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I certify that the attached copies are true, full and correct copies of the TEMPORARY Rule(s) adopted on Upon filing, by the
Oregon Health Authority, Health Policy and Analytics 409

Agency and Division

Administrative Rules Chapter Number

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To become effective 05/09/2016 through 11/04/2016.

RULE CAPTION

Establishes Criteria for Awarding Grants under Safety Net Capacity Grant Program

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

RULEMAKING ACTION

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

ADOPT:

409-110-0025, 409-110-0030, 409-110-0035, 409-110-0040, 409-110-0045

AMEND:

SUSPEND:

Statutory Authority:

ORS 413.225

Other Authority:

Section 34, Chapter 837, Oregon Laws 2015

Statutes Implemented:

ORS 413.225

RULE SUMMARY

The Oregon Health Authority needs to adopt temporary administrative rules to govern the operation of the Safety Net Capacity Grant Program (SNCGP). Senate Bill 5507, passed during the 2015 legislative session, appropriated resources to fund the SNCGP effective July 1, 2015. The grant ensures that safety net providers have the capacity to serve vulnerable and underserved children in Oregon with needed health care services to include physical, oral, mental, behavioral, and vision health services.

These temporary rules are available at: <http://www.oregon.gov/oha/OHPR/pages/rulemaking/index.aspx>. Additional information regarding the program is available at: <http://www.oregon.gov/oha/OHPR/PCO/Pages/Safety-Net-Capacity-Grant.aspx>. For hardcopy requests, call: 503-931-6420.

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STATEMENT OF NEED AND JUSTIFICATION
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Oregon Health Authority, Health Policy and Analytics
Agency and Division

409
Administrative Rules Chapter Number

Establishes Criteria for Awarding Grants under Safety Net Capacity Grant Program

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

In the Matter of:

The temporary adoption of: OAR 409-110-0025, 409-110-0030, 409-110-0035, 409-110-0040, 409-110-0045.

Statutory Authority:

ORS 413.225

Other Authority:

Section 34, Chapter 837, Oregon Laws 2015

Statutes Implemented:

ORS 413.225

Need for the Temporary Rule(s):

The Oregon Health Authority is proposing to adopt administrative rules to govern the operation of the Safety Net Capacity Grant Program (SNCGP). Senate Bill 5507, passed during the 2015 legislative session, appropriated resources to fund the SNCGP effective July 1, 2015. The SNCGP ensures that safety net providers have the capacity to serve vulnerable and underserved children in Oregon with needed health care services to include physical, oral, mental, behavioral, and vision health services.

Documents Relied Upon, and where they are available:

- Proposed rules are available on the program's website at: <http://www.oregon.gov/oha/ohpr/pages/rulemaking/index.aspx>.
- Senate Bill 5507 (2015 Legislature) is available at: <https://olis.leg.state.or.us/liz/2015R1/Measures/list/>.
- Additional information regarding the Program is available at: <http://www.oregon.gov/oha/OHPR/PCO/Pages/Safety-Net-Capacity-Grant.aspx>.

Justification of Temporary Rule(s):

These temporary rules need to be filed promptly to allow organizations that wish to participate in the Safety Net Capacity Grant Program to understand the criteria for awarding grants. Failure to act promptly will result in serious prejudice to the public interest, the Oregon Health Authority, and potential safety net providers, community-based organizations, and eligible individuals to the program.

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CHAPTER 409

OREGON HEALTH AUTHORITY, HEALTH POLICY AND ANALYTICS

DIVISION 110

HEALTH SYSTEMS PLANNING

Safety Net Capacity Grant Program

409-110-0025

Scope

These rules establish criteria for awarding grants under the 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

409-110-0030

Definitions

The following definitions apply to OAR 409-110-0025 to 409-110-0045:

- (1) "Authority" means the Oregon Health Authority.
- (2) "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.
- (3) "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.
- (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 care.
- (5) "Program" means the Safety Net Capacity Grant Program
- (6) "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 and preventive physical, oral, mental, behavioral and vision health services to low-income patients without charge or using a sliding scale.
- (7) "Target Population" refers to children who are not eligible for any current state program.

[ED.NOTE: Publications referenced are available from the agency]

Stat. Auth: ORS 413.225
Stats. Implemented: ORS 413.225

409-110-0035

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) The Authority shall award grants to safety net providers through the Program.
- (3) Services covered through the Program are limited to primary and preventive physical, 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) The Authority shall administer the Program including soliciting, reviewing, evaluating, and selecting successful grant proposals. The Authority shall also provide project monitoring, technical assistance and submit periodic status reports to interested parties.
- (8) Grant funding shall be awarded for the remainder of the 2015-2017 biennium, with the possibility of extensions.
- (9) The Authority shall distribute safety net grant funds to successful applicants on an incremental basis.

Stat. Auth: ORS 413.225
Stats. Implemented: ORS 413.225

409-110-0040

Grant Award Process

- (1) The Authority 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) The Authority 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) The Authority 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 services to the target population.
 - (e) Demonstrated readiness to be operational within 60 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.
- (6) The Authority shall form a committee to consider and make recommendations on the submitted proposals.
- (7) The Authority shall notify applicants, in writing, whether their proposal was selected for funding. The Authority 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

409-110-0045

Monitoring and Reporting Requirements

- (1) A grantee shall:
 - (a) Submit grant reports to the Authority 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 the Authority.

- (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 the Authority shall jointly review progress.

Stat. Auth: ORS 413.225

Stats. Implemented: ORS 413.225