



Information Memorandum

Oregon Department of Human Services

Originating Cluster:

Seniors and People with Disabilities

Authorized by: Elizabeth Lopez, Administrator
Signature

IM Number: SPD-IM-03-076

Date: September 5, 2003

Subject: **Completing the Notice of Planned Action and the Oregon Administrative Rule (OAR) citation required for denying or terminating a client’s OHP Plus benefits or OHP Plus clients whose benefits are being reduced from the OHP Plus to the OHP Standard package.**

Applies to (check all that apply):

- All DHS employees
- Area Agencies on Aging
- Children Adults and Families
- Community Human Services
- Other (please specify): _____
- County DD Program Managers
- County Mental Health Directors
- Health Services
- Seniors and People with Disabilities

Message: OHP and Notification of Planned Action to Reduce, Deny or Terminate Benefits

As you are aware, a Notice of Planned Action (SDSD 540) must be sent when issuing a denial, closing or reducing benefits. Recently, the Department has received several final orders from the Office of Administrative Hearings reversing the Department’s decisions to deny or terminate a client’s OHP Plus benefit or reduce the client’s Medicaid benefit from the OHP Plus benefit package to the OHP Standard benefit package. The Administrative Law Judges, in part, have been citing “inadequate notice” as justification in reversing the Department’s decision.

This memo is being sent to raise awareness of field staff to **include the OAR 410-120-1210 rule citation** when sending a notice of planned action to reduce the client’s eligibility for Medicaid services from the OHP Plus benefit package to the OHP Standard Package or when issuing a OHP Plus denial or termination notice.

Oregon Administrative Rule 410-120-1210 contains a description of the OHP Plus and Standard benefit packages and specifies what eligibility categories receive the Plus and Standard packages. As directed in OAR 410-120-1210(A), an individual must be categorically eligible for Medicaid to receive the OHP Plus Medicaid benefit package.

If you have any questions about this information, contact:

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