

OFFICE OF THE SECRETARY OF STATE

SHEMIA FAGAN
SECRETARY OF STATE

CHERYL MYERS
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 51-2022

CHAPTER 410

OREGON HEALTH AUTHORITY

HEALTH SYSTEMS DIVISION: MEDICAL ASSISTANCE PROGRAMS

FILED

04/27/2022 1:58 PM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Clarification of Prioritized List Guideline Notes in Rule

EFFECTIVE DATE: 04/27/2022 THROUGH 10/11/2022

AGENCY APPROVED DATE: 04/27/2022

CONTACT: Nita Kumar

503-847-1357

hsd.rules@dhsosha.state.or.us

500 Summer St. NE

Salem, OR 97301

Filed By:

Nita Kumar

Rules Coordinator

NEED FOR THE RULE(S):

This rule must clarify and explicitly state that the Authority may apply coverage 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, as well as to services such as diagnostic, ancillary and excluded irrespective of their inclusion on the lines of the Prioritized List.

JUSTIFICATION OF TEMPORARY FILING:

The Authority finds that failure to act promptly will result in serious prejudice to the public interest, the Authority, and recipients of Medicaid benefits. These rules need to be adopted promptly to clarify the correct interpretation and use of Statements of Intent and Practice Guidelines (Guideline Notes, Ancillary Guideline Notes, and Diagnostic Guideline Notes) from the Prioritized List and their application to codes and lines not explicitly specified in that guideline note. This rule change clarifies how the Agency applies the list when making coverage determinations for Oregon Health Plan recipients.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

(1) December 1, 2021 cover letter from HERC to Oregon Legislative leadership reporting interim modifications and technical changes found at: <https://www.oregon.gov/oha/HPA/DSI-HERC/PrioritizedList/1-1-2022-Notice-of-Interim-Modifications.pdf>

AMEND: 410-141-3830

SUSPEND: Temporary 410-141-3830 from DMAP 47-2022

RULE SUMMARY: The OHP program administrative rules govern the Division's payments for services provided to clients. 410-

141-3830 codifies the Prioritized List of Services used to determine which services are covered for OHP

recipients, including guideline notes containing coverage criteria related to ancillary, diagnostic, and excluded services. 141-3830 applies to all providers of Medicaid services, including Fee-for-Service per the order of precedence rule in Division 120 (410-120-0025).

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 health services, oral health and behavioral health services with "expanded definitions" of practice guidelines and s-generated and maintained by HERC. The Authority may apply criteria listed in Statements of Intent as presented to the Oregon Legislative Assembly. The Prioritized List is generand 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 noted and maintained by HERC 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 ~~Feb~~ January 1, 2024, incorporates by reference the ~~Feb~~ January 1, 2024 Prioritized List, funded through line 474 and including all line items, diagnosis and treatment codes, guideline notes, statements of intent, coding specifications and annotations. This Prioritized List dated ~~Feb~~ January 1, 2024 supersedes the ~~January~~ October 1, 2021 Prioritized List for services provided after ~~Feb~~ January 1, 2024, 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