

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 56-2022**

CHAPTER 410

OREGON HEALTH AUTHORITY

HEALTH SYSTEMS DIVISION: MEDICAL ASSISTANCE PROGRAMS

**FILED**

06/17/2022 9:04 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE  
& LEGISLATIVE COUNSEL

FILING CAPTION: Retroactively Incorporate The January 1, 2022 Prioritized List Of Health Services

EFFECTIVE DATE: 06/17/2022 THROUGH 10/11/2022

AGENCY APPROVED DATE: 06/16/2022

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 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 1/1/22. 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. It is also necessary to because the Health Systems Division, in consultation with the Office of Actuarial and Financial Analytics (OAF), has already used the 1/1/22 list to determine financial impact under the Medicaid Demonstration and has received approval by the Centers for Medicare and Medicaid Services for Oregon to draw federal funding. Failure to adopt the appropriate version of the list could jeopardize this funding.

(2) Oregon Health Plan recipients.

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

(4) The rule retroactively incorporates the 1/1/22 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:**

January 1, 2022 Prioritized List of Health Services. <https://www.oregon.gov/oha/HPA/DSIHERC/PrioritizedList/1-1-2022%20Prioritized%20List%20of%20Health%20Services.pdf>

Notice of Interim Modifications. <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 51-2022

RULE SUMMARY: Prioritized List of Health Services

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 generated 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 February 1, 2021~~ Retroactive to January 1, 2022, this rule, incorporates by reference the ~~Feb~~ January 1, 2021 Prioritized List, funded through line 4712 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, 2021 supersedes the ~~January~~ October 1, 2021 Prioritized List for services provided after ~~Feb~~ January 1, 2021, 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