

OFFICE OF THE SECRETARY OF STATE

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ARCHIVES DIVISION

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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 410
OREGON HEALTH AUTHORITY
HEALTH SYSTEMS DIVISION: MEDICAL ASSISTANCE PROGRAMS

FILED

03/07/2024 11:05 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Community Violence Prevention Services

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 04/21/2024 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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Filed By:
Martha Martinez-Camacho
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 04/16/2024

TIME: 1:00 PM - 1:30 PM

OFFICER: Martha Martinez-Camacho

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 1-971-277-2343

CONFERENCE ID: 727117432

SPECIAL INSTRUCTIONS:

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NEED FOR THE RULE(S)

House bill 4045 passed in the 2022 short legislative session, directing OHA to establish a program to provide grants to organizations for community violence prevention and intervention measures. In addition to administering grants, the bill directed OHA to seek federal approval to secure federal financial participation in the costs of providing medical assistance program coverage for community violence prevention services. This coverage is specific to Medicaid

recipients who receive treatment for an injury sustained from an act of community violence.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Oregon Medicaid State Plan Amendment, 42 C.F.R. 440.130 (c)

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

Medicaid programs worked with the office of Injury and Violence Prevention within the Public Health Division, Office of Program Integrity, the Technical Advisory Group which was implemented as part HB 4045 and providers and consumers of services to draft the Community Violence Prevention administrative rules.

FISCAL AND ECONOMIC IMPACT:

No fiscal or economic impacted is expected on partners.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1)

The information below was developed with the fiscal department when drafting the SPA.

1) Medicaid	23-25 FMAP	0.5930		
GF	FF	TF		
\$	5,480,896	\$	7,985,680	\$ 13,466,576

2) Non-Medicaid

GF	FF	TF		
\$	6,733,288	\$	-	\$ 6,733,288

GF FF TF

total	\$	12,214,184	\$	7,985,680	\$	20,199,864
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(2)

(a) Small businesses subject to this new rule include CBO's that hire and work with community members who have lived experience with community violence. Impacted businesses will be included in the 'Learning Community' cohort as part of grant funds awarded by the Public Health Division. Awarded grantees will receive funds to help onboard and offset implementation costs.

(b) There will be limited impact on small businesses. As part of implementation efforts, small businesses would need to apply for grant funds to enter in to a "Learning Community" for the future implementation of Hospital Based Violence Intervention Program services. These grant funds can be utilized to cover start up administrative costs and activities associated with future implementation efforts.

(c) Grant funds, awarded as part of the implementation process will allow small businesses to obtain equipment, supplies and onboard necessary staff. These grant funds will be awarded to small businesses and other applicants who

enter in to the "Learning Community" for future implementation.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

As part of the community engagement process, small businesses were notified of this new rule which resulted in participation at the RAC. Engagement prior to the RAC included email notifications, virtual meetings and presentations to small businesses, community-based organizations, and community members.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

RULES PROPOSED:

410-152-0000, 410-152-0005, 410-152-0010, 410-152-0015, 410-152-0020, 410-152-0025, 410-152-0030

ADOPT: 410-152-0000

RULE SUMMARY: Implementation of Community Violence Prevention Services will allow victims of community violence to receive Hospital Based Violence Intervention Services from a certified violence prevention professional. This coverage is specific to Medicaid recipients who receive treatment for an injury sustained from an act of community violence.

CHANGES TO RULE:

410-152-0000

Community Violence Prevention Services.

(1) Community Violence Prevention services are evidence-based, trauma-informed, supportive, and non-psychotherapeutic services provided by a certified Violence Prevention Professional.¶

(2) Services are provided within or outside of a clinical setting for the purpose of promoting improved health outcomes and positive behavioral change, preventing injury, recidivism and reducing the likelihood that individuals who are victims of community violence may commit or promote violence themselves. ¶

(3) Violence Prevention Professionals shall be certified by the Health Alliance for Violence Intervention and enrolled as a Medicaid rendering provider, through the Oregon Health Authority.¶

(4) Violence Prevention Professionals must be employed by a community-based organization who is enrolled with the Oregon Health Authority as a Medicaid billing provider. The community-based organization must also be affiliated with a licensed hospital in Oregon that authorizes the program to provide community violence prevention services to an individual in the hospital.

Statutory/Other Authority: ORS 413.032, 413.042, 414.065

Statutes/Other Implemented: ORS 413.032, 413.042, 414.065

ADOPT: 410-152-0005

RULE SUMMARY: Implementation of Community Violence Prevention Services will allow victims of community violence to receive Hospital Based Violence Intervention Services from a certified violence prevention professional. This coverage is specific to Medicaid recipients who receive treatment for an injury sustained from an act of community violence.

CHANGES TO RULE:

410-152-0005

Violence Prevention Professional Certification Requirements.

To be certified as a Violence Prevention Professional, an individual shall:

(1) Complete thirty-five (35) hours of initial training on trauma informed care, de-escalation, conflict mediation, retaliation prevention, case management, victim advocacy and patient privacy with the Health Alliance for Violence Intervention (HAVI), which serves as the national training and certification program for violence prevention professionals in Oregon;

(2) Complete six (6) hours of continuing education every two (2) years that must include effects of trauma and violence, trauma-informed care, case management and advocacy, community violence prevention strategies and patient privacy (HIPAA, 45 CFR parts 160 & 164);

(3) Have lived experience, either as a victim of a violent injury as a result of community violence or as someone closely impacted by community violence.

Statutory/Other Authority: ORS 413.032, 413.042, 414.065

Statutes/Other Implemented: ORS 413.032, 413.042, 414.065

RULE SUMMARY: Implementation of Community Violence Prevention Services will allow victims of community violence to receive Hospital Based Violence Intervention Services from a certified violence prevention professional. This coverage is specific to Medicaid recipients who receive treatment for an injury sustained from an act of community violence.

CHANGES TO RULE:

410-152-0010

Definitions

(1) "Authority" means the Oregon Health Authority.¶

(2) "Certification" means the national training and program credentials to be certified as a Violence Prevention Professional.¶

(3) "Community Based Organization" means a public or private nonprofit organization that is representative of a community or significant segments of a community and provides educational or related services to individuals in the community. See provider.¶

(4) "Community Violence" means intentional acts of interpersonal violence committed by individuals who are not intimately related to the victim. ¶

(5) "Credible messengers" are individuals who can connect with and motivate at-risk people to successfully challenge and transform destructive thinking, attitudes, and actions.¶

(6) "Electronic signature" means an electronic sound, symbol or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record. ¶

(7) "Hospital-based Violence Intervention Programs" are multidisciplinary programs that combine the efforts of medical staff with trusted community-based partners to provide safety planning, services, and trauma-informed care to violently injured people. ¶

(8) "Individual" means a victim of community violence who is receiving services. ¶

(9) "Intimate Partner Violence" means physical, sexual, or psychosexual harm by a current or former partner or spouse. ¶

(10) "Licensed Practitioner of the Healing Arts" means a physician or other practitioner licensed in the State of Oregon who is authorized within the scope of the Licensed Practitioner of the Healing Art's practice, as defined under state law, to diagnose and treat individuals with physical or mental disabilities or psychosocial, emotional, and behavioral disorders.¶

(11) "Multi-Disciplinary Care" is a collaborative approach to health care involving a diverse group of professionals working together to address all aspects of planning and ongoing care.¶

(12) "Plan of Care" means a presentation of information that easily describes the services and support being given to an individual.¶

(13) "Provider" means an organizational entity or qualified person that is certified to provide direct delivery of community violence prevention services. ¶

(14) "Social Determinants of Health" means conditions in the places where people live, learn, work, and play that affect a wide range of health risks and outcomes. ¶

(15) "Supportive Services" means assistance to obtain medically appropriate and medically necessary services to address social determinates of health.¶

(16) "Trauma" means an event, series of events, or set of circumstances that is experienced by an individual as physically or emotionally harmful or threatening and that has lasting adverse effects of the individual's functioning and physical, social emotional, or spiritual well-being. ¶

(17) "Trauma Informed Care" (TIC) means an approach to the delivery of behavioral health services that includes an understanding of trauma and an awareness of the impact it can have across settings, services, and populations. Trauma-informed care views trauma through an ecological and cultural lens and recognizes that context plays a significant role in how individuals perceive and process traumatic events, whether acute or chronic. TIC involves vigilance in anticipating and avoiding institutional processes and individual practices that are likely to retraumatize individuals who already have histories of trauma. TIC upholds the importance of consumer participation in the development, delivery, and evaluation of services. ¶

(18) "Victim" means a person who was physically or psychological injured because of community violence. ¶

(19) "Violence Prevention Professionals" are mentors, violence interrupters, community members, credible messengers, advocates, and activists that have received certification through the Health Alliance for Violence Intervention national training program. ¶

(20) "Wet signature" means the use of a physical signature, made by hand with a pen, to bind the party signing to the terms of the document upon which they leave their signature.

Statutory/Other Authority: ORS 413.032, 413.042, 414.065
Statutes/Other Implemented: ORS 413.032, 413.042, 414.065

ADOPT: 410-152-0015

RULE SUMMARY: Implementation of Community Violence Prevention Services will allow victims of community violence to receive Hospital Based Violence Intervention Services from a certified violence prevention professional. This coverage is specific to Medicaid recipients who receive treatment for an injury sustained from an act of community violence.

CHANGES TO RULE:

410-152-0015

Community Violence Prevention Services.

(1) All services provided to a community violence prevention program must be performed by a certified Violence Prevention Professional.¶

(2) Services performed by a certified Violence Prevention Professional, must be determined medically appropriate and medically necessary and include:¶

(a) Conflict mediation¶

(b) Crisis intervention¶

(c) Mentorship¶

(d) Peer support and counseling¶

(e) Case management¶

(f) Referrals to certified or licensed health care professionals or social service providers¶

(g) Screening services to victims' community violence

Statutory/Other Authority: ORS 413.032, 413.042, 414.065

Statutes/Other Implemented: ORS 413.032, 413.042, 414.065

ADOPT: 410-152-0020

RULE SUMMARY: Implementation of Community Violence Prevention Services will allow victims of community violence to receive Hospital Based Violence Intervention Services from a certified violence prevention professional. This coverage is specific to Medicaid recipients who receive treatment for an injury sustained from an act of community violence.

CHANGES TO RULE:

410-152-0020

Documentation Requirements.

- (1) Services rendered must be clearly documented and signed, electronically or wet, by the certified Violence Prevention Professional rendering the service. ¶
- (2) The provider shall maintain specific record of each service provided to each eligible individual including, but not limited to:¶
 - (a) Name and Medicaid identification number of individual receiving the service;¶
 - (b) Name and credentials of the certified community violence professional;¶
 - (c) Date the service was provided;¶
 - (d) Type of service provided;¶
 - (e) Start time of the service;¶
 - (f) End time of the service;¶
 - (g) Document services to address the psychosocial and safety needs of the client to include coordination of all services and interventions as developed in the individuals plan of care. The Plan of Care determines the individuals need for: safety planning, interest in employment, housing, education, mental health and substance abuse treatment services, gang affiliation, legal needs, and history of injury within the last six (6) months. ¶
 - (h) Document outcomes, including the client's responsiveness to services and their reduction in; repeat emergency room visits, retaliatory violence, arrest and re-arrests and the development of acute stress and post-traumatic stress disorder. ¶
 - (i) Document referrals to other identified services and supports, including referrals to entities completing eligibility assessments.

Statutory/Other Authority: ORS 413.032, 413.042, 414.065

Statutes/Other Implemented: ORS 413.032, 413.042, 414.065

ADOPT: 410-152-0025

RULE SUMMARY: Implementation of Community Violence Prevention Services will allow victims of community violence to receive Hospital Based Violence Intervention Services from a certified violence prevention professional. This coverage is specific to Medicaid recipients who receive treatment for an injury sustained from an act of community violence.

CHANGES TO RULE:

410-152-0025

Eligibility Requirements.

(1) Oregon Health plan members may receive Community Violence Prevention services performed by a certified Violence Prevention Professional when the member has:¶

(a) A history of violent injury sustained because of an act of community violence; ¶

(b) Received a recommendation for services by a physician or other qualified licensed practitioner of the healing arts within the practitioner's scope of practice under the state law; and¶

(2) Individuals receiving Community Violence Prevention services shall have a plan of care in place that meets requirements described in sections above. ¶

(a) The plan of care must be directed by the individual receiving Community Violence Prevention services; and¶

(b) The plan of care must be signed by the recipient of Community Violence Prevention services and the certified Violence Prevention Professional.

Statutory/Other Authority: ORS 413.032, 413.042, 414.065

Statutes/Other Implemented: ORS 413.032, 413.042, 414.065

ADOPT: 410-152-0030

RULE SUMMARY: Implementation of Community Violence Prevention Services will allow victims of community violence to receive Hospital Based Violence Intervention Services from a certified violence prevention professional. This coverage is specific to Medicaid recipients who receive treatment for an injury sustained from an act of community violence.

CHANGES TO RULE:

410-152-0030

Limitations.

(1) Community Violence Prevention Services are not covered for individuals:¶

(a) Solely treated for intimate partner violence; ¶

(b) Identified as a family member, friend, or associate of the individual receiving the service, and does not meet eligibility requirements described in OAR 410-152-0025.¶

(2) Community Violence Prevention services are limited to eighteen (18) months of service per eligible incident.¶

(3) The community-based organization that employs Violence Prevention Professionals must be affiliated with a licensed hospital in Oregon that authorizes the program to provide community violence prevention services to an individual in the hospital.

Statutory/Other Authority: ORS 413.032, 413.042, 414.065

Statutes/Other Implemented: ORS 413.032, 413.042, 414.065