OFFICE OF THE SECRETARY OF STATE
TOBIAS READ
SECRETARY OF STATE

MICHAEL KAPLAN
DEPUTY SECRETARY OF STATE

ARCHIVES DIVISION
STEPHANIE CLARK
DIRECTOR

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

TEMPORARY ADMINISTRATIVE ORDER

INCLUDING STATEMENT OF NEED & JUSTIFICATION

DMAP 26-2026

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

FILED: 06/29/2026 8:26 AM
ARCHIVES DIVISION SECRETARY OF STATE & LEGISLATIVE COUNSEL

FILING CAPTION: Allow CCOs to contract with certain out-of-state outpatient behavioral health provider organizations

EFFECTIVE DATE: 06/29/2026 THROUGH 12/25/2026

AGENCY APPROVED DATE: 06/26/2026

CONTACT:
Darren Coffman
503-979-8391
darren.d.coffman2@oha.oregon.gov
500 Summer Street NE
Salem, OR 97301

Filed By:
Brenna Bird
Rules Coordinator

NEED FOR THE RULE(S):

Current rule language prohibits CCOs from contracting with out-of-state behavioral health provider organizations as they will not have an OHA Certificate of Approval. This prevents CCO members from being able to access care in southern Washington, southwestern Idaho and northern California that is more convenient for them compared to other providers within the CCO's service area, if available.

JUSTIFICATION OF TEMPORARY FILING:

(1) Describe the specific consequences that result from the failure to immediately adopt, amend or suspend the rule(s):
A contract previously held between a Portland metro area CCO and a Vancouver, WA clinic cannot be renewed and contracts between an eastern Oregon CCO and Boise, ID behavioral health clinics are in jeopardy of being able to be renewed.

(2) Who would suffer these consequences:
CCOs and their members

(3) Why or how failure to immediately take rulemaking action would cause these consequences:
Leaving the rule as is requires all outpatient behavioral health provider organizations who contract with a CCO to have a certificate of approval from OHA, which an out-of-state provider organization cannot acquire.

(4) How the temporary action will avoid or mitigate those consequences:
The temporary rule will allow behavioral health provider organizations within 75 miles of the Oregon border to contract with CCO's if their location is contiguous to the CCO's service area and they are licensed within the state they operate.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

None

AMEND: 410-141-3545

RULE SUMMARY: Allows outpatient behavioral health provider organizations within 75 miles of the Oregon border to contract with coordinated care organizations to provide services to their members without an Oregon certificate of approval if they have the appropriate license within their state.

CHANGES TO RULE:

410-141-3545
C~~oordinated Care Organization~~CO Behavioral Health Provider, Treatment and Facility Certification and Licensure
Behavioral health treatment services are covered for eligible OHP clients when provided by a CCO under the following circumstances:¶
(1) Provider Organizations, ~~(~~as defined under OAR 410-120-0000~~) of~~, that provide outpatient behavioral health services shall comply with all applicable federal and state rules, including but not limited to OAR chapter 309 and any requirements in the CCO contract, and meet the following criteria:¶
(a) Be certified by the Authority as described in OAR 309-008-0250 for the scope of services provided; ~~and~~or¶
(b) ~~Comply with applicable rules, including but not limited to, those defined in OAR chapter 309 and any requirements in the CCO contract.~~ If located outside Oregon:¶
(A) Be licensed and in good standing in the state where the provider operates to provide the applicable services; and¶
(B) Be located no more than 75 miles from the Oregon border.¶
(2) A certificate may not be required for certain types of providers, regardless of whether public funds are received, as outlined in OAR 309-008-0250(4);¶
(3) Provider organizations (as defined under OAR 410-120-0000) of residential treatment services shall:¶
(a) Meet the definition of a residential treatment facility under ORS 430.010, 430.306 and 443.400;¶
(b) Be licensed by the Authority as described in ORS 443.725 and OAR chapter 415 divisions 12 and 50 for the scope of service provided; and¶
(c) Comply with applicable rules including, but not limited to, those defined in OAR chapter 415 and chapter 309 and any requirements in the CCO contract.
Statutory/Other Authority: ORS 413.042, 414.065, 430.010, 430.306, 443.400, 443.725
Statutes/Other Implemented: ORS 413.042, 414.065, 430.010, 430.306, 443.400