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ARCHIVES DIVISION
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DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 309
OREGON HEALTH AUTHORITY
HEALTH SYSTEMS DIVISION: BEHAVIORAL HEALTH SERVICES

FILED
12/21/2018 7:54 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Define Requirements for Compensation for Individuals Who Are Temporarily Displaced from Their Housing

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 01/17/2019 5:00 PM

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

CONTACT: Wanda Davis
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500 Summer St. NE
Salem, OR 97301

Filed By:
Sandy Cafourek
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 01/15/2019

TIME: 10:30 AM - 11:30 AM

OFFICER: Wanda Davis

ADDRESS: Human Services Building

500 Summer St. NE

Salem, OR 97301

SPECIAL INSTRUCTIONS:

Send written public comments to
HSD.rules@dhsosha.state.or.us by 5
p.m. on February 17, 2019.

NEED FOR THE RULE(S):

The Division needs to amend these rules to define the reserved service capacity requirements to assure accurate compensation to providers for individuals temporarily displaced from their housing.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

: CMS Guidance states, the day on which the patient began a leave of absence is treated as a day of discharge and is not counted as an inpatient day unless the patient returns to the facility by midnight of the same day. The day the patient returns to the hospital or facility from a leave of absence is treated as a day of admission and is counted as an inpatient day if the patient is present at midnight of that day. Medicaid doesn't reimburse for days individual placements are not occupied therefore a method must be defined that preserves the placement for the individual to return when able.

FISCAL AND ECONOMIC IMPACT:

General Fund Impact should reduce as there will be a Medicaid payment option available as of 1/1/2019. This rule

clarifies when reserved service capacity payments can be requested.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) Amending these rules will have no fiscal impact on the Authority, other state agencies, units of local government, the public, or businesses, including small businesses. (2) (a) : Secure Residential Treatment Facilities, Residential Treatment Homes and Facilities, or approximately 123 providers. (b) Reporting and record keeping is required to request these funds. (c) No additional equipment, supplies or labor is required. No additional administration is required for compliance.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Residential providers were consulted throughout the process.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

Residential providers were consulted throughout the process.

RULES PROPOSED:

309-011-0105, 309-011-0110, 309-011-0115

AMEND: 309-011-0105

RULE SUMMARY: The Division needs to amend these rules to define the reserved service capacity requirements to assure accurate compensation to providers for individuals temporarily displaced from their housing.

CHANGES TO RULE:

309-011-0105

Purpose ¶

(1) The purpose of OAR 309-011-0105 to 309-011-0115 is to establish the standards by which the ~~Addictions and Mental Health (AMH)~~ Health Systems Division and its designees approve payments to licensed residential programs; funded by the Division or its designee; for adult ~~consumers of~~ diagnosed with mental health ~~service disorders~~. ¶

(2) OAR 309-011-0105 to 309-011-0115 ~~will~~ facilitate a system of residential services and supports driven by individual needs promoting recovery and wellness.

Statutory/Other Authority: ORS 430.210, 413.042, 443.450

Statutes/Other Implemented: ORS 443.400 - 443.460, 443.991

AMEND: 309-011-0110

RULE SUMMARY: The Division needs to amend these rules to define the reserved service capacity requirements to assure accurate compensation to providers for individuals temporarily displaced from their housing.

CHANGES TO RULE:

309-011-0110

Definitions ¶

~~(1) "Adult" means a person individual 18 years of age or older, or an emancipated minor and individuals in the Y, conditioned upon the following: ¶~~

~~(a) An individual with Medicaid eligibility who needs services specific to children, adolescents, or young Adults in Transition (YAT) programs as designated in contract must be considered a child until age 21; ¶~~

~~(b) Adults who are between the ages of 18 and 21 who are considered children must have all rights afforded to adults as specified in these rules. ¶~~

~~(2) "Community Mental Health Program" (CMHP) means an entity that is responsible for planning and delivery of services for individual persons with substance use disorders or a mental health diagnose, operated in a specific geographic area of the state under an intergovernmental agreement or direct contract with the Division. ¶~~

~~(3) "Division" means the Addictions and Mental Health (AMH) Division of the Department. ¶~~

~~(4) "Individual Services and Support Plan" (ISSP) means a comprehensive plan for services and supports coordinated for an individual and his or her family, as applicable, that is reflective of the assessment and the intended outcomes of services, as defined in OAR 309-019-0105. ¶~~

~~(3) "Division" means the Health Systems Division of the Oregon Health Authority or designee. ¶~~

~~(54) "Occupied" means a specific individual is actively residing in a designated program living space and is receiving services as defined in OAR 309-016-0600 to 309-016-0755.410-172-0730. ¶~~

~~(65) "Occupancy Rate" means the calculated minimum rate of occupancy in a residential program's Operating Budget that reflects the percentage of occupancy needed to meet expenses. ¶~~

~~(76) "Operating Budget" means a division approved budget utilizing division prescribed forms for the purpose of setting rates in residential programs. ¶~~

~~(87) "Population Designation" means any term used to describe an individual in terms of their legal status or other category; to include but not limited to those who are civilly committed, admitted voluntarily, or under the jurisdiction of the Psychiatric Security Review Board (PSRB). ¶~~

~~(98) "Provider" means an organizational entity, or qualified person who is contractually affiliated with a Community Mental Health Program (CMHP) or contracted directly with the Division for the delivery of mental health the program administrator, individual, or organizational entity licensed by the Division that operates the program and provides services to individuals. ¶~~

~~(109) "Residential Program" means all licensed Secure Residential Treatment Facilities, Residential Treatment Facilities, and Residential Treatment Homes funded by the Addictions and Mental Health (AMH) Health Systems Division or it's designee; to provide services for mental health individuals approved by the Division or it's designee. adults diagnosed with mental health disorders. ¶~~

~~(110) "Services Plan" means those activities and treatments described in the Individual Services and Support Plan (ISSP) that are intended to assist the individual to transition to recovery from a substance use disorder, problem gambling disorder or mental health condition. a comprehensive plan for services and supports provided to or coordinated for an individual and their family that is reflective of the assessment and the intended outcomes of service. ¶~~

~~(11) "Services and Supports" means those services defined as habilitation services and psychosocial rehabilitation services under OAR 410-172-0700(1)(2) and 410-172-0710(1)(2). ¶~~

~~(12) "Supervision" means the a program staff's observation and monitoring of an individuals by program staff, at intervals necessary in order to maintain safety and an awareness of the individual's personal interaction and use of time or oversight of a program staff by the program administrator applicable to the context. ¶~~

(13) "Vacancy Rate" means the vacancy percentage calculated in a residential program's ~~O~~operating ~~B~~budget that reflects the vacant days available per month without impact on funding. ¶

(14) "Wellness" means an approach to healthcare and lifestyle that emphasizes ~~optimal and holistic~~good physical and mental health ~~and which encourages optimal quality of life while,~~ preventing illness, and prolonging life.

Statutory/Other Authority: ORS 413.042, 443.450

Statutes/Other Implemented: ORS 430.210, 443.400 - 443.460, 443.991

AMEND: 309-011-0115

RULE SUMMARY: The Division needs to amend these rules to define the reserved service capacity requirements to assure accurate compensation to providers for individuals temporarily displaced from their housing.

CHANGES TO RULE:

309-011-0115

Provider Compensation ¶

(1) Residential program providers ~~wish~~ shall be compensated for services as defined in OAR ~~309-016-0600 to 309-016-0755.~~ ¶

~~(2) Only one provider may be compensated for each day.~~ 410-172-0710 to 410-172-0730. ¶

(2) Individuals absent from ~~the~~ residential program on activities under the supervision of the program staff shall be considered as occupying their designated living space. ¶

(3) The Division may make a Reserved Service Capacity Payment ~~due~~ (RSCP) due to: ¶

~~(a) An individual's admission to an acute care/re hospite-admission or based on an Order of Revocation issued by the Psychiatric Security Review Board. In order to:~~ ¶

~~(b) An individual's admission to a respite facility to avoid re-hospitalization or revocation of a conditional release order;~~ ¶

~~(c) An Order of Revocation issued by the Psychiatric Security Review Board (PSRB);~~ ¶

~~(d) An individual awaiting a court proceeding, a PSRB hearing, or for conditional release;~~ ¶

~~(e) Facilitating a planned transfer from a hospital, another residential setting, or jail;~~ ¶

~~(f) Temporary displacement due to unforeseen circumstances.~~ ¶

(4) To receive such funding, the provider must: ¶

(a) Notify the Division within 48 hours by submitting a Reserved Service Capacity Payment (RSCP) Request form via email to: car.amh@state.or.us. ~~The Division will approve/deny the request.~~ Upon receipt of the form, the Division shall review and respond by email within ~~2~~two business days of receiving the request, or as soon as possible thereafter; ¶

(b) Receive final approval from the Division prior to receiving such payment. RSCP approvals are subject to correction or denial upon secondary review by the Division, if the approval is inconsistent with this rule or Division policy; ¶

(c) For payment request, submit a contract amendment request (CAR) and the approved Reserved Service Capacity Payment RSCP request Fform with the Client Status portion completed; at the end of each approval period, as noted on the Division's initial RSCP request response; ¶

(d) Use policies, procedures, and forms prescribed by the Division for the notification and request for payment. ¶

~~(45)~~ All residential program living spaces funded by the Division ~~or its designee~~ shall be available to any consumer approved by the Division ~~or its designee~~ without regard to their population designation or County of Responsibility.

Statutory/Other Authority: ORS 413.042, 443.450

Statutes/Other Implemented: ORS 430.210, 443.400 - 443.460, 443.991