

Independent Choices Program (ICP) Outline – Eligibility, Authorization and Payments

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Definition

The Independent Choices Program (ICP) is an in-home program and is a 1915j Medicaid State Plan Option. The ICP is an in-home services program option that empowers participants to

self-direct their own service plans and purchase goods and services that enhance their independence, dignity, choice and well-being.

Eligibility

To be eligible for the ICP an individual must meet all program requirements of the In-Home Services program described in Oregon Administrative Rules (OAR) [Chapter 411, Division 030](#). Service eligibility is determined by assessing the applicants needs and abilities in the CA/PS2 section of Oregon ACCESS (OA) to determine the applicants Service Priority Level (SPL) as described in OAR [Chapter 411, Division 015](#).

Provider

The participant or their representative accepts full responsibility for locating, screening, interviewing, hiring, training, paying, and terminating their employee providers. The participant or their representative must comply with Immigration and Customs Enforcement laws and policies. The participants or their representative must assure the employee provider's ability to perform or assist them with their activities of daily living and instrumental activities of daily living care needs.

Employee providers must complete a criminal history check pursuant to OAR [Chapter 407, Division 007](#). If a record of a potentially disqualifying crime is revealed, the participant or their representative may continue to employ the provider at their discretion, unless they are determined to be ineligible to be an ICP employee. Participant's relatives may be employed as employee providers.

Procedure

- Develop a service plan and budget to meet the needs identified in the CA/PS2 assessment.
- Sign the ICP Participation Agreement.
- Have or be able to establish a separate ICP checking account.
- Provide evidence of a stable living situation for the past three (3) months.

- Demonstrate the ability to manage money as evidence by timely and current utility and housing payments.

If the participant is unable to direct and purchase his or her own in-home services, the participant must select a representative to act on their behalf. If the participant is unable to manage the ICP cash benefit, accounting, tax or payroll responsibilities and does not have a representative, the participant must arrange and purchase (if there is a fee) the ongoing services of a fiscal intermediary, such as an accountant, bookkeeper or equivalent financial service provider. The participant is responsible for any fees or payment to the fiscal intermediary and may allocate the fees or payment from their discretionary funds or other non ICP funds.

ICP Representative

The participant can select a representative to act on their behalf. The representative is the person selected by the participant to act as their decision maker in matters pertaining to the ICP service plan and service budget. A representative may be appropriate if the participant is unable to direct and purchase his/her own in-home services as indicated by their assessment.

ICP Representatives must:

- Complete and pass a criminal history check pursuant to OAR [Chapter 407, Division 007](#) and receive a final fitness determination of 'approval'.
- Sign and adhere to the 'Independent Choices Program Representative Agreement' on behalf of the participant.
- **Not** be a paid employee provider regardless of their relationship to the participant.

Bookkeeper / Fiscal Intermediary

A fiscal intermediary, such as an accountant or bookkeeper may be appropriate if the participant is unable to manage the ICP case payment, accounting, tax or payroll responsibilities and does not have a representative.

Cash benefit

The cash benefit is determined based on the assessment of need, the service plan, the level of assistance standards in OAR [411-030-0070](#) and natural supports. The cash benefit is calculated by adding the activities of daily living hours and the instrumental activities of daily living hours the participant is eligible for as determined in the CA/PS2 assessment, at the rates according to the APD Rate Schedule.

The following services, which are approved by the case manager and paid for by APD, are excluded from the ICP cash benefit:

- Long Term Community Nursing service (LTCCN)
- Contracted non-medical waiver service transportation
- Home delivered meals
- Emergency response systems

The ICP cash benefit including the participant's portion of required FICA, FUTA, and SUTA taxes shall be directly deposited into the participant's ICP checking account.

Oregon Administrative Rules (OARs)

- [411-030-0001](#) through [411-030-0090](#) (In-home rules)
- [411-030-0100](#) (ICP rules)

Forms and systems

Eligibility

Oregon ACCESS (OA) CA/PS assessment – CA/PS2

Mainframe – SELG screen (Svc Cat: ICP / Svc Set: IHC)

ONE system (TOAs: LTCSERV / NMAGISERV)

Authorization

Staff must enter the same authorized hours on the SDS 546ic2wk Independent Choices Benefit Calculation form as what is authorized for the Benefit period on the Hours segment in OA. This includes the assessed allowed hours and any exception hours.

Payment

The first cash benefit will be a check for participants. Once the Direct Deposit Request form and original voided check is sent to the address indicated on the request form at Central Office, the cash benefit will be directly deposited into the participant's ICP checking account.

Approving ICP cash benefits at the beginning of the month is recommended so no proration calculation is needed. If eligibility is approved mid-month, staff must complete a proration calculation form which can be found on the ICP page.

Electronic Visit Verification (EVV)

EVV is a federal requirement and ICP participants and their provider(s) are required to meet all EVV compliance requirements. EVV is a service which requires hourly providers to clock-in at the beginning of each shift and clock-out at the end of each shift, so all hours worked are captured electronically. Providers are required to document what services were provided and where they were provided. ICP participants who are not EVV compliant will be involuntarily disenrolled from ICP.

Forms

All ICP related forms can be found on the CM Tools [ICP page](#). Staff should refer to the Forms Processing Chart for instruction on which forms are required and when.

Contact

ICP Policy email: icp.spd@odhsoha.oregon.gov

You can get this document in other languages, large print, braille or a format you prefer free of charge. Contact the Aging and People with Disabilities at apd.ltss@odhs.oregon.gov or [503-945-5600](tel:503-945-5600). We accept all relay calls.



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