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Generated on October 23, 2013 10:33AM
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 ³⁰ 10/30/13 thru ²⁸ 04/28/14	
Effective dates	

RULE CAPTION

Amends Modifications Based on Client Circumstances to Medical Transportation for Recipients of Medical Assistance Programs

Not more than 15 words

RULEMAKING ACTION

ADOPT:

AMEND: 410-136-3260

SUSPEND:

Stat. Auth.: ORS 413.042

Other Auth.:

Stats. Implemented: ORS 413.042, 414.065

RULE SUMMARY

The temporary rule will align Oregon rules with federal regulations regarding providing non-emergent medical transportation.

STATEMENT OF NEED AND JUSTIFICATION

The amendment of OAR 410-136-3260

In the Matter of

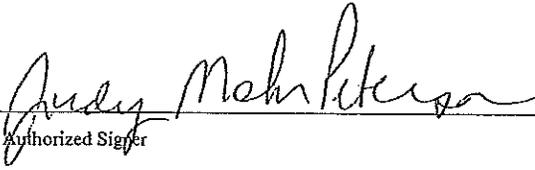
Documents Relied Upon, and where they are available

Current rule may be in violation of 42 CFR 431.53, which requires state Medicaid agencies to "ensure necessary transportation for recipients to and from providers." Legislative counsel and the Attorney General's office agree that the new language will align Oregon's rules with the applicable CFR.

Need for the Temporary Rule(s)

The temporary rule will align Oregon rules with federal regulations regarding providing non-emergent medical transportation.

Justification of Temporary Rules



Authorized Signer

Judy Mohr Peterson

Printed Name

10/24/2013

Date

Authorization Page replaces the ink signature on paper filings. Have your authorized signer sign and date, then scan and attach it to your filing. You must complete this step before submitting your Permanent and Temporary filings.

410-136-3260

Modifications Based on Client Circumstances

- (1) Brokerages may impose reasonable modifications on NEMT services when the client:
 - (a) Is threatening harm to the driver or others in the vehicle;
 - (b) Has a health condition that creates health or safety concerns to the driver or others in the vehicle;
 - (c) Has other behaviors or circumstances that place the driver or others in the vehicle at risk of harm;
 - (d) Frequently does not show up for scheduled rides;
 - (e) Frequently cancels the ride on the day of the scheduled ride time;
 - (f) Has behaviors that cause local medical providers or facilities to refuse to provide further services without imposing modifications; or
 - (g) Has special needs that require special accommodations.
- (2) Reasonable modifications include, but are not limited to, requiring the client to:
 - (a) Use a specific transportation subcontractor;
 - (b) Travel with an attendant;
 - (c) Use public transportation where available;
 - (d) Drive themselves or locate someone to drive them and receive mileage reimbursement; or
 - (e) Confirm the ride with the brokerage on the day of or the day before the scheduled ride.
- (3) Before requiring any modifications, the brokerage shall talk with the client about the reason for imposing a modification, explore modifications that are appropriate to the needs of the client and that address the health and safety concerns of the brokerages. The brokerage or client may include the client's worker, PHP or CCO in the discussion. The client may include other individuals in the discussion.
- (4) Brokerages may not make a reasonable modification based on the criteria in (1)(a)-(g) above that results in a denial of NEMT services to a client and must make all reasonable efforts to offer an appropriate alternative to meet the client's needs under the circumstances.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 414.065
