

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
Seattle Regional Office
2201 Sixth Avenue, MS/RX -43
Seattle, WA 98121



Centers of Medicaid and CHIP Services

JUN 27 2013

Bruce Goldberg, MD, Director
Oregon Health Authority
500 Summer Street Northeast, E-15
Salem, Oregon 97301

RE: Oregon State Plan Amendment (SPA) Transmittal Number 12-14

Dear Dr. Goldberg:

The Centers for Medicare & Medicaid Services (CMS) has completed its review of Oregon State Plan Amendment (SPA) Transmittal Number 12-14 Community First Choice (CFC). This amendment authorizes the home and community-based attendant services and supports to the Medicaid state plan under the authority of Section 1915(k) of the Social Security Act (the Act). This amendment also authorizes Oregon to apply excess income determined under 42 CFR 435.726, to both 1915(c) waiver and 1915(k) services, for individuals eligible for Medicaid under section 1902(a) (10)(A)(ii)(VI) of the Act who continue to meet all of the 1915(c) waiver requirements and who are receiving at least one 1915(c) waiver service a month.

This SPA is approved effective July 1, 2013, as requested by the state. This approval does not relieve Oregon of its obligations under the American's with Disabilities Act (ADA) and Olmstead v. L.C., 527 U.S. 581, 119 S.Ct. 2176 (1999), the (Olmstead decision).

Upon publication of the final regulation for the home and community based criteria found at 42 CFR 441.530, Oregon will need to come into compliance with any requirements imposed by the final regulations not already met by the state.

The CMS appreciates the efforts and cooperation of Oregon's leadership and staff throughout the review process. Please direct any questions regarding this matter to myself, or have your staff contact Jennifer Lutz-Stucky at either 206-615-2422 or via email at Jennifer.Stucky@cms.hhs.gov.

Sincerely,

A handwritten signature in blue ink that reads "Carol J.C. Peverly". The signature is written in a cursive style.

Carol J.C. Peverly
Associate Regional Administrator
Division of Medicaid and Children's Health
Operations

cc:

Judy Mohr Peterson, Administrator, Division of Medical Assistance Programs

Erinn Kelley-Siel, Director, Department of Human Services

Patricia Baxter, Chief Operating Officer, Department of Human Services

Kenya Cantwell, CMS Central Office (electronic copy)

Rachel Dressel, CMS Central Office (electronic copy)