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TEMPORARY ADMINISTRATIVE RULES

Oregon Health Authority, Division of Medical Assistance
Programs

410

Agency and Division

Administrative Rules Chapter Number

Sandy Cafourek

dmap.rules@state.or.us

Rules Coordinator

Email Address

500 Summer St. NE, Salem, OR 97301

503-945-6430

Address

Telephone

Upon filing.

Adopted on

07/01/2015 thru 12/27/2015

Effective dates

RULE CAPTION

Process for Resolving Disputes between CCOs and the Oregon Health Authority

Not more than 15 words

RULEMAKING ACTION

ADOPT: 410-141-3267

AMEND:

SUSPEND:

Stat. Auth.: ORS 183.484 and 413.042

Other Auth.:

Stats. Implemented: ORS 413.042

RULE SUMMARY

The Division created this temporary rule to provide immediate direction and clarification as an avenue of recourse for the Coordinated Care Organizations when in dispute with the Oregon Health Authority. This rule directs the CCOs to the administrative review process as identified in OAR 410-120-1580.

STATEMENT OF NEED AND JUSTIFICATION

The adoption of OAR 410-141-3267

In the Matter of

None

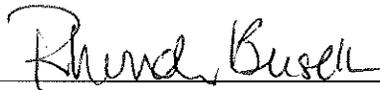
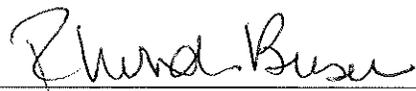
Documents Relied Upon, and where they are available

The Division needs to adopt this temporary rule to provide immediate direction and clarification as an avenue of recourse for the Coordinated Care Organizations when in dispute with the Oregon Health Authority. This rule directs the CCOs to the administrative review process as identified in OAR 410-120-1580.

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. These rules provide clarification of the process for dispute resolution, comply with legislative requirements, and eliminate barriers for dispute resolution between the CCOs and the Authority. A temporary rule is necessary so that CCOs have a recourse process that they are aware of and available to them in the event they have a dispute with the Authority.

Justification of Temporary Rules



Authorized Signer

Printed Name

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.

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 410-141-3267

Process for Resolving Disputes between CCOs and the Oregon Health Authority

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

Statutory Authority: ORS 183.484 and 413.042

Other Authority:

Stats. Implemented: ORS 413.042

Need for the Temporary Rule(s): The Division needs to adopt this temporary rule to provide immediate direction and clarification as an avenue of recourse for the Coordinated Care Organizations when in dispute with the Oregon Health Authority. This rule directs the CCOs to the administrative review process as identified in OAR 410-120-1580.

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. These rules provide clarification of the process for dispute resolution, comply with legislative requirements, and eliminate barriers for dispute resolution between the CCOs and the Authority. A temporary rule is necessary so that CCOs have a recourse process that they are aware of and available to them in the event they have a dispute with the Authority.



Authorized Signer



Printed name

Date

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

Process for Resolving Disputes between Coordinated Care Organizations (CCOs) and the Oregon Health Authority

For purposes of this rule:

(1) "Party" means a CCO taking one side of a question or dispute.

(2) In the event of a dispute with the Oregon Health Authority (Authority) initiated by a CCO, the CCO shall use the Division's Administrative Review process as specified in OAR 410-120-1580. If the dispute is likely to impact another CCO, the Authority will notify all CCOs potentially impacted by the dispute and provide an opportunity for the impacted CCOs to participate in the dispute as a party. The Authority shall maintain the confidentiality of proprietary information of a CCO to the extent such information is protected under state or federal law if more than one CCO is involved in the dispute and the dispute involves a subject necessitating the use of proprietary information.

(3) An administrative review, for purposes of this rule, allows the opportunity for the director of the Division of Medical Assistance Programs (Division) or their designee to review a dispute affecting the CCO under the procedures set forth in OAR 410-120-1580. Examples of such disputes may include, but are not limited to, contract compliance disputes, service area changes, and the Authority decisions made through the OHA Provider Discrimination Review Process as a result of a provider discrimination appeal. These disputes primarily address legal or policy issues that may arise in the context of a Division decision that is perceived by the CCO to adversely affect the CCO and is not otherwise reviewed as a claim redetermination, a contested case, or client appeal.

(4) The Division shall send written results of the administrative review to the CCO initiating the dispute and any other impacted party within 30 calendar days of the conclusion of the administrative review proceeding, or such other time as may be agreed to by the parties and the Division.

(5) The Division's final decision on administrative review is the final decision of the Authority on the dispute and is binding on the parties. The decision is an order in other than a contested case. Judicial appeal of the decision is subject to ORS 183.484 and the procedures set forth in OAR 137-004-0080 to 137-004-0092.

Stat. Auth: ORS 183.484, ORS 413.042

Stats. Implemented: ORS 183.484, ORS 413.042