

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

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

**RULE CAPTION**

Amendment of HERC Prioritized List of Health Services Reflecting Approved Modifications Effective April 1, 2014  
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

<u>May 15, 2014</u>	<u>10:30 a.m.</u>	<u>500 Summer St. NE, Salem, OR 97301 Room 166</u>	<u>Sandy Cafourek</u>
Hearing Date	Time	Location	Hearings Officer

*Auxiliary aids for persons with disabilities are available upon advance request.*

**RULEMAKING ACTION**

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing.

**ADOPT:**

**AMEND:** 410-141-0520

**REPEAL:** 410-141-0520(T)

**RENUMBER:**

**AMEND & RENUMBER:**

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

Other Auth.: HB 2100

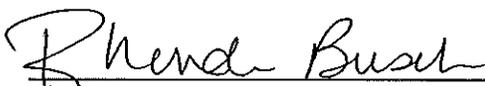
Stats. Implemented: ORS 192.527, 192.528, 414.010, 414.065 NS 414.727

**RULE SUMMARY**

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, 2011 through December 31, 2013. The HERC has made interim modifications and technical changes to the October 13, 2013 Prioritized List of Health Services. The changes will be effective April 1, 2014.

The agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

May 20, 2014 by 5 p.m.                      Send written comments to: [dmap.rules@state.or.us](mailto:dmap.rules@state.or.us)  
Last Day for Public Comment (Last day to submit written comments to the Rules Coordinator)

  
Signature

Rhonda Busek  
Printed name

4-11-14  
Date

**Note:** Hearing Notices must be submitted by the 15th day of the month to be published in the next month's *Oregon Bulletin*.

Secretary of State

## STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Oregon Health Authority, Division of Medical Assistance Programs (Division)

410

Agency and Division

Administrative Rules Chapter Number

Amendment of HERC Prioritized List of Health Services Reflecting Approved Modifications Effective April 1, 2014

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

In the Matter of: The amending of 410-141-0520 and the repealing of 410-141-0520(T)

Statutory Authority: ORS 192.527, 192.528, 413.042, 414.065

Other Authority: HB2100

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

Need for the 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, 2011 through December 31, 2013. The HERC has made interim modifications and technical changes to the October 13, 2013 Prioritized List of Health Services. The changes will be effective April 1, 2014.

Documents Relied Upon, and where they are available:

1) February 12, 2014 cover letter from HERC to Oregon Legislative leadership reporting interim modifications and technical changes

2) February 21, 2014 cover letter to CMS seeking approval of the interim modifications and technical changes to the 2011 - 2013 Prioritized List.

HERC Prioritized List of Health Services found at:

Pending List: [http://www.oregon.gov/oha/herc/Pages/Prioritized\\_List\\_Pending.aspx](http://www.oregon.gov/oha/herc/Pages/Prioritized_List_Pending.aspx)

Current List: <http://www.oregon.gov/oha/herc/Pages/PrioritizedList.aspx>

Fiscal and Economic Impact: None anticipated.

Statement of Cost of Compliance:

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

The Division does not anticipate fiscal impacts on other state agencies, units of local government or the public.

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

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

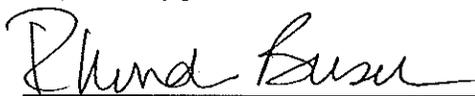
The types of small businesses include doctors' offices, specialty groups, small clinics and community based providers; however, the Division's system does not flag which providers are part of a larger clinic or corporation. Therefore, the Division is unable to estimate the number of small businesses that are subject to the rules. The Division does not anticipate a direct or indirect impact on small businesses.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services: None anticipated.

c. Equipment, supplies, labor and increased administration required for compliance: None anticipated.

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

Administrative Rule Advisory Committee consulted? No. If not, why? Since these rule changes are not substantive policy changes, only to clarify process, it was determined that a Rules Advisory Committee was not necessary.



Signature



Printed name

4-11-14

Date

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

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 wWeb-site:

<http://www.oregon.gov/oha/herc/Pages/PrioritizedList.aspx>~~[http://www.oregon.gov/oha/herc/Pages/Prioritized List-Pending.aspx](http://www.oregon.gov/oha/herc/Pages/PrioritizedList-Pending.aspx)~~, or Ffor a hardcopy, contact the Medical Assistance Programs within the Oregon Health Authority (OHA). This rule incorporates by reference the Centers for Medicare and Medicaid Services' (CMS) approved biennial January 1, 2011–December 31, 2013 Prioritized List, including April ~~October~~ 1, 2014<sup>3</sup> interim modifications and technical changes, expanded definitions, practice guidelines and condition treatment pairs funded through line 498.

(2) Certain mental health services are only covered for payment when provided by a Mental Health Organization (MHO), Community Mental Health Program (CMHP) or authorized Coordinated Care Organization (CCO).

(3) Substance Use Disorder (SUD) treatment services are covered for eligible OHP clients when provided by an FCHP, PCO, and CCO or by a provider who has a letter of approval from the Addictions and Mental Health Division and approval to bill Medicaid for SUD services.

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

Stats. Implemented: ORS 192.527, 192.528, 414.065, & 414.727