

Cathy Cooper

Authorized Signature

Number: SPD-PT-06-049
Issue Date: 12/18/2006

Topic: Medical Benefits

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 checked="" type="checkbox"/> County DD Program Managers | <input type="checkbox"/> Other (please specify): |

Policy/Rule Title:	Accommodation Allowance		
Policy/Rule Number(s):	461-155-0660	Release No:	
Effective Date:	1-1-2007	Expiration:	
References:			
Web Address:			

Discussion/Interpretation:

Effective January 1, 2007, OAR 461-155-0660, Special Needs-Shelter Exceptions, will be titled "**Accommodation Allowance**". The rule is intended to provide housing support for clients needing temporary medical placement, or for clients who have increased housing costs due to disability specific accommodation needs.

Under the previous version of this rule, clients were able to receive an allowance if documentation was produced verifying incurred costs for home modifications. This provision is no longer included in the Accommodation Allowance rule. OAR 461-155-0551, "Home Adaptations to Accommodate a Client's Physical Condition" should be used if an adaptation is needed to accommodate the client's physical condition and prevent the client's placement in a nursing facility.

The Accommodation Allowance rule has two distinct components. The first portion of

the rule allows an accommodation allowance for clients who live in their own home or rental property, and who are temporarily absent due to medical placement.

The second type of Accommodation Allowance is for clients who have a live-in provider and need a second bedroom for the provider, or those who have increased costs for their housing due to disability related issues. (For example, a person who uses a wheelchair requiring a ground floor apartment that is priced higher than similar apartments on the upper floors).

The revised rule becomes effective January 1, 2007. Any new Accommodation Allowance determination after that date, must meet the new eligibility criteria.

On Dec 31, 2006, every case that has an SE (shelter exception) need/resource code will be converted to the need/resource code 'AAC' (Accommodation Allowance Code). At yearly review these cases must be re-evaluated, to determine whether or not the client meets the criteria for an Accommodation Allowance under the revised rule. Clients receiving an allowance for a home modification under the existing criteria will no longer qualify for the allowance.

The rule effective January 1, 2007 also differentiates between clients who have a first mortgage and those who have refinanced for reasons other than reducing their interest rate. Unless the refinance was for the sole purpose of reducing the interest rate, the mortgage portion of the allowance can no longer be authorized.

Access has been updated and the 'Other Needs' tab that was titled shelter exceptions, will now be called Accommodation Allow/Shelter Exp. When you enter data into ACCESS, it will translate to the mainframe during integration, and show on CMS as AAC.

Staff should work with any client who will be having their allowance substantially reduced to examine other options to meet their housing costs. Homeowners may want to look at refinancing their home or taking in lodgers, if they are unable to make their house payment without assistance. Renters may choose to move to more affordable housing or share their rental with another. Central office will work with branch staff to examine options for transitioning clients who will no longer be receiving a shelter allowance.

All clients who have been receiving a shelter exception will need to have the allowance recalculated under the new eligibility criteria. If their allowance is reduced or eliminated under the new criteria, an SDS 0540 'Notice of Planned Action' will need to be sent. All reviews need to be fully narrated in ACCESS. Any calculation used must show in the ACCESS narrative and clients who are receiving the allowance based on the need for a second bedroom for a live-in provider, must show a live-in provider on the service summary and 546.

Renters receiving an Accommodation will still be required to apply for and accept subsidized housing.

Reason for Action:

Changes in OAR 461-155-0660, formerly known as Shelter Exception, now titled Accommodation Allowance.

Implementation/Transition Instructions:

When a client is receiving an Accommodation Allowance because they are temporarily absent due to medical placement, use the following procedure:

- Narrate the specifics in ACCESS, including the way the allowance was calculated.
- Code ACCESS with an 'AAC' need/resource code for the amount of the allowance and integrate.
- Use a need/resource end date, no later than 6 months from the AAC date of authorization. Under certain circumstances this date can be extended, but the AAC code should always have an end date for this type of Accommodation Allowance.

If a client is receiving an Accommodation Allowance because they have a live-in provider and need a second bedroom for the provider, or if they have increased costs for their housing due to disability related issues use the following procedure:

- Narrate how you determined the client meets the eligibility criteria for the allowance.
- Narrate the process used to determine the allowance amount.
 - If the client is receiving the allowance based on the need for a live-in provider, narrate the way housing portion of the allowance was determined, as well as the utility standard amount used. For homeowners narrate that you have determined the home has not been refinanced for reasons other than a reduction in interest rate. If staff are unable to determine the status or terms of the mortgage, the Estate Administration Unit (EAU) can be contacted for assistance. EAU can be reached at 1-800-826-5675.
 - If the client is receiving the allowance based on an increased cost for accommodation, narrate how the increased cost was determined.
 - Code ACCESS with an AAC need/resource code and integrate. This type of Accommodation Allowance can have a "C" for the need/resource end date.

Lauren Mitchell will work with branch staff transitioning clients who are no longer eligible for an allowance or who will be having their allowance reduced.

Training/Communication Plan:

None.

Local/Branch Action Required:

Implement new policy as indicated. At redetermination, review eligibility for clients who have been receiving a Shelter Allowance under previous version of rule 461-155-0660. If it is necessary to close or reduce benefit, send a timely continuing benefit notice.

Central Office Action Required:

Manually switch all SE need/resource codes to AAC. Support field staff that are transitioning clients who are no longer eligible for the Shelter Exception. Provide technical assistance.

Field/Stakeholder review: Yes No

If yes, reviewed by: Operations Committee

Filing Instructions:

If you have any questions about this policy, contact:

Contact(s):	Lauren Mitchell		
Phone:	503-945-6479	Fax:	503-947-5357
E-mail:	Lauren.e.Mitchell@state.or.us		

461-155-0660

Special Need; ~~Shelter Exceptions~~ **Accommodation Allowance**

THIS RULE IS REVISED IN ITS ENTIRETY

- (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.~~
- (1) OSIP and OSIPM clients living in a nursing facility are not eligible for an accommodation allowance. OSIP and OSIPM clients living in a *nonstandard living arrangement* (see OAR 461-001-0000) are not eligible for an accommodation allowance unless they are receiving in-home waived services. OSIP and OSIPM clients who are receiving SSI (except those in a nursing facility) or in-home waived services are allowed an accommodation allowance if the client meets the criteria in section (2) or (3) of this rule.**
- (2) Temporary absence of client from home.**
 - (a) A temporary accommodation allowance may be authorized, where permitted under section (1) of this rule, if a client meets the following criteria:**
 - (A) The client leaves his or her home or rental property and enters a hospital, state psychiatric institution, nursing facility, adult foster care facility, assisted living facility, residential care facility, group care home, or specialized living facility;**
 - (B) The client cannot afford to keep the home without the allowance;**
 - (C) The client will be able to return home within six months of leaving, according to a written statement from a primary practitioner, RN, or PAS (pre-admission screening) RN; and**
 - (D) The home will accommodate the service plan of the client when the client returns.**

- (b) **A client who rents housing and refuses subsidized housing will no longer be eligible for an accommodation allowance, except that if the housing that is offered is not suitable, related to accommodations, and the client continues to have increased costs related to accommodations in the client's current living situation, the accommodation allowance may continue until such time as appropriate subsidized housing is found.**

Stat. Auth.: ORS 411.060, 411.070, 414.042

Stats. Implemented: ORS 411.060, 411.070, 414.042