

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 on 7/15/11 by the  
Date prior to or same as filing date.

Oregon Health Authority (Authority) , Division of Medical Assistance Programs (Division) 410  
Agency and Division Administrative Rules Chapter Number

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to become effective 7/15/11 through 1/11/2012  
Date upon filing or later A maximum of 180 days including the effective date.

**RULEMAKING ACTION**

**Rule Filing Caption:** Align with OAR chapter 461, division 155 medical eligibility rules

**AMEND:** 410-120-0006, Medical Eligibility Standards

Statutory Authority: ORS 413.042

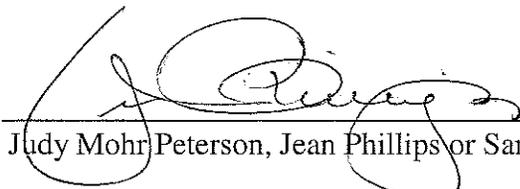
Other Authority: HB 2009, enacted in 2009 Or Laws, chapter 595 Sections 19-25

**Statutes Implemented:** 413.042 and 414.065

**Subject Matter:**

The General Rules Program administrative rules govern the Division's payments for services provided to clients, and medical assistance eligibility determinations made by the Oregon Health Authority. In coordination with the Department of Human Services' (Department), temporary revision of OAR 461-155-0575 and OAR 461-155-0693, the Division temporarily amended OAR 410-120-0006 to assure that the Division's eligibility rule aligns with and reflects information found in Department's eligibility rules. In OAR 410-120-0006, the Division adopts in rule by reference Department eligibility rules and must update OAR 410-120-0006 in coordination with Department revisions. The Division intends to file this rule permanently on or before January 11, 2012.

Authorized Signers: \_\_\_\_\_

 7-15-2011  
Judy Mohr Peterson, Jean Phillips or Sandy Wood

Secretary of State  
**Statement of Need and Justification**

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

Oregon Health Authority (Authority), Division of Medical Assistance Programs (Division) 410  
Agency and Division Administrative Rule Chapter Number

**In the Matter of:** The temporary amendment of a rule that governs payment for the **General Rules Program**. The Division temporarily amended OAR 410-120-0006 to align with chapter 461, Department of Human Services (Department), Children, Adults and Families (CAF) Division's medical eligibility rules per Centers for Medicare and Medicaid Services (CMS).

**Rule Filing Caption:** Align with OAR chapter 461 (Department-CAF Division) medical eligibility rules (461-155-0575 and 461-155-0693)

**Statutory Authority:** ORS 413.042

**Other Authority:** HB 2009, enacted in 2009 Or Laws, chapter 595 Sections 19-25

**Statutes Implemented:** 414.065

**Need for Rule(s):** The General Rules Program administrative rules govern the Division's payments for services provided to clients, and medical assistance eligibility determinations made by the Oregon Health Authority. In coordination with the Department of Human Services' (Department), temporary revision of OAR 461-155-0575 and OAR 461-155-0693, the Division needs to temporarily amend OAR 410-120-0006 to assure that the Division's eligibility rule aligns with and reflects information found in Department's eligibility rules. In OAR 410-120-0006, the Division adopts in rule by reference Department eligibility rules and must update OAR 410-120-0006 in coordination with Department revisions. The Division intends to file this rule permanently on or before January 11, 2012.

The Department temporarily amended OAR 461-155-0575 about in-home supplementation payments and OAR 461-155-0693 about transportation services payments, in the Oregon Supplemental Income Program Medical (OSIPM) to suspend all payments August 1, 2011. All current payments will end July 31, and no payments will be approved after that date.

The Department amended OAR 461-155-0575 and 461-155-0693 because continued spending at the levels set in these rules if they are not amended would result in spending funds in excess of federally mandated levels that are not included in the Department budget. The Department needs to decrease expenditures, and reduce the likelihood that the Department will expend funds not included in the budget. These amendments address these needs by suspending all payments in the OSIPM program authorized by these rules for in-home supplementation and transportation services effective August 1, 2011, ending all current payments on July 31, and stating no payments will be approved after July 31, 2011. The payments authorized under these rules were originally adopted to authorize supplemental payments to certain individuals in order to meet annual spending requirements under 20 CFR 416.2099, but the Department's expenditures are now in compliance with federal law.

**Justification of Temporary Rule(s):** The Department finds that failure to act promptly amending OAR 461-155-0575 and 461-155-0693 will result in serious prejudice to the public interest and the Department. If the payments are not suspended the Department will be at risk for spending funds that are not included in the

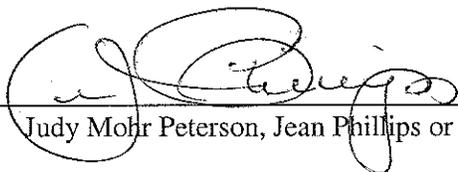
approved Department budget. Suspending the payments will decrease Department expenditures, thus reducing the likelihood of expending funds not included in the Department budget. These rule changes cannot wait to be implemented until after the full 49-day permanent rulemaking procedure because the Department needs to send notices to stop payments August 1, 2011.

Since Division rules must align with Department eligibility rules, the Division must file OAR 410-120-0006 in coordination with the Department's rule filing to avoid adverse affect on the Department's need to implement this change.

**Documents Relied Upon, and where these can be viewed or obtained:** A copy of the temporary rules are found at the CAF Self-Sufficiency Programs website: [http://www.dhs.state.or.us/policy/selfsufficiency/ar\\_search.htm](http://www.dhs.state.or.us/policy/selfsufficiency/ar_search.htm)

**Other Agencies affected:** N/A

**Authorized Signers:**



Judy Mohr Peterson, Jean Phillips or Sandy Wood

7-15-2011

Date

## 410-120-0006 Medical Eligibility Standards

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 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, and in effect July 15, 2011, for all medical eligibility requirements for medical assistance when the Authority conducts eligibility determinations.

(2) Any reference to OAR Chapter 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 on or after 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.”

[NOTE: The publications referred to or incorporated by reference in this rule are available from the agency.]

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042 & 414.065

7-15-11 (T)