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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.	
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RULE CAPTION

Service Area Changes for Existing CCOs

Not more than 15 words

RULEMAKING ACTION

ADOPT: 410-141-3040

AMEND:

SUSPEND:

Stat. Auth.: ORS 413.042, 414.645

Other Auth.:

Stats. Implemented: ORS 413.042

RULE SUMMARY

The Division adopts this temporary rule to provide a consistent framework for existing CCOs electing to apply to the Authority for service area expansion, once the Authority has stated that it has a need for network and capacity in a given service area. The rule provides for the service area expansion process, the review tool and mechanism, and a means for CCO dispute should a CCO not agree with the application review findings or process.

STATEMENT OF NEED AND JUSTIFICATION

The adoption of OAR 410-141-3040

In the Matter of

None

Documents Relied Upon, and where they are available

The Division needs to adopt this temporary rule to provide a consistent framework for existing CCOs electing to apply to the Authority for service area expansion, once the Authority has stated that it has a need for network and capacity in a given service area. The rule provides for the service area expansion process, the review tool and mechanism, and a means for dispute should a CCO not agree with the application review findings or process.

Need for the Temporary Rule(s)

The Authority finds that failure to act promptly will result in serious prejudice to the public interest, the Authority, and CCOs. A temporary rule is necessary as existing CCOs must have a consistent framework to apply to the Authority for service area expansion, once the Authority has stated that it has a need for network and capacity in a given service area. The rule provides for the service area expansion process, the review tool and mechanism, and a means for CCO dispute should an MCO not agree with the application review findings or process. These rules need to be adopted to eliminate barriers and provide guidance for the plans.

Justification of Temporary Rules

Rhonda Busch Rhonda Busch

Authorized Signer Printed Name Date

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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 adoption of OAR 410-141-3040

Service Area Changes for Existing CCOs

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

Statutory Authority: ORS 413.042 and 414.645

Other Authority:

Stats. Implemented: ORS 413.042

Need for the Temporary Rule(s): The Division needs to adopt this temporary rule to provide a consistent framework for existing CCOs electing to apply to the Authority for service area expansion, once the Authority has stated that it has a need for network and capacity in a given service area. The rule provides for the service area expansion process, the review tool and mechanism, and a means for dispute should a CCO not agree with the application review findings or process.

Documents Relied Upon, and where they are available: None

Justification of Temporary Rule(s): The Authority finds that failure to act promptly will result in serious prejudice to the public interest, the Authority, and CCOs. A temporary rule is necessary as existing CCOs must have a consistent framework to apply to the Authority for service area expansion, once the Authority has stated that it has a need for network and capacity in a given service area. The rule provides for the service area expansion process, the review tool and mechanism, and a means for CCO dispute should an MCO not agree with the application review findings or process. These rules need to be adopted to eliminate barriers and provide guidance for the plans.

Rhonda Busek Rhonda Busek

Authorized Signer Printed name Date

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310.

410-141-3040 **NEW RULE**

Service Area Change (SAC) for Existing Coordinated Care Organizations (CCOs)

For purposes of this rule, the following definitions apply:

(1) "Applicant" means a legal entity that submits an application and seeks recertification and a contract amendment. The legal entity is described, for this use, as the Applicant, upon their submission of the CCO Letter of Intent to Apply.

(2) "Certified" means the Authority's determination that an entity meets the criteria in OAR 410-141-3015 for being a CCO through initial certification or recertification.

(3) "Document Review" means the review conducted by the Authority, occurring at the point after the receipt of the completed SAC packet and before the effective date of the contract amendment, to determine applicant's ability to serve Medicaid beneficiaries in the requested service areas. Successful meeting of the requirements of the document review entitles the applicant to receive a contract amendment for the additional service areas as a recertified CCO in the delivery of Medicaid services.

(4) "Recertification" means the process outlined in this rule allowing the CCO contractor to submit an abbreviated application.

(5) Should a CCO withdraw from a portion of their service area, the CCO shall provide the Authority with a 120 day Letter of Intent to Exit the Service Area. This template can be found on the CCO Contract Forms page. The Authority will work with each CCO for a workable exit transition. Under any other condition, should the Authority identify a need for a CCO service area change, the Authority may implement the processes described within this rule to meet that need at any time.

(6) Existing CCOs wishing to submit a Letter of Intent to Apply (LOIA) for the service area vacated by another CCO will work to complete the Authority's SAC process for application, review, and recertification, supported by ORS 414.625. The Authority will announce the service area need at a CCO Advisory meeting, which is a public meeting, and post the announcement in the minutes reflecting that meeting. The posting will state the Authority's intent to receive LOIA from CCOs for service area changes in the stated service areas. Requests shall be sent to the Authority in the form of a binding LOIA, located on the CCO Contract Forms page. LOIA shall be received by the Authority within 30 calendar days of the date of the announcement posted in the minutes from the CCO Advisory meeting where the service area need was announced. In this letter, the CCO shall designate a sole point of contact for this process. The recertification application is the applicant's offer to enter into a contract and is a firm offer for the period specified in the SAC packet.

(7) Within 15 days of receipt of the LOIA, the Authority shall send a Letter of Acknowledgement and a SAC packet consisting of SAC guidance documents to each applicant that applies for recertification. The SAC packet shall be completed in its entirety and returned to the contract administration unit within 30 calendar days of receipt by the CCO. The Authority shall consider only packets that are responsive, completed as described in the SAC guidance document, and submitted in the time and manner described in this rule. The applicant has an additional 30 calendar days to submit any additional information requested by the Authority.

(8) The Authority shall complete a document review of submitted packets within 30 calendar days of the date the SAC packet and all additional requested information has been received by the Authority. The applicants are eligible for recertification based on criteria specified in the SAC guidance document, the application, written assurances, and any additional information that the Authority obtains and deems satisfactory. The applicant shall be responsible for and meet standards established by the Authority and the current CCO contract.

(9) Except as otherwise expressly provided, applicants shall have the right to dispute any Authority actions or decisions pertaining to this process. Applicants with such disputes pertaining to the obligations or responsibilities to this process may engage in dispute resolution as provided for in OAR 410-141-3267.

Stat. Auth: ORS 413.042, ORS 414.645

Stats. Implemented: ORS 413.042