

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 Supplemental Security Income (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 all of the following:
 - (A) The individual must adhere to a special diet.
 - (B) The individual's specific nutritional need (such as low carbohydrates, high protein).
 - (C) 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 Financial Eligibility policy 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](#)

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