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TEMPORARY ADMINISTRATIVE RULES

Oregon Health Authority, Division of Medical Assistance
Programs

410

Agency and Division

Administrative Rules Chapter Number

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Upon filing.

Adopted on

02/01/2014 thru 03/31/2014

Effective dates

RULE CAPTION

Adopt and Incorporate by Reference Rules Established in OAR Chapter 461

Not more than 15 words

RULEMAKING ACTION

ADOPT:

AMEND: 410-120-0006

SUSPEND:

410-120-0006 (T) SC 1/31/14

Stat. Auth.: ORS 413.042

Other Auth.:

Stats. Implemented: ORS 413.042, 414.065

RULE SUMMARY

The Division incorporates rules established in OAR Chapter 461, for all overpayment, personal injury liens and estates administration for Authority programs covered under OAR 410-200. References in OAR Chapter 461 in contracts of the Authority are deemed to be references to the requirements of this rule and shall be construed to apply to all eligibility policies, procedures and determinations by or through the Authority.

STATEMENT OF NEED AND JUSTIFICATION

Amending 410-120-0006

In the Matter of

Documents Relied Upon, and where they are available

The Division needs to incorporate rules established in OAR Chapter 461, for all overpayment, personal injury liens and estates administration for Authority programs covered under OAR 410-200. References in OAR Chapter 461 in contracts of the Authority are deemed to be references to the requirements of this rule and shall be construed to apply to all eligibility policies, procedures and determinations by or through the Authority.

Need for the Temporary Rule(s)

The Authority finds that failure to act promptly will result in serious prejudice to the public interest, the Authority, and Medicaid and CHIP recipients. These rules need to be adopted promptly to comply with OAR chapter 461 rules.

Justification of Temporary Rules



Authorized Signer

Karen House

Printed Name

1/31/14

Date

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STATEMENT OF NEED AND JUSTIFICATION

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

Oregon Health Authority, Division of Medical Assistance Programs
Agency and Division

410

Administrative Rules Chapter Number

In the Matter of: Amending 410-120-0006

Rule Caption: Adopt and incorporate by reference rules established in OAR Chapter 461

Statutory Authority: ORS 413.042

Other Authority:

Stats. Implemented: ORS 413.042, 414.065

Need for the Temporary Rule(s): The Division needs to incorporate rules established in OAR Chapter 461, for all overpayment, personal injury liens and estates administration for Authority programs covered under OAR 410-200. References in OAR Chapter 461 in contracts of the Authority are deemed to be references to the requirements of this rule and shall be construed to apply to all eligibility policies, procedures and determinations by or through the Authority.

Documents Relied Upon, and where they are available:

Justification of Temporary Rule(s):

The Authority finds that failure to act promptly will result in serious prejudice to the public interest, the Authority, and Medicaid and CHIP recipients. These rules need to be adopted promptly to comply with OAR chapter 461 rules.


Authorized Signer

Karen House
Printed name

1/31/14
Date

410-120-0006

As the state Medicaid and CHIP agency, the Oregon Health Authority (Authority) is responsible for establishing and implementing eligibility policies and procedure consistent with applicable law. As outlined in OAR 943-001-0020, the Authority, and the Department of Human Services (Department) work together to adopt rules to assure that medical assistance eligibility procedures and determinations are consistent across both agencies.

~~(1) The Authority adopts and incorporates by reference the rules established in OAR Chapter 461, for all overpayment, personal injury liens and estates administration medical eligibility requirements for Authority OHA programs covered under OAR chapter 410- division 200 medical assistance when the Authority conducts eligibility determinations.~~

~~(2) Any reference to OAR cChapter 461 in Oregon Administrative Rules or contracts of the Authority are deemed to be references to the requirements of this rule, and shall be construed to apply to all eligibility policies, procedures and determinations by or through the Authority.~~

~~(3) For purposes of this rule, references in OAR chapter 461 to the Department or to the Authority shall be construed to be references to both agencies.~~

~~(4) Effective July 1, 2011 the Authority shall conduct medical eligibility determinations using the OAR chapter 461 rules which are in effect on the date the Authority makes the medical eligibility determination.~~

~~(5) A request for a hearing resulting from a determination under this rule, made by the Authority shall be handled pursuant to the hearing procedures set out in division 25 of OAR Chapter 461. References to "the Administrator" in division 25 of chapter 461 or "the~~

~~Department" are hereby incorporated as references to the"~~
~~Authority."~~