

Secretary of State
Certificate and Order for Filing
TEMPORARY ADMINISTRATIVE RULES
A Statement of Need and Justification accompanies this form..

I certify that the attached copies* are true, full and correct copies of the TEMPORARY Rule(s) adopted [upon filing] by the
Date prior to or same as filing date

Department of Human Services 407
Agency and Division Administrative Rules Chapter Number

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Rules Coordinator Address Telephone

to become effective [July 1, 2011] through [December 27, 2011].
Date upon filing or later A maximum of 180 days including the effective date

RULE CAPTION

Department of Human Services' Cooperative Relationship with the Oregon Health Authority
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

List each rule number separately, 000-000-0000.
Secure approval of new rule numbers (Adopted rules) with the Administrative Rules Unit prior to filing

ADOPT: OAR 407-043-0020

Stat. Auth.: ORS 409.050

Other Auth.: HB 2009, enacted in 2009 OR Laws, chapter 595, sections 19-25

Stats. Implemented: ORS 413.032

RULE SUMMARY

HB 2009 (2009) created the Oregon Health Authority and transferred to the Authority the Department of Human Services' (Department) divisions with respect to health and health care. Effective July 1, 2011 the Department adopts these operational and programmatic rules to assure continuity as a part of the operational transfer from functions previously performed by the Department as a result of HB 2009 (2009).

Among the functions transferred to the Authority is the medical assistance program. This rule provides for continuity in the relationship between the Department and the Authority when working together in the administration of the medical assistance program and that the Department and the Authority shall work cooperatively in the administration of the medical assistance program, including making determinations of eligibility and service need for medical assistance. This rule also explains that the Authority designated the Department as the operating agency for home and community-based waiver services and as an Organized Health Care Delivery System.

This temporary rule is available on the DHS Website: <http://www.oregon.gov/DHS/admin/dwssrules/index.shtml>. For hardcopy requests, call: (503) 947-5250.


Authorized Signer

Kym Gasper, Authorized Signer
Printed name

7.1.11
Date

*With this original and Statement of Need, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules. ARC 940-2005

STATEMENT OF NEED AND JUSTIFICATION

A Certificate and Order for Filing Temporary Administrative Rules accompanies this form.

Department of Human Services

407

Agency and Division

Administrative Rules Chapter Number

In the Matter of:

The temporary adoption of OAR 407-043-0020.

Rule Caption: (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

Department of Human Services' Cooperative Relationship with the Oregon Health Authority

Statutory Authority: ORS 409.050

Other Authority: HB 2009, enacted in 2009 OR Laws, chapter 595, sections 19-25

Stats. Implemented: ORS 413.032

Need for the Temporary Rule(s):

HB 2009 (2009) created the Oregon Health Authority and transferred to the Authority the Department of Human Services' (Department) divisions with respect to health and health care. Effective July 1, 2011 the Department adopts these operational and programmatic rules to assure continuity as a part of the operational transfer from functions previously performed by the Department as a result of HB 2009 (2009).

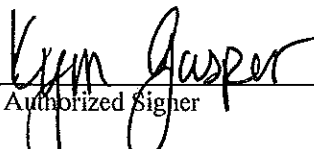
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Documents Relied Upon, and where they are available:

None.

Justification of Temporary Rule(s):

The Department finds that failure to act promptly will result in serious prejudice to the public interest, the Authority, the Department, and to individuals and entities involved as recipients or providers of medical assistance. These rules need to be adopted promptly so that there is no interruption in the ongoing implementation of Department responsibilities related to shared services and transferred functions with the Authority. While these rules specifically address the cooperative relationship between the agencies, the effect of that interagency relationship is critical to the effective and efficient administration of their respective functions. Failure to immediately adopt these rules could seriously prejudice the administration of public assistance programs of the Authority and the Department, including clients receiving those services and providers reimbursed by the agencies for those services. Temporary rulemaking will avoid those consequences by assuring continuity in the administration of the programs by the Authority and the Department.



Kym Gasper, Authorized Signer

Printed name

7.1.11

Date

**CHAPTER 407
DEPARTMENT OF HUMAN SERVICES**

**DIVISION 43
OREGON HEALTH AUTHORITY**

407-043-0020

Cooperative Relationship with Oregon Health Authority

(1) The Department of Human Services (Department) will cooperate and collaborate with Oregon Health Authority (Authority) in order to effectively coordinate services to individuals, families and communities and realize operational efficiencies in the administration of services that can be shared between them (“shared services”).

(2) In any Department rules, policies, or procedures that refer to the programs, functions, and duties that were formerly part of the Department that were transferred to the Authority, such reference shall be considered a reference to the Authority.

(3) The Department acknowledges that the Authority is the state Medicaid agency and the state Children’s Health Insurance Program agency, authorized by state statute to administer the medical assistance program. The Authority is also responsible for facilitating outreach and enrollment efforts to connect eligible individuals with all available publicly funded health programs.

(a) The Department and the Authority recognize that there are many points of interconnection between their programs and the individuals who receive services through these programs. In addition, there are areas of natural connection between the Department and the Authority based upon the former structure of the Department.

(b) The Department shall continue to work cooperatively with the Authority in the administration of the medical assistance program, including determinations of eligibility and service need for medical assistance. The Authority has designated the Department as the operating agency for the home and community-based waivers and as an Organized Health Care Delivery System.

(c) The Department and the Authority are authorized by state law to delegate to each other any duties, functions, and powers that they deem necessary for the efficient and effective operation of their respective functions. The Department and the Authority will work together to adopt rules to assure that medical assistance eligibility requirements, procedures, and determinations are consistent across both agencies. The Authority has authorized the Department to determine medical eligibility for medical assistance. program. Where that responsibility is given to the Department under ORS Chapter 411, the Department has

delegated to the Authority the duties, functions and powers to make medical eligibility determinations in accordance with OAR 410-120-0006.

(d) Where statute establishes duties and functions of the Department or the Authority in relation to medical assistance as a public assistance program, the Department and the Authority will cooperate in the effective administration of the program.