

Secretary of State
NOTICE OF PROPOSED RULEMAKING*
A Statement of Need and Fiscal Impact accompanies this form

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| <u>Oregon Health Authority, Office for Oregon Health Policy and Research</u> | 409 |
| Agency and Division | Administrative Rules Chapter Number |
| <u>Zarie Haverkate</u> | (503) 373-1574 |
| Rules Coordinator | Telephone |
| <u>Oregon Health Authority, Office for Oregon Health Policy and Research, 1225 Ferry St. SE, Salem, OR 97301</u> | |
| Address | |

RULE CAPTION

Repeal of Safety Net Capacity Grant Program Rule

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

Secure approval of rule numbers with the Administrative Rules Unit prior to filing

ADOPT:

AMEND:

REPEAL:

OAR 409-110-0000, 409-110-0005, 409-110-0010, 409-110-0015, 409-110-0020

RENUMBER: Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

AMEND AND RENUMBER: Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

Statutory Authority:

ORS 413.225

Other Authority:

Statutes Implemented:

ORS 413.225, 414.231

RULE SUMMARY

The Office for Oregon Health Policy and Research is seeking to repeal rules relating to the Safety Net Capacity Grant Program as the grant program has ended.

A copy of the rule is available on OHPR's website at: <http://www.oregon.gov/OHA/OHPR/pages/rulemaking/index.aspx>.

A public rulemaking hearing may be requested in writing by 10 or more people, or by an association with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

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

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| <u>02-21-2014 5:00 p.m.</u> | <u>Zarie Haverkate</u> | <u>zarie.haverkate@state.or.us</u> |
| Last Day (m/d/yyyy) and Time for public comment | Rules Coordinator Name | Email Address |

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| FILED |
| 1-6-14 2:33 PM |
| ARCHIVES DIVISION SECRETARY OF STATE |

*The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation.

Secretary of State
STATEMENT OF NEED AND FISCAL IMPACT
A Notice of Proposed Rulemaking accompanies this form.

Oregon Health Authority, Office for Oregon Health Policy and Research
Agency and Division

409
Administrative Rules Chapter Number

Repeal of Safety Net Capacity Grant Program Rule

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

In the Matter of:

Repeal of Safety Net Capacity Grant Program Rules

Statutory Authority:

ORS 413.225

Other Authority:

Statutes Implemented:

ORS 413.225, 414.231

Need for the Rule(s):

There is no longer a need for the rules as the Safety Net Capacity Grant Program has ended.

Documents Relied Upon, and where they are available:

N/A

Fiscal and Economic Impact:

None

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

N/A

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small business and types of businesses and industries with small businesses subject to the rule:

N/A

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

N/A

c. Equipment, supplies, labor and increased administration required for compliance:

N/A

How were small businesses involved in the development of this rule?

N/A

Administrative Rule Advisory Committee consulted?:No

If not, why?:

N/A

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| 02-21-2014 5:00 p.m. | Zarie Haverkate | zarie.haverkate@state.or.us |
| Last Day (m/d/yyyy) and Time for public comment | Printed Name | Email Address |

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| FILED 1-6-14 2:33 PM ARCHIVES DIVISION SECRETARY OF STATE |
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CHAPTER 409

**OREGON HEALTH AUTHORITY,
OFFICE FOR OREGON HEALTH POLICY AND RESEARCH**

**DIVISION 110
HEALTH SYSTEMS PLANNING
Safety Net Capacity Grant Program**

409-110-0000

Scope

These rules (OAR 409-110-0000 to 409-110-0020) establish criteria for awarding grants under the Health Care for All Oregon's Children, Safety Net Capacity Grant Program, which was established to ensure that safety net providers have capacity to serve vulnerable and underserved children in Oregon.

Stat. Auth: ORS 413.225

Stats. Implemented: ORS 413.225 & 414.231

409-110-0005

Definitions

The following definitions apply to OAR 409-110-0000 to 409-110-0020:

- (1) "Community sponsored Clinic" means a non-profit, community based clinic that does not receive state or federal funding and is sponsored by the local community in the form of grants and donations, including in-kind donations of goods and services.
 - (2) "Culturally and Linguistically Appropriate Services" means health care services that are respectful of and responsive to cultural and linguistic needs. Please refer to the "National Standards on Culturally and Linguistically Appropriate Services" (CLAS), United States Department of Health and Human Services, Office of Minority Health.
 - (3) "OHPR" means the Office for Oregon Health Policy and Research.
 - (4) "Primary Healthcare Service" means physical, oral, mental, behavioral, and vision health services that are delivered in a manner that reflects the state's emphasis on patient-centered primary care medical homes.
 - (5) "Program" means the Safety Net Capacity Grant Program, as part of the Health Care for All Oregon's Children Program.
 - (6) "Safety Net Advisory Council" means the entity responsible for supporting vulnerable populations who experience barriers to care and providing specific policy recommendations to the Governor and policy makers to ensure a safety net of health services.
 - (7) "Safety Net Provider" means a public or non-profit federally qualified health center, school-based health center, tribal health clinic, rural health clinic, or community sponsored clinic that provides primary care physical, oral, mental, behavioral and vision health services to low-income patients without charge or using a sliding scale.
 - (8) "Target Population" refers to children who meet the criteria for Health Care for All Oregon's Children Program (ORS 414.231), except for immigration status.
- [ED.NOTE: Publications referenced are available from the agency]

Stat. Auth.: ORS 413.225

Stats. Implemented: ORS 413.225, 414.231

409-110-0010

Program Administration

- ~~(1) The program is intended to ensure that the target population has access to primary physical, oral, mental, behavioral, and vision health services.~~
- ~~(2) OHPR shall award grants to safety net providers through the program.~~
- ~~(3) Services covered through the program are limited to primary care, oral, mental, behavioral, and vision health services.~~
- ~~(4) Children in the target population through the age of 18 are eligible to receive services through the program.~~
- ~~(5) The grant amount awarded shall take into consideration the distribution and concentration of the target population in the proposed service area.~~
- ~~(6) The program is competitive and proposals that include collaboration with community partners may be given preference.~~
- ~~(7) OHPR shall administer the program including soliciting, reviewing, evaluating, and selecting successful grant proposals. OHPR shall also provide project monitoring, technical assistance and submit periodic status reports to interested parties.~~
- ~~(8) The Safety Net Advisory Council shall provide advisory recommendations to program staff.~~
- ~~(9) Grant funding shall be awarded for up to a two-year period. Fund awards may be renewable.~~
- ~~(10) OHPR shall distribute safety net grant funds to successful applicants on an incremental basis.~~
- ~~(11) All funds provided separately for the planning, development, establishment, and certification of new school-based health centers shall be awarded to local public health authorities in accordance with the current competitive grant process in use and funding formula as established and administered by the Office of Family Health, Public Health Division.~~

Stat. Auth.: ORS 413.225

Stats. Implemented: ORS 413.225, 414.231

409-110-0015

Grant Award Process

- ~~(1) OHPR shall advertise grant proposals through publication on its website and through communication to eligible entities.~~
- ~~(2) All proposals must be submitted in a form specified by the program and by the date specified in the solicitation document.~~
- ~~(3) OHPR shall document receipt of all proposals.~~
- ~~(4) To qualify for a grant through the Program, applicants must be able to credibly estimate the number of new and existing children in the target population they will serve, as well as the number of estimated visits for the target population.~~
- ~~(5) OHPR shall evaluate all proposals based upon but not limited to the following evaluation elements:
 - ~~(a) Demonstrated capacity to provide primary health care services.~~~~

- ~~(b) Demonstrated capacity or description of a credible plan to serve the target population.~~
- ~~(c) Demonstrated capacity or description of a credible plan to assure that services are culturally and linguistically competent.~~
- ~~(d) Demonstrated capacity or description of a credible plan to identify, contact, and provide primary care to the target population.~~
- ~~(e) Demonstrated readiness to be operational within 90 days of grant award.~~
- ~~(f) Maintenance of operating hours and locations to ensure accessibility.~~
- ~~(g) Demonstrated ability to partner with community based and other community organizations and to leverage funds, where possible.~~
- ~~(h) Submission of a proposed work plan, including timeline, discrete programs and products, evaluation outcomes, and budget.~~
- ~~(i) Demonstrated capacity or description of a credible plan for implementing data systems that can report on delivery of services and health outcomes, preferably through the utilization of electronic health records that are Certification Commission for Health Information Technology certified. Responses that indicate participation in or willingness to participate in efforts to assure interoperability of electronic health records may be scored more highly.~~
- ~~(j) A commitment to continuous quality improvement demonstrated by the inclusion of an annual quality improvement plan, identification of quality improvement activities with reporting of outcomes and the incorporation of evidence based practices. Responses that incorporate meaningful elements of a primary care medical home may be scored more highly.~~
- ~~(6) OHPR shall form a committee to consider and make recommendations on the submitted proposals.~~
- ~~(7) OHPR shall notify applicants, in writing, whether their proposal was selected for funding. OHPR shall provide a question and answer opportunity through electronic or telephone communication both before and after the selection of proposals.~~

Stat. Auth.: ORS 413.225

Stats. Implemented: ORS 413.225, 414.231

409-110-0020

Monitoring and Reporting Requirements

~~(1) A grantee shall:~~

- ~~(a) Submit grant reports to OHPR on a periodic basis. Grant reports will indicate progress to achieve grant benchmarks and goals and report on the expenditure of grant dollars. Failure to comply with reporting requirements may result in grant suspension or termination; and~~
- ~~(b) Report specific data or information, to be determined by OHPR~~

~~(2) Grant disbursements are contingent on grantee achieving proposed service delivery levels. Failure to achieve proposed service levels or benchmarks may result in grant reduction or termination.~~

~~(3) Periodically grantee and OHPR staff shall jointly review progress.~~

Stat. Auth.: ORS 413.225

Stats. Implemented: ORS 413.225, 414.231