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 on [upon filing] 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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Rules Coordinator	Address	Telephone

to become effective [12/1/2012] through [4/1/2013].

Date upon filing or later — A maximum of 180 days including the effective date.

RULE CAPTION

Align with OAR chapter 461, division 155 medical eligibility rules

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

AMEND: OAR 410-120-0006

SUSPEND: OAR 410-120-0006(T)

Stat. Auth.: ORS 413.042

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

Stats. Implemented: ORS 413.042 and 414.065

RULE SUMMARY

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 medical eligibility rules in chapter 461, the Division is temporarily amending OAR 410-120-0006 to assure that the Division's medical eligibility rule aligns with and reflects information found in the Department's medical 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 conjunction. The Division intends to file this rule permanently on or before April 1, 2013.

Authorized Signer	Printed name	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.

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 Rules 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 Caption: Align with OAR chapter 461, division 155 medical eligibility rules

Statutory Authority: ORS 413.042

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

Stats. Implemented: ORS 413.042 and 414.065

Need for the Temporary 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 medical eligibility rules in chapter 461, the Division is temporarily amending OAR 410-120-0006 to assure that the Division's medical eligibility rule aligns with and reflects information found in the Department's medical eligibility rules. In OAR 410-120-0006, the Division adopts in rule by reference the Department's eligibility rules and must update OAR 410-120-0006 in conjunction.

Documents Relied Upon, and where they are available:
A copy of the Department's temporary rules are found at the CAF Self-Sufficiency Programs Web site: http://www.dhs.state.or.us/policy/selfsufficiency/ar_search.htm

Justification of Temporary Rule(s):
The Authority finds that failure to act promptly will result in serious prejudice to Authority, the Department, clients and the public interest. The Division needs to amend this rule to ensure medical eligibility determinations are made in compliance with current medical eligibility rules in chapter 461.

Authorized Signer	Printed name	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 ~~October 5, 2012~~ December 1, 2012, 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