon unearned income, SPD will waive the Cost Share and the client will only be responsible for the Residential Offset and a Premium (if applicable). The Cost Share is only waived for those clients who are responsible for a Residential Offset. DD clients in other situations may still be responsible for the Cost Share and the Premium. Please contact the local DD case manager or Brokerage Personal Agent to coordinate the client responsibility for Offset, Cost Share and Premium.

The Employed Persons with Disabilities (EPD) Program is changing. This is the program that provides you with a medical card. Since you are receiving benefits under this program, we want to let you know what is changing and how the change may affect you.

Starting in May, a person will need to be employed and earn \$890 or more over a three-month period of time to be eligible. This change will apply to you when your case comes up for a regular review.

At the time of your review, your caseworker will look at the income you received. They will add up the income you received during the month of your review and the two months before.

For example: If your review is in August, earnings from June, July and August will be used. Your caseworker will add up the earnings from these months. If you earned \$890 or more, you will still be eligible.

If your earnings are not \$890 or more during your review, your caseworker will ask you what you expect your income to be. They could use the income you expect to receive. In this case, they would count the earnings you receive in the current month plus the next two months.

For example: If your review is in August and you did not earn \$890 during June, July and August, your caseworker could look at earnings you expect to make. If you expect to earn \$890 or more during August, September and October, you may still be eligible.

If you have any questions about this change or how the change may affect you, please contact your caseworker. Your caseworker can also talk to you about ways to increase your earnings, if you believe you may no longer be eligible for the program.