

461-155-0670

Temporary Effective 12-16-21 through 4-30-22

Special Need; Special Diet Allowance

- (1) In the OSIPM program, an individual receiving any of the following is ineligible for a special diet allowance:
 - (a) Room and board.
 - (b) Residential care facility services or assisted living facility services.
 - (c) Nursing facility services.
 - (d) Adult foster care services.
 - (e) An allowance for restaurant meals.
 - (f) A commercial food preparation diet.

- (2) An individual in the OSIPM program, receiving SSI, having an adjusted income less than the OSIPM program income standard under OAR 461-155-0250, or receiving in-home services under OAR 411-030 -- is eligible for a special diet allowance if all of the following requirements are met:
 - (a) The Department must receive verification, as documented by a Department-approved medical authority (see OAR 461-125-0830), of the following:
 - (A) That the individual must adhere to a special diet.
 - (B) The individual's specific nutritional need (such as low carbohydrates, high protein); and
 - (C) That the individual would be in an imminent life-threatening situation without the special diet.

 - (b) A licensed dietitian must provide written documentation of the following, and a copy must be provided to the Department:

- (A) The individual's current diet items being replaced or removed, if any;
 - (B) The special diet items being added, relating to the individual's specific nutritional need described in paragraph (a)(B) of this section; and
 - (C) The recommended quantity of each special diet item.
- (c) The individual requesting a special diet allowance must provide to the Department:
- (A) Verification of the monthly cost for any current diet item being replaced or removed: and
 - (B) The monthly cost of any special diet item being added.
- (3) The amount of a special diet allowance is calculated as follows:
- (a) The special diet allowance is the monthly cost of the special diet items, less the monthly cost of the current diet items being replaced or removed. If no items are being replaced or removed, the allowance is the actual monthly cost of the special diet items.
 - (b) In the OSIPM program, a monthly amount over \$300.00 must be authorized by the APD Medicaid Eligibility Unit.
- (4) Local management staff must approve or deny any request for a special diet allowance provided under subsection (3)(a) of this rule.
- (5) Each special diet allowance must be reviewed and reauthorized annually.
- (6) Special diet items must be purchased at the lowest cost available for that item.

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.404, 412.014, 412.049, 413.085, 414.685

Statutes/Other Implemented: ORS 411.060, 411.070, 411.404, 411.706, 412.014, 412.049, 413.085, 414.685

Special Need; Special Diet Allowance

- (1) In the OSIPM, REF, REFM, SFPSS, and TANF programs, a client receiving any of the following is ineligible for a special diet allowance:
 - (a) Room and board.
 - (b) Residential care facility services or assisted living facility services.
 - (c) Nursing facility services.
 - (d) Adult foster care services.
 - (e) An allowance for restaurant meals.
 - (f) A commercial food preparation diet.

- (2) An REF, REFM, SFPSS, or TANF client -- or in the OSIPM program, a client receiving SSI, having an adjusted income less than the OSIPM program income standard under OAR 461-155-0250, or receiving in-home services under OAR 411-030 -- is eligible for a special diet allowance if all of the following requirements are met:
 - (a) The Department must receive verification, as documented by a Department-approved medical authority (see OAR 461-125-0830), of the following:
 - (A) That the individual must adhere to a special diet.
 - (B) The individual's specific nutritional need (such as low carbohydrates, high protein); and
 - (C) That the individual would be in an imminent life-threatening situation without the special diet.

 - (b) A licensed dietitian must provide written documentation of the following, and a copy must be provided to the Department:

- (A) The individual's current diet items being replaced or removed, if any;
 - (B) The special diet items being added, relating to the individual's specific nutritional need described in paragraph (a)(B) of this section; and
 - (C) The recommended quantity of each special diet item.
- (c) The individual requesting a special diet allowance must provide to the Department:
- (A) Verification of the monthly cost for any current diet item being replaced or removed: and
 - (B) The monthly cost of any special diet item being added.
- (3) The amount of a special diet allowance is calculated as follows:
- (a) The special diet allowance is the monthly cost of the special diet items, less the monthly cost of the current diet items being replaced or removed. If no items are being replaced or removed, the allowance is the actual monthly cost of the special diet items.
 - (b) In the OSIPM program, a monthly amount over \$300.00 must be authorized by the APD Medicaid Eligibility Unit.
- (4) Local management staff must approve or deny any request for a special diet allowance provided under subsection (3)(a) of this rule.
- (5) Each special diet allowance must be reviewed and reauthorized annually.
- (6) Special diet items must be purchased at the lowest cost available for that item.

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.404, 412.014, 412.049, 413.085, 414.685

Stats. Implemented: ORS 411.060, 411.070, 411.404, 411.706, 412.014, 412.049, 413.085, 414.685

Special Need; Special Diet Allowance

- (1) In the OSIPM, REF, REFM, SFPSS, and TANF programs, a client receiving any of the following is ineligible for a special diet allowance:
 - (a) Room and board.
 - (b) Residential care facility services or assisted living facility services.
 - (c) Nursing facility services.
 - (d) Adult foster care services.
 - (e) An allowance for restaurant meals.
 - (f) A commercial food preparation diet.
- (2) An REF, REFM, SFPSS, or TANF client, or an OSIPM client receiving SSI, having an adjusted income less than the OSIPM program income standard under OAR 461-155-0250, or receiving in-home services under OAR 411-030 is eligible for a special diet allowance if the following requirements are met:
 - (a) Any special diet to which the client must adhere must be clearly described in writing by a Department-approved medical authority (see OAR 461-125-0830), and the written description must be provided to the Department;
 - (b) The Department must receive verification that the client would be in an imminent life-threatening situation without the special diet, as documented by a Department-approved medical authority; and
 - (c) A licensed dietitian must describe in writing which particular food items required by the special diet are likely to exceed the cost of similar food items included in a regular diet and such a written description must be provided to the Department

- (3) The amount of a special diet allowance is calculated as follows:
 - (a) Except as provided for in subsection (b) of this section, the special diet allowance is the amount by which the client's food costs, including the special diet, exceed the one-person SNAP Payment Standard (Thrifty Food Plan).
 - (b) In the OSIPM program, an exceptional amount must be authorized by the APD Financial Eligibility and Waiver Unit.
- (4) Local management staff must approve or deny any request for a special diet allowance provided under subsection (3)(a) of this rule.
- (5) Each special diet allowance must be reviewed and reauthorized annually.

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.404, 412.014, 412.049, 413.085, 414.685

Stats. Implemented: ORS 411.060, 411.070, 411.404, 411.706, 412.014, 412.049, 413.085, 414.685

461-155-0670
Special Need; Special Diet Allowance

Temporary Effective 4-01-17 through 6-30-17

- (1) In the OSIP, OSIPM, REF, REFM, SFPSS, and TANF programs, a client is not eligible for a special diet allowance if receiving any of the following:
 - (a) Room and board.
 - (b) Residential care facility services or assisted living facility services.
 - (c) Nursing facility services.
 - (d) Adult foster care services.
 - (e) An allowance for restaurant meals.
 - (f) A commercial food preparation diet.
- (2) An REF, REFM, SFPSS, or TANF client, or an OSIP or OSIPM client receiving SSI, having an adjusted income less than the OSIPM program income standard under OAR 461-155-0250, or receiving in-home services is eligible for a special diet allowance if the client meets the following requirements:
 - (a) The client would be in an imminent life-threatening situation without the diet, as verified by medical documentation from a Department-approved medical authority (see OAR 461-125-0830); and
 - (b) A nutritionist verifies that the special diet needed exceeds the cost of a regular diet.
- (3) The amount of a special diet allowance is calculated as follows:
 - (a) In the REF, REFM, SFPSS, and TANF programs, the difference between the actual cost of the special diet and a prorated share of the SNAP program benefit for the appropriate number of clients in the *benefit group* (see OAR 461-110-0750).

- (b) In the OSIP and OSIPM programs, the lesser of paragraph (A) or (B) of this subsection:
 - (A) The difference between the actual cost of the special diet and:
 - (i) \$178 for a one-person *need group* (see OAR 461-110-0630).
 - (ii) \$341 for a two-person *need group*.
 - (B) A maximum of \$300 per month, or an exceptional amount, authorized by the SPD Program Assistance Section, which will not exceed the cost of home IV therapy.
- (4) Local management staff must approve the request for a special diet allowance.
- (5) Each special diet allowance must be reviewed at six-month intervals.

Stat. Auth.: ORS 411.060, 411.070, 411.404, 412.014, 412.049
Stats. Implemented: ORS 411.060, 411.070, 411.404, 411.706, 412.014, 412.049

Special Need; Special Diet Allowance

- (1) In the OSIP, OSIPM, REF, REFM, SFPSS, and TANF programs, a client is not eligible for a special diet allowance if receiving any of the following:
 - (a) Room and board.
 - (b) Residential care facility services or assisted living facility services.
 - (c) Nursing facility services.
 - (d) Adult foster care services.
 - (e) An allowance for restaurant meals.
 - (f) A commercial food preparation diet.
- (2) An REF, REFM, SFPSS, or TANF client, or an OSIP or OSIPM client receiving SSI, having an adjusted income less than the OSIPM program income standard under OAR 461-155-0250, or receiving in-home services is eligible for a special diet allowance if the client meets the following requirements:
 - (a) The client would be in an imminent life-threatening situation without the diet, as verified by medical documentation from a Department-approved medical authority (see OAR 461-125-0830); and
 - (b) A nutritionist verifies that the special diet needed exceeds the cost of a regular diet.
- (3) The amount of a special diet allowance is calculated as follows:
 - (a) In the REF, REFM, SFPSS, and TANF programs, the difference between the actual cost of the special diet and a prorated share of the SNAP program benefit for the appropriate number of clients in the *benefit group* (see OAR 461-110-0750).

- (b) In the OSIP and OSIPM programs, the lesser of the following:
 - (A) The difference between the actual cost of the special diet and the amount provided in the basic standard for food (see OAR 461-155-0250).
 - (B) A maximum of \$300 per month, or an exceptional amount, authorized by the SPD Program Assistance Section, which will not exceed the cost of home IV therapy.
- (4) Local management staff must approve the request for a special diet allowance.
- (5) Each special diet allowance must be reviewed at six-month intervals.

Stat. Auth.: ORS 411.060, 411.070, 411.404, 412.014, 412.049

Stats. Implemented: ORS 411.060, 411.070, 411.404, 411.706, 412.014, 412.049

461-155-0670
Special Need; Special Diet Allowance

Temporary Effective 7-01-16 through 8-31-16

- (1) In the OSIP, OSIPM, REF, REFM, SFPSS, and TANF programs, a client is not eligible for a special diet allowance if receiving any of the following:
 - (a) Room and board.
 - (b) Residential care facility services or assisted living facility services.
 - (c) Nursing facility services.
 - (d) Adult foster care services.
 - (e) An allowance for restaurant meals.
 - (f) A commercial food preparation diet.
- (2) A REF, REFM, SFPSS, or TANF client, or an OSIP or OSIPM client receiving SSI, having an adjusted income less than the OSIPM program income standard under OAR 461-155-0250, or receiving in-home services is eligible for a special diet allowance if the client meets the following requirements:
 - (a) The client would be in an imminent life-threatening situation without the diet, as verified by medical documentation from a Department-approved medical authority (see OAR 461-125-0830); and
 - (b) A nutritionist verifies that the special diet needed exceeds the cost of a regular diet.
- (3) The amount of a special diet allowance is calculated as follows:
 - (a) In the REF, REFM, SFPSS, and TANF programs, the difference between the actual cost of the special diet and a prorated share of the SNAP program benefit for the appropriate number of clients in the *benefit group* (see OAR 461-110-0750).

- (b) In the OSIP and OSIPM programs, the lesser of the following:
 - (A) The difference between the actual cost of the special diet and the amount provided in the basic standard for food (see OAR 461-155-0250).
 - (B) A maximum of \$300 per month, or an exceptional amount, authorized by the SPD Program Assistance Section, which will not exceed the cost of home IV therapy.
- (4) Local management staff must approve the request for a special diet allowance.
- (5) Each special diet allowance must be reviewed at six-month intervals.

Stat. Auth.: ORS 411.060, 411.070, 411.404, 412.014, 412.049

Stats. Implemented: ORS 411.060, 411.070, 411.404, 411.706, 412.014, 412.049

Special Need; Special Diet Allowance

- (1) In the GA, GAM, OSIP, OSIPM, REF, REFM, SFPSS, and TANF programs, a client is not eligible for a special diet allowance if receiving any of the following:
 - (a) Room and board.
 - (b) Residential care facility services or assisted living facility services.
 - (c) Nursing facility services.
 - (d) Adult foster care services.
 - (e) An allowance for restaurant meals.
 - (f) A commercial food preparation diet.
- (2) A GA, GAM, REF, REFM, SFPSS, or TANF client, or an OSIP or OSIPM client receiving SSI, having an adjusted income less than the OSIPM program income standard under OAR 461-155-0250, or receiving in-home services is eligible for a special diet allowance if the client meets the following requirements:
 - (a) The client would be in an imminent life-threatening situation without the diet, as verified by medical documentation from a Department-approved medical authority (see OAR 461-125-0830); and
 - (b) A nutritionist verifies that the special diet needed exceeds the cost of a regular diet.
- (3) The amount of a special diet allowance is calculated as follows:
 - (a) In the REF, REFM, SFPSS, and TANF programs, the difference between the actual cost of the special diet and a prorated share of the SNAP program benefit for the appropriate number of clients in the *benefit group* (see OAR 461-110-0750).

- (b) In the GA, GAM, OSIP, and OSIPM programs, the lesser of the following:
 - (A) The difference between the actual cost of the special diet and the amount provided in the basic standard for food (see OAR 461-155-0250).
 - (B) A maximum of \$300 per month, or an exceptional amount, authorized by the SPD Program Assistance Section, which will not exceed the cost of home IV therapy.
- (4) Local management staff must approve the request for a special diet allowance.
- (5) Each special diet allowance must be reviewed at six-month intervals.

Stat. Auth.: ORS 411.060, 411.070, 411.404, 412.014, 412.049
Stats. Implemented: ORS 411.060, 411.070, 411.404, 411.706, 412.014, 412.049

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