

Aging and People with Disabilities

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Number: APD-IM-15-088

Issue date: 10/30/2015

Topic: Long Term Care

Subject: Spousal pay as an hourly service option and consumer's notice mailing

Applies to (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> All DHS employees | <input type="checkbox"/> County Mental Health Directors |
| <input checked="" type="checkbox"/> Area Agencies on Aging | <input type="checkbox"/> Health Services |
| <input checked="" type="checkbox"/> Aging and People with Disabilities | <input type="checkbox"/> Office of Developmental Disabilities Services(ODDS) |
| <input type="checkbox"/> Self Sufficiency Programs | <input type="checkbox"/> ODDS Children's Intensive In Home Services |
| <input type="checkbox"/> County DD Program Managers | <input type="checkbox"/> Stabilization and Crisis Unit (SACU) |
| <input type="checkbox"/> ODDS Children's Residential Services | <input type="checkbox"/> Other (please specify): |
| <input type="checkbox"/> Child Welfare Programs | |

Message:

Effective August 31, 2015

Due to changes brought about by the changes to the Fair Labor Standards Act regulations:

- The Spousal Pay Program became one of the in-home hourly service options for those who qualify. Individuals who are eligible and continue to choose to receive this service will be transitioned into hourly plans at any time a new assessment and resulting service plan is created on August 31, 2015 or later.
- The Spousal Pay Program will no longer be one of the Live-In in-home service options.
- The Spousal Pay Program and the Independent Choices Program (ICP) are the only in-home options allowing payment to a spouse.
- The service plan will be reimbursed at the approved homecare worker (HCW) hourly rate for both the ADLs and IADLs.
- IADLs will continue to be accurately calculated at one-half of the total IADLs. As an hourly plan, the assessed live-in hours (live-in services) will no longer be a part of the service plan. There will be no exceptions granted for this change.
- Hourly plans that are assessed at 496 hours or more per month will be considered a Shift Services plan and must have multiple homecare workers assigned to provide services. The limit of 50 hours per week or 220 hours a

month will apply to a spousal pay provider that is providing services.

- There will no longer be a requirement to have a secondary PAS assessment to determine the initial eligibility of the individual.
- Spousal Pay eligibility continues to be reviewed and approved by Central Office.

Effective January 1, 2016

- All spousal pay programs must transition from a live-in to an hourly plan. This means that if an assessment and a new service plan have not occurred between August 31 2015 and December 31 2015, the existing service plan must be converted to an hourly services plan on January 1, 2016.
- For planning purposes, a list that includes all spousal pay cases will be distributed to each office.

Hearing Notice

- Notification of Planned Action (SDS 0540) must be completed and sent to the consumer.
- Reason for the notice would be the elimination of live-in service hours due to OAR changes defining that the consumer receiving services in the Spousal Pay program may no longer receive live-in services

Spousal pay consumer's notice mailing

An informational letter for current consumers receiving in-home services through the spousal pay program is being mailed from Central Office on Monday, November 01, 2015. This letter is to notify the consumer of the change in the spousal pay program from a live-in plan to an hourly plan.

The letter directs consumers to contact their local APD/AAA office if they have questions. The consumer's letter provides an overview of the effective dates of the change, the availability of the independent choice program (ICP) service option, as well as information on hearing rights.

Policy transmittals, rule changes, and webinars have provided instructions for local APD/AAA offices regarding changes in this in-home program.

Rule, Policy, tools, and consumer letter

[OAR 411-030-0080](#) Spousal Pay administrative rule

[APD-PT-15-023](#) Limit on authorized hours a HCW may work identified in Service Plan

[APD-PT-15-025](#) New Authorization Criteria for Live-in/Shift Services under the In-

Home Services Program, Including the Independent Choices Program and Spousal Pay Program

[APD-PT-15-028](#) Exceptions to limits on the 50 hour authorized hours a HCW may work

APD Worker Guide G.9 Decision Notice Preparation Tips

<http://www.dhs.state.or.us/spd/tools/additional/workergd/g.9.htm#sreduce>

Service Reduction #15 . Spousal Pay reduction of live-in service hours due to Spousal Pay provider no longer eligible for live-in services

[Eligibility, Authorization, and Payments](#) Case management Tools / spousal pay

A copy of the consumer letter is attached to this transmittal.

If you have any questions about this information, contact:

Contact(s):	Darwin Frankenhoff		
Phone:	503-947-5162	Fax:	503-947-4245
Email:	darwin.j.frankenhoff@state.or.us		

November 1, 2015

This notice is to inform you of an important change in your in-home services benefit. As of January 1, 2016, the spousal pay program will transition from a live-in program to an hourly program. What this means is you will no longer have any hours under the category of 24-hour availability (live-in hours) on the payment voucher for your spouse. The changes may happen sooner if you have an assessment with your case manager prior to January 1, 2016.

This change is necessary so that the Department of Human Services (DHS) remains in compliance with new federal regulations regarding how DHS compensates homecare workers, including spouses. The change to an hourly plan will not affect the number of hours authorized for Activities of Daily Living (ADLs) and Instrumental Activities of Daily Living (IADLs) you receive. The ADL hours will continue to be reimbursed at the Home Care Worker (HCW) hourly rate established in the Collective Bargaining Agreement, which is currently at \$13.75. The IADL rate will increase from the current rate of \$6.88 an hour to \$13.75 an hour. These rates are expected to increase on January 1, 2016. IADL hours will continue to be accurately calculated at one-half of the total assessed IADLs hours. This calculation is not a change to the current process.

Another option that may be available to you is the Independent Choices Program which allows payment to a spouse. For information on ICP please contact your Aging and People with Disabilities case manager.

Please note: the coverage you receive through your medical card will not change.

This notice is based on a change to Oregon Administrative Rule 411-030-0080 which defines the elimination of live-in service hours due to the program change to an hourly service option. You have a right to request a hearing. Please refer to the "Notice of Hearing Rights" included with this letter. Oregon Administrative Rules OAR [411-015-0005](#) through 411-015-0100; [411-030-0020](#) through 411-030-0070 also apply to this notice.

If you have any questions or need further explanation, please contact your case manager.