

OFFICE OF THE SECRETARY OF STATE
DENNIS RICHARDSON
SECRETARY OF STATE

LESLIE CUMMINGS
DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION
MARY BETH HERKERT
DIRECTOR

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

PERMANENT ADMINISTRATIVE ORDER

DMAP 7-2019

CHAPTER 410
OREGON HEALTH AUTHORITY
HEALTH SYSTEMS DIVISION: MEDICAL ASSISTANCE PROGRAMS

FILED

03/27/2019 1:25 PM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: OAR 410-120-0006 Complying with Chapter 461 for Overpayment, Personal Injury Liens, Estate Administration

EFFECTIVE DATE: 04/01/2019

AGENCY APPROVED DATE: 03/27/2019

CONTACT: Sandy Cafourek 500 Summer St. NE
503-945-6430 Salem, OR 97301
sandy.c.cafourek@dhsosha.state.or.us

Filed By:
Sandy Cafourek
Rules Coordinator

AMEND: 410-120-0006

RULE TITLE: Medical Eligibility Standards

NOTICE FILED DATE: 02/14/2019

RULE SUMMARY: OAR 461-135-0834 about the delivery of required notices to the Estate Administration Unit is being amended to direct a trustee of a "special needs" or "payback" trust to mail notice of termination of a trust to the Estate Administration Unit at an address designated in this rule, and clarify that other notices that the rule already requires to be sent to DHS must be sent to the Estate Administration Unit at the address in this rule. These changes help assure that required notices are sent to the right location, and that DHS is sent notices following the termination of "special needs" or "payback" trusts, required to reimburse the Medicaid programs.

OAR 461-195-0303 about personal injury claims is being amended to indicate that the Personal Injury Liens program has authority to issue subpoenas and how they are approved. The amendment supports the role of the Personal Injury Liens program to act on behalf of both the Oregon Health Authority and the Department of Human Services to obtain information needed.

RULE TEXT:

As the state Medicaid and CHIP agency, the Oregon Health Authority (Authority) is responsible for establishing and implementing eligibility policies and procedures consistent with applicable law. As outlined in OAR 943-001-0020, the Authority and the Department of Human Services (Department) work together to adopt rules to assure that medical assistance eligibility procedures and determinations are consistent across both agencies.

- (1) The Authority adopts and incorporates by reference the rules established in OAR Chapter 461 for all overpayment, personal injury liens, and estates administration for Authority programs covered under OAR chapter 410, division 200.
- (2) Any reference to OAR chapter 461 in contracts of the Authority are deemed to be references to the requirements of this rule and shall be construed to apply to all eligibility policies, procedures, and determinations by or through the Authority.

(3) For purposes of this rule, references in OAR chapter 461 to the Department or to the Authority shall be construed to be references to both agencies.

STATUTORY/OTHER AUTHORITY: ORS 413.042

STATUTES/OTHER IMPLEMENTED: ORS 413.042, 414.065