

Cathy Cooper

Authorized Signature

Number: SPD-PT-06-035
Issue Date: 07/31/2006

Topic: Long Term Care

Transmitting (check the box that best applies):

- New Policy
 Policy Change
 Policy Clarification
 Executive Letter
 Administrative Rule
 Manual Update
 Other: _____

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

Policy/Rule Title:	Hardship Shelter Allowance ending for new applicants		
Policy/Rule Number(s):	411-030-0050 Case Management	Release No:	
Effective Date:	06/01/2006	Expiration:	
References:	OSIP Program Manual regarding Special Needs http://www.dhs.state.or.us/spd/tools/program/osip/h.htm		
Web Address:	http://www.dhs.state.or.us/policy/spd/rules/411_030.pdf		

Discussion/Interpretation:

The hardship shelter allowance, a benefit formerly authorized under the In-Home Services Program rules, is being closed to new applicants. The allowance will remain available to current recipients who continue to meet the benefit standards. This benefit primarily is a payment to the client for having a live-in provider if they would be forced to move in order to provide living quarters for the client's attendant. This change affects approximately thirty individuals statewide.

Current clients receiving the hardship shelter allowance should be reviewed to determine if they continue to qualify for the benefit as described in OAR 411-030-0040(3)(f). If an individual no longer qualifies, Case Managers must send an [SPD 540](#), Notification of Planned Action, to discontinue the benefit.

New clients who require assistance to accommodate a live-in attendant should be assessed for possible eligibility for an OSIP Special Needs Shelter Exception. OAR [461-155-0660](#) "Special Need; Shelter Exceptions" states that certain individuals may receive a special payment above the standard shelter allowance if the cost of their shelter is higher because of the need for a live-in attendant. Individuals must meet the criteria specified in the rule to receive the additional payment. Copies of the Oregon Administrative Rules for both the shelter exception and hardship shelter allowance are attached for reference.

PAYMENT METHOD & AMOUNT

Current clients who are receiving the hardship shelter allowance have been paid through the HINQ/HATH Housekeeper Payment System. Payments to the client will no longer be generated from HINQ/HATH. They will now begin to receive this benefit through CMS. The payment is being transitioned to CMS from HINQ/HATH because of the implementation of the new MMIS computer system.

SPD Central Office has contacted Case Managers with clients receiving this benefit in order to facilitate the coding change. Case Managers must add the "SE" shelter exception coding on CMS, even though the continued eligibility for the hardship shelter allowance is covered in the In-Home Support Services administrative rules. The current benefit amount for the hardship shelter allowance is \$59.09 per month or \$1.94 per day, based on the service period in which the Homecare Worker provided live-in services. Previously, if live-in services were only provided for a portion of the month, the benefit had been prorated. Case Managers should enter the \$59.09 amount in CMS for all current recipients. Pro-rating will not be required.

In reviewing current recipients of the hardship shelter allowance, SPD Central Office found several clients receiving an incorrect benefit amount. Before 1995, the allowance was a larger benefit of approximately \$98.00 per month called a "food and shelter allowance" benefit. In 1995, the benefit changed to a "hardship shelter allowance" with a reduced amount of \$59.09 per month. Although there shouldn't have been any clients continuing to receive the larger benefit, some cases continued and are still receiving \$98.00 per month. These cases are coded with an "H" code.

The "H" code was meant to represent individuals who had requested an administrative hearing over the reduction of the allowance in 1995. The "H" code allowed those individuals to continue to receive the higher benefit amount until the outcome of a hearing. Unfortunately, many cases were never changed to the "P" or partial code following the outcome of the hearing.

SPD/AAA offices will now need to send those individuals a Notification of Planned Action ([SPD 540](#)) about the reduction in benefit amount from \$98.00 to \$59.09, in addition to entering the SE code on CMS with the amount of \$59.09.

Clients receiving other Medicaid Special Needs payments may begin to receive a check for the combined amount of all special needs. Since the hardship shelter allowance will be coded as a special need, a client with another special need type (for example: food for a guide dog) could receive a check for more than \$59.09 per month.

Implementation/Transition Instructions:

SPD Central Office has attempted to contact all local SPD/AAA Case Managers who have clients currently receiving hardship shelter allowances. Case Managers were given instructions about the changing the coding and issuing notices.

If you have a client who was receiving the hardship shelter allowance yet they no longer have a live-in HCW or are otherwise ineligible for the allowance based on the rule criteria, the benefit will need to be discontinued. A 540 notice will need to be issued to the client. Those who remain eligible should continue to receive the correct benefit amount (\$59.09 per month) issued from CMS. The FD/SH field on HINQ/HATH has been obsoleted.

Training/Communication Plan: Netlinks regarding In-Home Services rule changes (including this policy change) were presented the week of 06/24/06. Training sessions on In-Home rule changes are also being offered at Regional Technical Training this summer and fall.

Local/Branch Action Required:

For any new clients requesting assistance with housing costs for the purpose of accommodating a live-in Homecare Worker, determine potential eligibility for an OSIP Special Needs Shelter Exception. See OAR [461-155-0660](#) for more information about eligibility criteria.

Existing clients may need to be sent a reduction notice if they were receiving more than \$ 59.09. Ineligible clients will need to be sent a closure notice allowing the required 10 day notice period.

Central Office Action Required:

Contact local SPD/AAA offices to transfer coding of existing hardship shelter allowances from HINQ/HATH to CMS. Contact local SPD/AAA offices about any clients who appear ineligible for the hardship shelter allowance or who are receiving an incorrect amount. Provide technical assistance as needed.

Field/Stakeholder review: Yes No

If yes, reviewed by: SPD Policy Workgroup, SPD Operations Committee

If you have any questions about this transmittal or **Hardship Shelter Allowances under the In-Home Support Services rules**, contact:

Contact(s):	Mary L. Lang, In-Home Services Program Coordinator		
Phone:	503-945-5799	Fax:	503-947-4245
E-mail:	mary.l.lang@state.or.us		

If you have any questions about **Shelter Exceptions under Medicaid Special Needs**, contact:

Contact(s):	Lauren Mitchell, Policy Analyst		
Phone:	503-945-6479	Fax:	503-373-7902
E-mail:	lauren.e.mitchell@state.or.us		

411-030-0050 Case Management

(Effective 6/1/2006)

(3) Service Plan

(e) The Department will not authorize individuals applying for a hardship shelter allowance associated with employing a live-in provider on or after June 1, 2006.

(f) Individuals eligible for and authorized to receive a hardship shelter allowance before June 1, 2006 may continue to receive a hardship shelter allowance on or after June 1, 2006 at the rate established by the Department if one of the following conditions is met:

(A) The client will be forced to move from their current dwelling and his/her current average monthly rent or mortgage costs exceed current OSIP and OSIPM standards for a one-person need group as outlined in OAR 461-155-0250; or

(B) Service costs would significantly increase as a result of the client being unable to provide living quarters for a necessary live-in provider.

461-155-0660 Effective 10/01/04

Special Need; Shelter Exceptions

1. OSIP and OSIPM clients living in long-term care facilities, and GA and GAM clients, are not eligible for the standard shelter allowances. However, for OSIP and OSIPM clients who are receiving SSI or waived services, allow a special shelter allowance in addition to the payment for care if all the following are true:
 - a. The client enters a hospital, state psychiatric institution, nursing home, AFC, ALF, RCF or SLF.
 - b. There is no other way for the client to maintain their rental property or home while they receive medical care.
 - c. The agency-approved medical authority believes the client can be cared for in their home within six months.
 - d. The Division service worker finds the client's property fits the needs for the client's home care.
 - e. Arrangements for suitable home care are within agency standards.
2. If an exception is authorized for a client meeting the criteria in section (1) of this rule, allow actual costs for utilities and rent or mortgage costs.

3. Clients living in the community and receiving SSI or waived services are eligible for a special payment above the standard shelter allowance based on the following criteria:
 - a. Clients must provide evidence that the cost of their shelter, above the OSIP standard, is based on costs associated with accessibility by individuals with a disability.
 - b. All clients, with the exception of clients with mortgage or home contract payments, must apply for HUD subsidized housing.
 - c. Once a client has met the criteria in sections (3)(a) and (b) of this rule, they will receive a shelter exception based on the difference between the OSIP shelter standard and the HUD standard or actual costs, whichever is less, specific to the client's living situation. This special need will be authorized only for the period of time prior to gaining HUD housing.
 - d. Clients who refuse HUD housing will no longer be eligible for a shelter exception, unless the housing that is offered is not suitable related to accessibility by individuals with a disability. Clients must also take all the necessary actions to be maintained as active on the HUD lists.
 - e. Clients with mortgages or home contracts must meet the criteria of section (3)(a) of this rule. They will receive a shelter exception based on the difference between the OSIP shelter standard and one-and-one-half times the HUD standard or actual costs, whichever is less, specific to the client's living situation.
 - f. Clients who are residing with their spouse, including clients receiving services through the Spousal Pay program, excluding minor dependent children, must meet the criteria in sections (3)(a) and (b) of this rule and must have their shelter exception based on half of the total monthly cost of the home.
 - g. Clients requiring live-in attendants may be eligible for a shelter exception if the cost of their shelter is higher because of the need for the live-in attendant.
4. Costs associated with utilities may be added to the cost of rent or mortgage. Clients may use actual utility costs or they may use the OSIP utility standard in the calculation.

Stat. Auth.: ORS 411.060, 411.070, 414.042

Stats. Implemented: ORS 411.060, 411.070, 414.042