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**TEMPORARY ADMINISTRATIVE RULES**

Oregon Health Authority, Division of Medical Assistance  
Programs

410

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Agency and Division

Administrative Rules Chapter Number

Sandy Cafourek

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Rules Coordinator

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Upon filing.

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Adopted on

10/01/2015 thru 03/28/2016

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Effective dates

**RULE CAPTION**

Amendment of HERC Prioritized List of Health Services Reflecting Approved  
Modifications Effective October 1, 2015

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Not more than 15 words

**RULEMAKING ACTION**

**ADOPT:**

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**AMEND:** 410-141-0520

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**SUSPEND:**

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

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**Other Auth.:**

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**Stats. Implemented:** ORS 192.527, 192.528, 414.010, 414.065 NS 414.727

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**RULE SUMMARY**

The OHP program administrative rules govern the Division of Medical Assistance Programs' payments for services provided to clients. The Division intends to temporarily amend 410-141-0520 to reference the Health Evidenced Review Committee (HERC) Prioritized List of Health Services' January 1, 2015 - December 31, 2015. The HERC has made interim modifications and technical changes to the October 1, 2014 Prioritized List of Health Services. The changes will be effective October 1, 2015.

## STATEMENT OF NEED AND JUSTIFICATION

The amendment of 410-141-0520

In the Matter of

September 1, 2015 letter from HERC to Oregon legislative leadership with October 1, 2015 technical changes and September 3, 2015 letter to CMS seeking approval of interim modifications and technical changes to the January 1, 2015 - December 31, 2015 Prioritized List.

Documents Relied Upon, and where they are available

The OHP program administrative rules govern the Division of Medical Assistance Programs' payments for services provided to clients. The Division needs to temporarily amend 410-141-0520 to reference the Health Evidenced Review Committee (HERC) Prioritized List of Health Services' January 1, 2015 - December 31, 2015. The HERC has made interim modifications and technical changes to the October 13, 2014 Prioritized List of Health Services. The changes will be effective October 1, 2015.

Need for the Temporary Rule(s)

The Division needs to temporarily amend OAR 410-141-0520 HERC Prioritized List of Health Services to reference the January 1, 2015 - December 31, 2015, Prioritized List of Health Services , effective October 1, 2015 that includes interim modifications and technical changes made for the 2015 national code set. The Authority finds that failure to act promptly will result in serious prejudice to public interest, to the interest of Division clients, the Division, and providers. The Division needs to amend this rule to incorporate October 1, 2015 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.

Justification of Temporary Rules



Authorized Signer

DAVID SUMMERVILLE

Printed Name

9/9/2015

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.

**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 amendment of 410-141-0520

Amendment of HERC Prioritized List of Health Services Reflecting Approved Modifications Effective October 1, 2015

Rule Caption: (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

Statutory Authority: ORS 192.527, 192.528, 413.042, 414.065

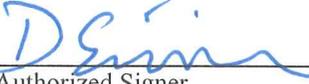
Other Authority:

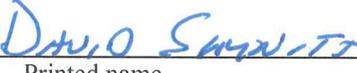
Stats. Implemented: ORS 192.527, 192.528, 414.010, 414.065 NS 414.727

Need for the Temporary Rule(s): The OHP program administrative rules govern the Division of Medical Assistance Programs' payments for services provided to clients. The Division needs to temporarily amend 410-141-0520 to reference the Health Evidenced Review Committee (HERC) Prioritized List of Health Services' January 1, 2015 – December 31, 2015. The HERC has made interim modifications and technical changes to the October 13, 2014 Prioritized List of Health Services. The changes will be effective October 1, 2015.

Documents Relied Upon, and where they are available: September 1, 2015 letter from HERC to Oregon legislative leadership with October 1, 2015 technical changes and September 3, 2015 letter to CMS seeking approval of interim modifications and technical changes to the January 1, 2015 - December 31, 2015 Prioritized List.

Justification of Temporary Rule(s): The Division needs to temporarily amend OAR 410-141-0520 HERC Prioritized List of Health Services to reference the January 1, 2015 - December 31, 2015, Prioritized List of Health Services , effective October 1, 2015 that includes interim modifications and technical changes made for the 2015 national code set. The Authority finds that failure to act promptly will result in serious prejudice to public interest, to the interest of Division clients, the Division, and providers. The Division needs to amend this rule to incorporate October 1, 2015 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.

  
Authorized Signer

  
Printed name

  
Date

**410-141-0520**

**Prioritized List of Health Services**

(1) The Health Evidenced Review Commission (HERC) Prioritized List of Health Services (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: <http://www.oregon.gov/oha/herc/Pages/PrioritizedList.aspx>. For a hard copy, contact the Division of Medical Assistance Programs within the Oregon Health Authority (OHA).

(2) This rule, effective ~~January~~ October 1, 2015, incorporates by reference the Centers for Medicare and Medicaid Services’ (CMS) approved January 1, 2015–December 31, 2015 Prioritized List, including October 1, 2014<sup>5</sup> interim modifications and technical changes, expanded definitions, practice guidelines, and condition treatment pairs funded through line 476.

Stat. Auth.: ORS 413.042 & 414.065

Stats. Implemented: ORS 414.065 & 414.727