

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

- 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

- 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?

- 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

- 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

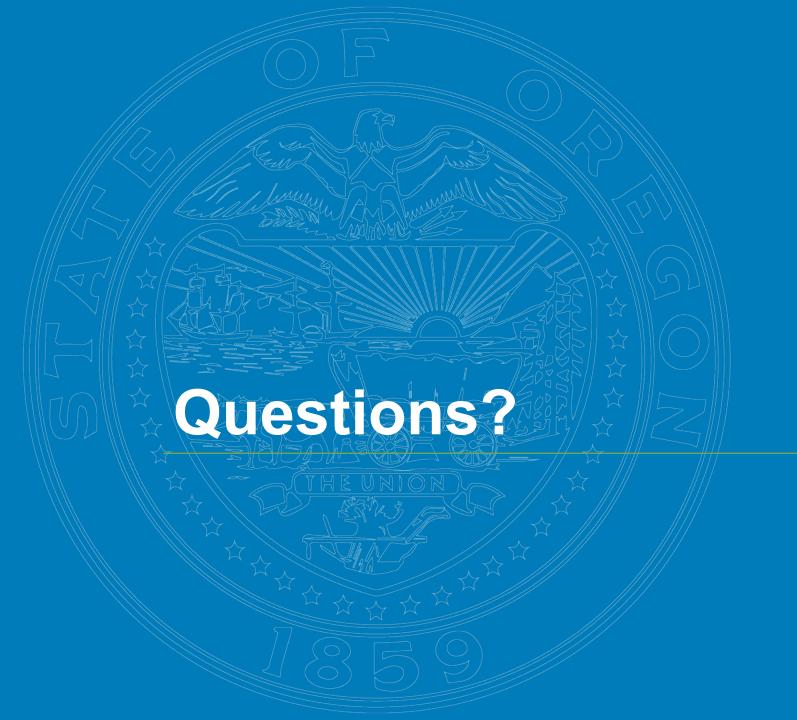


Department of Labor (DOL) regulations overlap

- 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

- 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.





Thank you

