

Presentation to the Interim Senate Human Services Committee

**Paid Supportive Roommates: Leveraging  
Medicaid authority to decrease housing costs  
and expand independent living options for  
people with intellectual and developmental  
disabilities (I/DD)**

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# Agenda

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- I. Actions taken by ODDS
- II. What is a live-in caregiver program?
- III. Advantages of a live-in caregiver program
- IV. Factors affecting program's cost
- V. Questions

Office of Developmental  
Disabilities Services



# Actions taken by ODDS

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- Gathered information from National Association of State Directors of Developmental Disabilities Services (NASDDDS) subject matter experts
- Reviewed other state's live-in caregiver programs
- Identified risks related to labor laws and overtime requirements
- Reviewed Medicaid regulations related to live-in caregiver option under Oregon Medicaid authorities
- Compiling a report on paid in-home caregiver options for Oregon (due 12/1/23)

# What is a live-in caregiver program?

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- Persons with intellectual and developmental disabilities (I/DD) receive services and supports from an unrelated person who lives with them.
- Caregiver's room and board can become part of the caregiver's compensation and be matched with Medicaid dollars.
- Federal Medicaid and Department of Labor regulations impact program design and funding strategies.



# Advantages of a live-in caregiver program

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- Medicaid payment for the caregiver's room and board costs
- Reduced housing costs for people with a live-in caregiver
- Incentives for people to become live-in caregivers, including potential tax benefits
- Additional service scheduling flexibilities, such as support during the night



# Department of Labor (DOL) regulations overlap

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- Department of Labor (DOL) recognizes caregiving as work. Requires:
  - At least the hourly minimum wage.
  - Overtime for hours worked beyond 40 in a week.
- When live-in caregivers receive room and board in exchange for caregiving:
  - Cost of room and board can be considered compensation toward meeting minimum wage requirements.
  - This is called a 3(m) credit.
  - Caregiver must be unrelated to the person being supported.
  - Residence cannot be leased or owned by the caregiver.

# Factors affecting program design and cost

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- Design options have different effects on those receiving services, caregivers and program costs.
- Factors that could affect the cost of an Oregon program:
  - Funding authority chosen to pay for the service: 1915[c] or 1915[k].
  - CMS will need to approve the service delivery option.
- Items under review to finalize the report:
  - Implications for provider agency model and Direct Support Professionals (DSPs) employed by the agency as compared to Personal Support Workers (PSWs) employed directly by the individual or their representative.
  - Applicability of DOL exemptions: Domestic service exemption and the companionship exemption.
  - Impacts on other programs using 1915[k] authority: Aging and People with Disabilities.



Questions?

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# Thank you

