

Secretary of State
NOTICE OF PROPOSED RULEMAKING*
A Statement of Need and Fiscal Impact accompanies this form

<u>Oregon Health Authority, Division of Medical Assistance Programs</u>	410
Agency and Division	Administrative Rules Chapter Number
<u>Sandy Cafourek</u>	(503) 945-6430
Rules Coordinator	Telephone
<u>Oregon Health Authority, Division of Medical Assistance Programs, 500 Summer St. NE, Salem, OR 97301</u>	
Address	

RULE CAPTION

Hospital Assessment Sunset Date Change

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

Secure approval of rule numbers with the Administrative Rules Unit prior to filing

ADOPT:

AMEND:

410-050-0870

REPEAL:

410-050-0870(T)

RENUMBER: Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

AMEND AND RENUMBER: Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

Statutory Authority:

ORS 413.042, 410.070 & 411.060

Other Authority:

Statutes Implemented:

ORS 409.750; OL 2003, Ch. 736, Sec. 2 as amended by OL 2007, Ch. 780, Sec. 1; OL 2009, Ch. 828, Sec. 51; OL 2009, Ch. 867, Sec. 17 & 2013 HB 2216

RULE SUMMARY

The Oregon Health Authority (Authority), Division of Medical Assistance Programs is amending OAR 410-050-0870 to reflect the new sunset date of the hospital assessment as approved by the Oregon State Legislature, effective August 1, 2013. The original sunset date expired October 1, 2013, and if the date is not changed to reflect the new date of October 1, 2015, the Authority will be unable to collect the hospital assessment, which funds the Oregon Health Plan. Permanent filing of this rule will repeal the temporary rule currently in place through March 29, 2014.

Proposed rules are available on the following website: <http://www.oregon.gov/DHS/admin/Pages/dwssrules/index.aspx>.
For hardcopy requests, call: (503) 947-5250.

A public rulemaking hearing may be requested in writing by 10 or more people, or by an association with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative

<u>03-21-2014 5:00 p.m.</u>	<u>Sandy Cafourek</u>	<u>dmap.rules@state.or.us</u>
Last Day (m/d/yyyy) and Time for public comment	Rules Coordinator Name	Email Address

FILED
2-13-14 4:02 PM
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*The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation.

Secretary of State
STATEMENT OF NEED AND FISCAL IMPACT
A Notice of Proposed Rulemaking accompanies this form.

Oregon Health Authority, Division of Medical Assistance Programs
Agency and Division

410
Administrative Rules Chapter Number

Hospital Assessment Sunset Date Change

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

In the Matter of:

The amendment of OAR 410-050-0870.

Statutory Authority:

ORS 413.042, 410.070 & 411.060

Other Authority:

Statutes Implemented:

ORS 409.750; OL 2003, Ch. 736, Sec. 2 as amended by OL 2007, Ch. 780, Sec. 1; OL 2009, Ch. 828, Sec. 51; OL 2009, Ch. 867, Sec. 17 & 2013 HB 2216

Need for the Rule(s):

The Oregon Health Authority (Authority), Division of Medical Assistance Programs needs to amend OAR 410-050-0870 to reflect the new sunset date of the hospital assessment as approved by the Oregon State Legislature, effective August 1, 2013. The original sunset date expired October 1, 2013, and if the date is not changed to reflect the new date of October 1, 2015, the Authority will be unable to collect the hospital assessment, which funds the Oregon Health Plan.

Documents Relied Upon, and where they are available:

HB 2116; available at: http://www.leg.state.or.us/bills_laws/

Fiscal and Economic Impact:

There are no additional costs of compliance to hospital providers, managed care organizations, or individual care providers resulting from extending the sunset date for the hospital assessment rules.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

There is no fiscal impact on other state agencies or local governments. Hospital districts operate small hospitals but those hospitals are excluded from the hospital provider assessment. The impact of the hospital provider assessment on Authority clients and the public is neutral. In general, the impact to Authority clients is positive because the Authority is able to provide health services by funding the Oregon Health Plan with hospital assessment revenues.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small business and types of businesses and industries with small businesses subject to the rule:

There is no fiscal impact on small businesses. Small businesses, including rural hospitals, are not subject to the assessment.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

The Authority does not anticipate any additional administrative activities required for compliance or costs of professional services. The reporting and record keeping activities currently required will remain unchanged.

c. Equipment, supplies, labor and increased administration required for compliance:

There are no additional costs for equipment, supplies, labor, or increased administration in order to comply with the new sunset date.

How were small businesses involved in the development of this rule?

Small hospitals are exempt from paying the hospital provider assessment and are not considered small businesses under ORS 183.310 and 183.335.

Administrative Rule Advisory Committee consulted?: No

If not, why?:

No. The sunset date is set by the legislature in statute, and this rule filing simply updates existing rule to reflect statute.

03-21-2014 5:00 p.m.	Sandy Cafourek	dmap.rules@state.or.us
Last Day (m/d/yyyy) and Time for public comment	Printed Name	Email Address

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

ARC 925-2007

CHAPTER 410
DIVISION OF MEDICAL ASSISTANCE PROGRAMS

DIVISION 50
TAX RULES

410-050-0870
Sunset Provisions

The hospital tax applies to net revenue received by hospitals on or after January 1, 2004 and before October 1, ~~2013~~2015.

Stat. Auth.: ORS 413.042, 410.070 & 411.060

Stats. Implemented: ORS 409.750; OL 2003, Ch. 736, Sec. 2 as amended by OL 2007, Ch. 780, Sec. 1; OL 2009, Ch. 828, Sec. 51; OL 2009, Ch. 867, Sec. 17 & 2013 HB 2216