

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 upon filing by the
Oregon Health Authority, Division of Medical Assistance Programs (Division) Date prior to or same as filing date
410

Agency and Division Administrative Rules Chapter Number

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Rules Coordinator Address Telephone

to become effective April 1, 2012 thru September 21, 2012 A maximum of 180 days including the effective date.
Date upon filing or later

RULE CAPTION

Amendment of HERC Prioritized List of Health Services reflecting approved modifications effective April 1, 2012
Not more than 15 words that reasonably identify 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 410-141-0520

Stat. Auth.: ORS 192.527, 192.528, 413.042 and 414.065

Other Auth.: HB 2100

Stats. Implemented: ORS 192.527, 192.528, 414.010, 414.065 and 414.727

RULE SUMMARY

The Oregon Health Plan (OHP) Program administrative rules govern Division of Medical Assistance Programs' (Division) payments for services provided to clients. The Division is temporarily amending 410-141-0520 HERC Prioritized List of Health Services to reference the January 1, 2011 – December 31, 2012, Prioritized List of Health Services effective April 1, 2012 which includes interim modifications and technical changes made for 2009 national code set.

 JEAN DONOVAN 3/29/12
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. ARC 940-2005

Secretary of State
Statement of Need and Fiscal Impact

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

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

In the Matter of: The Temporary amendment of OAR 410-141-0520.

Rule Filing Caption: Amendment of HERC Prioritized List of Health Services reflecting approved modifications effective April 1, 2012 (HERC) Prioritized List of Health Services

Statutory Authority: ORS 192.527, 192.528, 413.042 and 414.065

Other Authority: HB 2100

Statutes Implemented: ORS 192.527, 192.528, 414.010, 414.065 and 414.727

Need for Rule(s): DMAP needs to temporarily amend 410-141-0520 HERC Prioritized List of Health Services to reference the January 1, 2011 – December 31, 2012, Prioritized List of Health Services effective April 1, 2012 which includes interim modifications and technical changes made for 2009 national code set.

Justification of Temporary Rule(s): The Authority finds that failure to act promptly will result in serious prejudice to public interest, to the interest of DMAP clients, the Division and providers. The Division needs to amend this rule to incorporate April 1, 2012 technical changes to the HERC Prioritized List of Health Services. The Division needs to act promptly to ensure the rule correctly reflects the technical changes to the Prioritized List, subject to CMS approval.

Documents Relied Upon, and where these can be viewed or obtained: February 14, 2012 letter from HERC to Oregon Legislative leadership, with April 1, 2012 technical changes, and February 16, 2012 letter to CMS seeking approval of interim modifications and technical changes to the 2011 – 2013 Prioritized List.

Other Agencies affected: None

Authorized Signers:



Judy Mohr-Peterson, Jean Donovan, Sandy Wood

3-29-12

Date

410-141-0520

Prioritized List of Health Services

(1) The Health Evidenced Review Commission (HERC) shall assume responsibility for the former HSC's Prioritized List of Health Services (Prioritized List). The Prioritized List is the listing of physical and mental health services with "expanded definitions" of preventive services and the practice guidelines, as presented to the Oregon Legislative Assembly. The Prioritized List is generated and maintained by HERC. The HERC maintains the most current list on their website:

www.oregon.gov/OHA/OHPR/HERC/Pending.shtml, or for a hardcopy contact the Division of Medical Assistance Programs. This rule incorporates by reference the Centers for Medicare and Medicaid Services (CMS) approved biennial January 1, 2011–December 31, 2012 Prioritized List, including April 1, 2012 modifications and technical revisions, expanded definitions, practice guidelines and condition treatment pairs funded through line 498.

(2) Certain mental health services are only covered for payment when provided by a Mental Health Organization (MHO), Community Mental Health Program (CMHP) or authorized Fully Capitated Health Plan (FCHP) or Physician Care Organization (PCO).

(3) Chemical dependency (CD) services are covered for eligible OHP clients when provided by an FCHP, PCO, or by a provider who has a letter of approval from the Addictions and Mental Health Division and approval to bill Medicaid for CD services.

Stat. Auth.: ORS 192.527, 192.528, 413.042 & 414.065

Stats. Implemented: ORS 192.527, 192.528, 414.065 & 414.727