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TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

DMAP 1-2023

CHAPTER 410

OREGON HEALTH AUTHORITY

HEALTH SYSTEMS DIVISION: MEDICAL ASSISTANCE PROGRAMS

FILED

01/25/2023 11:14 AM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Incorporate the February 1, 2023 Prioritized List of Health Services For The Oregon Health Plan

EFFECTIVE DATE: 02/01/2023 THROUGH 07/30/2023

AGENCY APPROVED DATE: 01/25/2023

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Filed By:

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NEED FOR THE RULE(S):

This rule specifies which version of the Prioritized List of Health Services is used by the Oregon Health Plan to define the covered benefit. Important changes were made to the list and a new version was published by the Health Evidence Review Commission effective 2/1/23. Changes include the prioritization of new CPT and HCPCS procedure codes, the addition of previously omitted diagnosis and procedure codes, changes to more appropriately pair diagnosis and treatment codes previously appearing on the List, and removal of codes from the List that are obsolete or for which coverage should appropriately be determined by broader Oregon Administrative Rules (e.g., diagnostic, ancillary, excluded and informational codes). This rule change is needed to adopt these important changes for Oregon Health Plan recipients.

JUSTIFICATION OF TEMPORARY FILING:

(1) This change is necessary to ensure that Oregon Health Plan recipients receive the health coverage they are entitled to. A temporary rule filing is necessary because there was not sufficient time for Permanent Filing from when the Health Evidence Review Commission announced this change to the effective date. The rule incorporates the 2/1/23 list. This will ensure proper rule authority is in place for the coverage and financial updates that have already been made in the Oregon Health Plan.

(2) Oregon Health Plan recipients.

(3) Failure to immediately adopt this rule could leave Oregon Health Plan recipients without coverage for some services they are entitled to and for which the state and CMS have already committed funding for.

(4) The rule incorporates the 2/1/23 list. This will ensure proper rule authority is in place for the coverage and financial updates that have already been made in the Oregon Health Plan.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

February 1, 2023 Prioritized List of Health Service and Notice of Interim Modifications. These documents will be posted at the following link before February 1, 2023, and then as the current list on February 1, 2023.

<https://www.oregon.gov/oha/hpa/dsi-herc/Pages/index.aspx>

AMEND: 410-141-3830

RULE SUMMARY: Important changes were made to the list and a new version was published by the Health Evidence Review Commission effective 2/1/23.

CHANGES TO RULE:

410-141-3830

Prioritized List of Health Services

(1) The Health Evidence Review Commission (HERC) Prioritized List of Health Services (Prioritized List) is the listing of physical and behavioral health services generated and maintained by HERC. The Authority may apply criteria listed in Statements of Intent and Practice Guidelines (Guideline Notes, Ancillary Guideline Notes, and Diagnostic Guideline Notes) from the Prioritized List to codes and lines not explicitly specified in that guideline note and to services such as diagnostic, ancillary and excluded irrespective of their inclusion on the lines of the Prioritized List. The HERC maintains the most current list on their website:

<https://www.oregon.gov/OHA/HPA/DSI-HERC/Pages/Prioritized-List.aspx>. For a hard copy, contact the Division within the Oregon Health Authority (Authority).¶

(2) This rule, effective ~~Jan~~February 1, 2023, incorporates by reference the ~~Jan~~February 1, 2023 Prioritized List, funded through line 472 and including all line items, diagnosis and treatment codes, guideline notes, statements of intent, coding specifications and annotations. This Prioritized List dated ~~Jan~~February 1, 2023 supersedes the ~~October~~January 1, 2022 Prioritized List for services provided after ~~Jan~~February 1, 2023, and includes interim modifications reported as required under ORS 414.690(7) and (8).

Statutory/Other Authority: ORS 414.065, ORS 413.042

Statutes/Other Implemented: ORS 414.065, ORS 414.727