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ARCHIVES DIVISION  
STEPHANIE CLARK  
DIRECTOR  
  
800 SUMMER STREET NE  
SALEM, OR 97310  
503-373-0701

**TEMPORARY ADMINISTRATIVE ORDER**  
INCLUDING STATEMENT OF NEED & JUSTIFICATION

**DMAP 32-2021**

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

**FILED**  
07/22/2021 2:38 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE  
& LEGISLATIVE COUNSEL

FILING CAPTION: Update The Effective Date Of The BRS Rate Table

EFFECTIVE DATE: 07/22/2021 THROUGH 01/17/2022

AGENCY APPROVED DATE: 07/22/2021

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):**

The legislature approved new rates effective 7-1-2021 and the current rule references rates effective the previous year 7-1-2020. The date needs to be updated to indicate the rate change and the new table will be attached.

**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 so that the Authority may reference the correct rates for behavior rehabilitation services.

**DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:**

Comprehensive BRS Rate Table – 07012021 provided by Andrew Fudge in coordination with Gary Seeder. The BRS Rates Table is available at <http://www.oregon.gov/oha/HSD/OHP/Pages/Policy-BRS.aspx>.

AMEND: 410-170-0110

RULE SUMMARY: Updates rule to reflect legislative approval of new rates effective 7-1-2021.

CHANGES TO RULE:

410-170-0110

Billing and Payment for Services and Placement-Related Activities ¶¶

Effective July 1, 2021:¶¶

- (1) The BRS contractor is compensated for a billable care day (service and placement-related activities rates) on a fee-for-service basis, except as otherwise provided for in these rules. The Authority does not make payments for any calendar day that does not meet the definition of a billable care day under this rule.¶¶
- (2) Billable care day rates are provided in the "BRS Rates Table," dated July 1, 2020~~1~~, which is adopted as Exhibit 1 and incorporated by reference into this rule. The BRS Rates Table is available at

<http://www.oregon.gov/oha/HSD/OHP/Pages/Policy-BRS.aspx>. A printed copy may be obtained from the agency. BRS contractors not meeting the QRTP requirements will be paid at the non-QRTP rate.-¶

(3) Billable Care Day:-¶

(a) For purposes of computing a billable care day, the BRS client must be in the direct care of the BRS contractor or BRS provider at 11:59 p.m. of that day, be on runaway status as defined in this rule or be on an authorized home or transitional visit in accordance with section (4) of this rule;-¶

(b) A billable care day does not include any day where the BRS client is in detention, an inpatient in a hospital, or has not yet entered or is discharged from the BRS contractor's or BRS provider's program;-¶

(c) A billable care day does not include any day in which a BRS client is on runaway status and the BRS contractor or BRS provider was responsible for less than an accumulated period of 8 hours for the primary care, support, safety, and well-being of the BRS client.-¶

(4) Home and Transitional Visits:-¶

(a) The BRS contractor and BRS provider shall include only a maximum of eight calendar days of a combination of home and transitional visits in a month, as billable care days;-¶

(b) In order to qualify as an authorized home or transitional visit day, the BRS contractor and BRS provider must:-¶

(A) Ensure that the home or transitional visit is tied to the BRS client's service plan;-¶

(B) Work with the BRS client and the BRS client's family, including fictive kin, or aftercare resource on goals for the home or transitional visit and receive regular reports from the family or aftercare resource on the BRS client's progress while on the visit;-¶

(C) Have staff available to answer calls from the BRS client and BRS client's family, including fictive kin, or aftercare resource and to provide services to the BRS client during the time planned for the home or transitional visit if the need arises;-¶

(D) Document communications with the BRS client's family, including fictive kin, or aftercare resource; and-¶

(E) Document the BRS client's progress on goals set for the home or transitional visits.-¶

(5) Invoice form:-¶

(a) The BRS contractor shall submit a monthly billing form to the agency in a format acceptable to the agency on or after the first day of the month following the month in which it provided services and placement-related activities to the BRS client. The billing form must specify the number of billable care days provided to each BRS client in that month;-¶

(b) The BRS contractor shall provide upon request, in a format that meets the agency's approval, written documentation of each BRS client's location for each day claimed as a billable care day;-¶

(c) The BRS contractor shall submit only claims for billable care days consistent with the agency's prior authorization.-¶

(6) Payment for a Billable Care Day:-¶

(a) The agency shall pay the service and placement related activities rates to the BRS contractor for each billable care day in accordance with the BRS Rates Table described in section (2) of this rule;-¶

(b) Notwithstanding section (6)(a) of this rule, the Authority shall pay only the service rate for each billable care day to a public child-caring agency who by rule or contract provides the local match share for Medicaid claims under OAR 410-120-0035 and 42 CFR 433 Subpart B. The Authority may not pay the placement related activities rate for each billable care day to these types of public child-caring agencies;-¶

(c) To the extent the payment for services is funded by Medicaid and CHIP funds:¶

(A) The BRS contractor and the BRS provider are subject to Medicaid billing and payment requirements in these rules and the Authority's general rules (OAR Chapter 410, Division 120);¶

(B) Payment using Medicaid and CHIP funds may be made only to the originating BRS contractor and not to the aftercare resource.¶

(d) To be eligible as a QRTP and receive the QRTP rate, the BRS contractor and the BRS provider are required to:¶

(A) Meet the QRTP definition in OAR 410-170-0020; and¶

(B) Submit accreditation documentation in writing annually to the contract administrator; and¶

(C) Maintain compliance as described in OAR 410-170-0030(11)(L).¶

(7) Third Party Resources:-¶

(a) The Authority's BRS contractors must make reasonable efforts to obtain payment first from other resources consistent with OAR 410-120-1280;-¶

(b) The Department's and OYA's BRS contractors are not required to review or pursue third party resources. The Department and OYA must make reasonable efforts to obtain payment first from other resources consistent with OAR 410-120-1280 for Medicaid-eligible BRS clients.-¶

(8) Public child-caring agencies who are responsible by rule or contract for the local match share portion of eligible Medicaid claims must comply with OAR 410-120-0035 and 42 CFR 433 Subpart B.-¶

(9) In cases where the BRS contractor is not also the BRS provider, the BRS contractor is responsible for compensating the BRS provider for billable care days pursuant to the agency-approved subcontract between the BRS contractor and the BRS provider.-¶

(10) The Authority may not be financially responsible for the payment of any claim that the Centers for Medicare and Medicaid Services (CMS) disallows under the Medicaid or CHIP program. If the Authority previously paid the agency or BRS contractor for any claim that CMS disallows, the payment shall be recouped pursuant to OAR 410-120-1397. The Authority shall recoup or recover any other overpayments as described in OAR 410-120-1397 and 943-120-0350 and 943-120-1505.

Statutory/Other Authority: ORS 413.042, 414.065

Statutes/Other Implemented: ORS 414.065

RULE ATTACHMENTS DO NOT SHOW CHANGES. PLEASE CONTACT AGENCY REGARDING CHANGES.

**BRS Rate Table**

| <b>BRS Type of Care</b>  | <b>Placement Model</b> | <b>Accredited Status</b> | <b>Service Rate per Billable Care Day</b> |
|--|------------------------|--------------------------|---|
| <b>Shelter</b>   | Proctor Care Model     | Non-QRTP                 | \$140.12                                  |
|  | Residential Care Model | Non-QRTP                 | \$163.67                                  |
| <b>Community Step-Down; Independent Living Program</b>   | Proctor Care Model     | Non-QRTP                 | \$143.58                                  |
|  | Residential Care Model | Non-QRTP                 | \$167.38                                  |
|  |                        | QRTP                     | \$167.38                                  |
| <b>Proctor Care; Assessment and Evaluation Proctor</b>   | Proctor Care Model     | Non-QRTP                 | \$162.28                                  |
| <b>Proctor Enhanced Services</b>   | Proctor Care Model     | Non-QRTP                 | \$178.31                                  |
| <b>Enhanced Structure Independent Living Program</b>   | Residential Care Model | Non-QRTP                 | \$202.63                                  |
|  |                        | QRTP                     | \$202.63                                  |
| <b>Basic Residential; Rehabilitation Services; and Assessment and</b>                                  | Residential Care Model | Non-QRTP                 | \$201.24                                  |
|  |                        | QRTP                     | \$201.24                                  |
| <b>Intensive Rehabilitation Services; Intensive Residential; and Short- Term Stabilization Program</b> | Residential Care Model | Non-QRTP                 | \$242.26                                  |
|  |                        | QRTP                     | \$242.26                                  |
| <b>Intensive Behavioral Support</b>  | Residential Care Model | Non-QRTP                 | \$350.85                                  |
|  |                        | QRTP                     | \$350.85                                  |

Effective July 1, 2021

| <b>Placement Related Activities Rate per Billable Care Day</b> | <b>Total Daily Rate per Billable Care Day</b> | <b>Absent Day Rate</b> |
|--|---|------------------------|
| \$75.35  | \$215.47                                      | \$107.74               |
| \$74.45  | \$238.12                                      | \$119.06               |
| \$77.26  | \$220.84                                      | \$110.42               |
| \$76.13  | \$243.51                                      | \$121.76               |
| \$80.35  | \$247.73                                      | \$123.87               |
| \$78.11  | \$240.39                                      | \$120.20               |
| \$79.67  | \$257.98                                      | \$128.99               |
| \$87.66  | \$290.29                                      | \$145.15               |
| \$91.88  | \$294.51                                      | \$147.26               |
| \$87.54  | \$288.78                                      | \$144.39               |
| \$91.76  | \$293.00                                      | \$146.50               |
| \$88.12  | \$330.38                                      | \$165.19               |
| \$92.34  | \$334.60                                      | \$167.30               |
| \$122.51   | \$473.36                                      | \$236.68               |
| \$129.07   | \$479.92                                      | \$239.96               |