

## Seniors and People with Disabilities

DeAnna Hartwig

**Authorized Signature**

**Number:** SPD-IM-07-091

**Issue Date:** 12/17/2007

**Topic:** Medical Benefits

**Subject:** EPD Client Contribution

**Applies to (check all that apply):**

- |  |  |
|--|--|
| <input type="checkbox"/> All DHS employees                     | <input checked="" type="checkbox"/> County Mental Health Directors       |
| <input checked="" type="checkbox"/> Area Agencies on Aging     | <input type="checkbox"/> Health Services                                 |
| <input type="checkbox"/> Children, Adults and Families         | <input checked="" type="checkbox"/> Seniors and People with Disabilities |
| <input checked="" type="checkbox"/> County DD Program Managers | <input type="checkbox"/> Other (please specify):                         |

**Message:** You may be aware that DHS had planned to change the Employed Person with Disabilities (EPD) client contribution structure to a flat fee of \$100. DHS have had a small setback with our plan to implement a change to the EPD participant liability. In a telephone conference, Centers for Medicare and Medicaid Services (CMS) explained that our plan to change the EPD participant liability to a flat rate of \$100 was not in compliance with federal law. DHS had no reason to believe that CMS would reject our proposal, since at least one other state has a flat fee rate structure, and two other states are known to not charge their Buy-In clients anything. Nevertheless, CMS was unequivocal that they would deny our state plan amendment proposal on the grounds that they believe Oregon would be out of compliance with federal law. Therefore, DHS will withdraw the participant liability wording from the administrative rule filing for January 1, 2008. At this time, current EPD clients will continue to pay their client contribution as they have been. New applicants for EPD, if eligible, will have a client contribution calculated in compliance with Oregon Administrative Rules 461-160-0800 through 461-160-0850.

We understand that this setback will come as a serious disappointment to clients, staff, and advocates. SPD wants to reaffirm its commitment to developing and implementing an EPD participant liability structure, in the very near future that is reasonable and equitable for clients, simple for staff to administer, and in compliance with federal interpretation of statute.

If you have questions, you may contact Jeff Stell, Medicaid Program Analyst, by Groupwise or by e-mail at [jeff.stell@state.or.us](mailto:jeff.stell@state.or.us) or by phone at (503) 945-6834.

*If you have any questions about this information, contact:*

<b>Contact(s):</b>	Jeff Stell, Medicaid Program Analyst		
<b>Phone:</b>	(503) 945-6834	<b>Fax:</b>	(503) 373-7274
<b>E-mail:</b>	<a href="mailto:Jeff.stell@state.or.us">Jeff.stell@state.or.us</a>		