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PERMANENT ADMINISTRATIVE RULES

Oregon Health Authority, Health Systems Division:
Medical Assistance Programs

410

Agency and Division

Administrative Rules Chapter Number

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RULE CAPTION

Medicaid Payment for Behavioral Health

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RULEMAKING ACTION

ADOPT:

AMEND: 410-172-0660, 410-172-0670, 410-172-0700, 410-172-0710

REPEAL:

410-172-0660 (T), 410-172-0670 (T), 410-172-0700 (T), 410-172-0710 (T), 410-172-0740, 410-172-0750

RENUMBER:

AMEND & RENUMBER:

Stat. Auth.: ORS 413.042 and 430.640

Other Auth.:

Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705, 430.715

RULE SUMMARY

These rules details the provider qualifications required to render behavioral health services to Oregon Medicaid recipients. Updates to this rule include the

Service Specific Rules

410-172-0660

Rehabilitative Behavioral Health Services

- (1) Rehabilitative behavioral health services means medical or remedial services recommended by a licensed medical practitioner or other licensed practitioner to reduce impairment to an individual's functioning associated with the symptoms of a mental disorder or substance use disorder and are intended to restore functioning to the highest degree possible.
- (2) Remedial rehabilitative behavioral health services shall be recommended by a licensed practitioner of the healing arts as described in parts 4(c-h) and 5(a-d) within the scope of their practice under state law.
- (3) Rehabilitative behavioral health services that include medical services shall be recommended by and provided under ongoing oversight of a licensed medical practitioner as described in part 4(a-b) of this rule within the scope of their practice under state law.
- (4) Rendering providers of rehabilitative behavioral health services shall meet one of the following qualifications:
 - (a) Physician or Physician Assistant licensed in the State of Oregon;
 - (b) Advanced Practice Nurse including Clinical Nurse Specialist and Certified Nurse Practitioner licensed by the Oregon Board of Nursing;
 - (c) Psychologist licensed by the Oregon Board of Psychology;
 - (d) Professional Counselor or Marriage and Family Therapist licensed by the Oregon Board of Licensed Professional Counselors and Therapists;
 - (e) Clinical Social Worker licensed by the Oregon Board of Licensed Social Workers;
 - (f) Licensed Master Social Worker licensed by the Oregon Board of Licensed Social Workers as described in OAR 877-015-0105;
 - (g) Licensed Psychologist Associate granted independent status as described in OAR 858-010-0039;
 - (h) Licensed Occupational Therapist licensed by the Oregon Occupational Therapy Licensing Board;
 - (i) Organizational certificate of approval issued by the Health Systems Division (Division) as described in OAR 309-012-0130 through 309-012-0220.
- (5) Board registered intern providers shall be supervised by a provider as described in section (4)(c-e) of this rule under an active board approved plan of practice and supervision and meet one of the following qualifications:
 - (a) Psychologist Associate Residents as described in OAR 858-010-0037;

(b) Licensed Psychologist Associate under continued supervision as described in OAR 858-010-0038;

(c) Licensed Professional Counselor intern or Marriage and Family Therapist intern registered with the Oregon Board of Licensed Professional Counselors and Therapists as described in OAR 833-050-0011;

(d) Certificate of Clinical Social Work Associate issued by the Oregon Board of Licensed Social Workers as described in OAR 877-020-0009;

(e) Registered bachelor of social work issued by the Oregon Board of Licensed Social Workers as described in OAR 877-015-0105.

(6) Providers exempt from licensure or registration per ORS 675.090(f), 675.523(3), or 675.825(c) shall be employed by or contracted with a provider organization certified by the Authority under ORS 430.610 to 430.695 as described in (4)(i) of this rule and meet one of the following qualifications:

(a) Qualified mental health professional as defined in OAR 309-019-0125(8);

(b) Qualified mental health associate as defined in OAR 309-019-0125(7);

(c) Mental health intern as defined in OAR 309-019-0105; or

(d) Peer-Support Specialist as defined in OAR 410-180-0305.

(7) In addition to meeting the provider requirements described in this rule, providers of Assertive Community Treatment (ACT) services shall be certified as a fidelity ACT team by the Division or its designee as described in OAR 309-019-0100.

(8) In addition to meeting the provider requirements described in this rule, providers of Supported Employment or Supported Education services shall be certified by the division or its designee as described in OAR 309-019-0100.

Stat. Auth.: ORS 413.042 & 430.640

Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705, 430.715

410-172-0670

Substance Use Disorder Treatment Services

(1) Substance Use Disorder (SUD) treatment services include, but are not limited to, screening; assessment; individual counseling; group counseling; individual family, group or couple counseling; care coordination; medication-assisted treatment; medication management; collection and handling of specimens for substance analysis; interpretation services; detoxification for substance use disorders; synthetic opioid treatment; and acupuncture.

(2) Providers seeking reimbursement for the provision of substance use disorder services within the scope of their practice under state law shall meet one of the following qualifications:

- (a) Certificate issued by the Division as described in OAR chapter 415 division 012;
 - (b) Any facility that meets the definition of a residential treatment facility for substance-dependent individuals under ORS 443.400 or a detoxification center as defined in ORS 430.306 shall have a certificate issued by the Division as described in OAR chapter 415, division 012;
 - (c) Synthetic opioid treatment programs shall meet the requirements described in OAR chapter 415, division 020;
 - (d) Substance use detoxification programs shall meet the standards described in OAR 415, chapter 050;
 - (e) Physician or Physician Assistant licensed by the State of Oregon;
 - (f) Advanced Practice Nurse including Clinical Nurse Specialist and Certified Nurse Practitioner licensed by the Oregon Board of Nursing;
 - (g) Professional Counselor or Marriage and Family Therapist licensed by the Oregon Board of Licensed Professional Counselors and Therapists;
 - (h) Clinical Social Worker licensed by the Oregon Board of Licensed Social Workers;
 - (i) Psychologist licensed by the Oregon Board of Psychology;
 - (j) Licensed Psychologist Associate granted independent status as described in OAR 858-010-0039;
 - (k) Licensed Master Social Worker licensed by the Oregon Board of Licensed Social Workers as described in OAR 877-015-0105;
 - (L) Acupuncturist licensed by the Oregon Medical Board.
- (3) Board registered intern providers shall be supervised by a paid provider described in section (2)(g-i) of this rule under an active board approved plan of practice and supervision and meet one of the following qualifications:
- (a) Psychologist Associate Residents as described in OAR 858-010-0037;
 - (b) Licensed Psychologist Associate under continued supervision as described in OAR 858-010-0038;
 - (c) Licensed Professional Counselor intern or Marriage and Family Therapist intern registered with the Oregon Board of Licensed Professional Counselors and Therapists as described in OAR 833-050-0011;
 - (d) Certificate of Clinical Social Work Associate issued by the Oregon Board of Licensed Social Workers as described in OAR 877-020-0009;
 - (e) Registered bachelor of social work issued by the Oregon Board of Licensed Social Workers as described in OAR 877-015-0105.

(4) Providers exempt from licensure or registration per ORS 675.090(f), 675.523(3), or 675.825(c) shall be employed by or contracted with a provider organization certified by the Authority under ORS 430.610 to 430.695 as described in (2)(a-d) of this rule and meet one of the following qualifications:

- (a) Qualified mental health professional as defined in OAR 309-019-0125(8);
- (b) Qualified mental health associate as defined in OAR 309-019-0125(7);
- (c) Mental health intern as defined in OAR 309-019-0105(68); or
- (d) Peer-Support Specialist or Recovery Mentor as defined in OAR 410-180-0305(13);
- (e) Substance Use Disorder counselor certified by a national or state accrediting body.

Stat. Auth.: ORS 413.042 & 430.640

Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705, & 430.715

410-172-0700

1915(i) Home and Community Based Services

(1) Habilitation services are designed to help an individual attain or maintain their maximal level of independence, including the individual's acceptance of a current residence and the prevention of unnecessary changes in residence. Services are provided in order to assist an individual to acquire, retain, or improve skills in one or more of the following areas: Assistance with activities of daily living, cooking, home maintenance, community inclusion and mobility, money management, shopping, community survival skills, communication, self-help, socialization, and adaptive skills necessary to reside successfully in home and community-based settings.

(2) Psychosocial rehabilitation services are medical or remedial services recommended by a licensed physician or other licensed practitioner to reduce impairment to an individual's functioning associated with the symptoms of a mental disorder or to restore functioning to the highest degree possible.

(3) Providers seeking reimbursement for the provision of rehabilitative behavioral health services shall meet one of the following qualifications:

- (a) Physician or Physician Assistant licensed in the State of Oregon;
- (b) Advanced Practice Nurse including Clinical Nurse Specialist and Certified Nurse Practitioner licensed by the Oregon Board of Nursing;
- (c) Psychologist licensed by the Oregon Board of Psychology;
- (d) Professional Counselor or Marriage and Family Therapist licensed by the Oregon Board of Licensed Professional Counselors and Therapists;
- (e) Clinical Social Worker licensed by the Oregon Board of Licensed Social Workers;

(f) Licensed Psychologist Associate granted independent status as described in OAR 858-010-0039;

(g) Licensed Master Social Worker licensed by the Oregon Board of Licensed Social Workers as described in OAR 877-015-0105;

(h) Licensed Occupational Therapist licensed by the Oregon Occupational Therapy Licensing Board;

(i) Organizational certificate of approval issued by the Division as described in OAR 309-012-0130 through 309-012-0220.

(4) Board registered intern providers shall be supervised by a paid provider as described in section (3)(c-f) of this rule under an active board approved plan of practice and supervision and meet one of the following qualifications:

(a) Psychologist Associate Residents as described in OAR 858-010-0037;

(b) Licensed Psychologist Associate under continued supervision as described in OAR 858-010-0038;

(c) Licensed Professional Counselor intern or Marriage and Family Therapist intern registered with the Oregon Board of Licensed Professional Counselors and Therapists as described in OAR 833-050-0011;

(d) Certificate of Clinical Social Work Associate issued by the Oregon Board of Licensed Social Workers as described in OAR 877-020-0009;

(e) Registered bachelor of social work issued by the Oregon Board of Licensed Social Workers as described in OAR 877-015-0105.

(5) Providers exempt from licensure or registration per ORS 675.090(f), 675.523(3), or 675.825(c) shall be employed by or contracted with a provider organization certified by the Authority under ORS 430.610 to 430.695 as described in (3)(i) of this rule and meet one of the following qualifications:

(a) Qualified mental health professional as defined in OAR 309-019-0105;

(b) Qualified mental health associate as defined in OAR 309-019-0105;

(c) Mental health intern as defined in OAR 309-019-0105; or

(d) Peer-Support Specialist as defined in OAR 410-180-0305;

(e) Recovery Assistant.

(6) Providers of 1915(i) services may be required to meet Community Mental Health Program (CMHP) liability insurance requirements.

(7) Due to federal requirements for the Authority to ensure the impartiality of paid providers rendering services to 1915(i) eligible members, providers may be restricted from conducting eligibility reviews or developing the behavioral health assessment or service plan.

(8) To be eligible for services under the 1915(i) State Plan HCBS, the individual shall meet the following requirements:

(a) Been diagnosed with a chronic mental illness as defined in ORS 426.495;

(b) Been assessed as needing assistance to perform at least two personal care services as identified in these rules due to a chronic mental illness.

(9) Eligibility for 1915(i) services is determined by an external Independent and Qualified Agent (IQA) as identified by the Division.

Stat. Auth.: ORS 413.042 & 430.640

Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705, & 430.715

410-172-0710

Residential Personal Care

(1) Personal care services provided to a resident of a Division licensed residential treatment program include a range of assistance, as developmentally appropriate, and are provided to individuals with behavioral health conditions that enable them to accomplish tasks that they would normally do for themselves if they did not have a behavioral health condition. Assistance may be in the form of hands-on assistance (actually performing a personal care task) or cueing (redirecting) so that the individual performs the task by him or herself. Behavioral health personal care attendant services are provided in accordance with an individual's authorized plan for services recommended by a provider meeting the qualifications of a QMHP or QMHA as defined in OAR 309-019-0105.

(2) Personal care assistance most often relates to performance of activities of daily living (ADLs) and instrumental activities of daily living (IADLs). ADLs include eating, bathing, dressing, toileting, transferring, and maintaining continence. IADLs capture more complex life activities and include personal hygiene, light housework, laundry, meal preparation, transportation, grocery shopping, using the telephone, medication management, and money management.

(3) Personal care services may be provided on a continuing basis or on episodic occasions.

(4) Paid providers of facility-based personal care services shall meet one of the following:

(a) Licensed residential facility pursuant to OAR chapter 309, divisions 035 and 040;

(b) Secure Residential Treatment Facility (SRTF);

(c) Residential Treatment Facility (RTF);

(d) Residential Treatment Home (RTH);

(e) Adult Foster Home (AFH).

Stat. Auth.: ORS 413.042 & 430.640

Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705, & 430.715