



PERMANENT ADMINISTRATIVE ORDER

FILED

12/28/2021 2:48 PM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

DMAP 52-2021

CHAPTER 410

OREGON HEALTH AUTHORITY

HEALTH SYSTEMS DIVISION: MEDICAL ASSISTANCE PROGRAMS

FILING CAPTION: Changes Required To Support The CMS Approved SPA & 1115 SUD Waiver Demonstration Project

EFFECTIVE DATE: 01/01/2022

AGENCY APPROVED DATE: 12/28/2021

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AMEND: 410-172-0670

NOTICE FILED DATE: 11/02/2021

RULE SUMMARY: This is amending the Substance Use Disorder Services rule to incorporate changes to services based on Centers for Medicare and Medicaid Services (CMS) approval of Oregon's 1115 Demonstration Waiver.

CHANGES TO RULE:

410-172-0670

Substance Use Disorder Treatment Services ¶

(1) Substance Use Disorder (SUD) treatment services ~~include, but are not limited to,~~ shall be culturally and linguistically appropriate and include: screening; assessment; individual counseling; group counseling; individual family, group and/or couple counseling, group family and/or couple counseling; care coordination; medication-assisted treatment; medication management; collection and handling of specimens for substance analysis; interpretation services; ~~detoxification for substance use disorders; synthetic opioid treat,~~ acupuncture, withdrawal management, opioid treatment, crisis stabilization services as described in OAR chapter 309 division 023, community integration services, housing support services and employment supports services as described in OAR chapter 309 division 019, case management or targeted case management; and acupuncture peer delivered services. ¶

(2) Providers seeking reimbursement for the provision of ~~substance use disorder~~ SUD services within the scope of their practice under ~~state law~~ Oregon Revised Statute (ORS) chapter 430 shall meet one of the following qualifications: ¶

(a) ~~Certificate~~ Maintain a SUD Certification of Approval (COA) issued by the Division as described in OAR chapter ~~415,309~~ division 01208; ¶

(b) Any facility that meets the definition of a residential treatment facility for substance-dependent individuals under ORS 443.400 or withdrawal management programs also known as a detoxification center as defined in ORS 430.306 shall have a SUD certificate issued by the Division as described in OAR chapter 415, division 012; ¶

(c) ~~Synthetic o~~ Opioid treatment programs shall meet the requirements described in OAR chapter ~~415,309~~ division 0208; ¶

(d) Substance use withdrawal management programs also known as detoxification program centers shall meet the standards described in OAR-~~415,~~ chapter 050309 division 008; ¶

(e) Physician or Physician Assistant licensed ~~by~~ to practice in the State of Oregon, as described in OAR chapter 847 division 065; ¶

(f) ~~Advanced Practice Nurse including Clinical Nurse Specialist and Certified Nurse Practitioner licensed by the Oregon Board of Nursing to practice in the State of Oregon by the Oregon Board of Nursing, as described in OAR chapter 851 division 053;~~

(g) ~~Professional Counselor or Marriage and Family Therapist licensed to practice in the State of Oregon by the Oregon Board of Licensed Professional Counselors and Therapists, as described in chapter 833 division 030 to 040;~~

(h) ~~Clinical Social Worker licensed to practice in the State of Oregon by the Oregon Board of Licensed Social Workers, as described in OAR chapter 877 division 020;~~

(i) ~~Psychologist licensed by to practice in the Oregon Board of Psychology as described in OAR chapter 858 division 010;~~

(j) ~~Licensed Psychologist Associate granted independent status as described in OAR 858-010-0039~~chapter 858 division 010;

(k) ~~Licensed Master Social Worker licensed to practice in the State of Oregon by the Oregon Board of Licensed Social Workers as described in OAR 877-015-0105;~~

~~(L) Acupuncturist licensed by the Oregon Medical Board chapter 877 divisions 015 and 020;~~

(L) ~~Acupuncturist licensed to practice in the State of Oregon by the Oregon Medical Board as described in OAR chapter 847 division 070;~~

(m) "Specialty Program" means a licensed Residential Substance Use Disorder treatment program that focuses on providing treatment to specialized populations. Treatment programming and planning must be specialized to the population and individual being served.

(3) ~~Board registered intern providers shall be supervised by a paid provider described in section (2)(g-i) of this rule under an active board approved plan of practice and supervision and meet one of the following qualifications:~~

(a) ~~Psychologist Associate Residents as described in OAR 858-chapter 858 division 010-0037;~~

(b) ~~Licensed Psychologist Associate under continued supervision as described in OAR 858-010-0038~~chapter 858 division 010;

(c) ~~Licensed Professional Counselor intern or Marriage and Family Therapist intern registered with the Oregon Board of Licensed Professional Counselors and Therapists as described in OAR 833-050-0011~~chapter 833 division 050;

(d) ~~Certificate of Clinical Social Work Associate issued by the Oregon Board of Licensed Social Workers as described in OAR 877-020-0009~~chapter 877 division 020;

(e) ~~Registered bachelor of social work issued by the Oregon Board of Licensed Social Workers as described in OAR 877-015-0105~~chapter 877 division 020.

(4) ~~Providers exempt from licensure or registration per ORS 675.090(f), 675.523(3) or 675.825(e) shall be employed by or contracted with a provider organization certified by the Authority under ORS 430.610 to 430.695 as described in (2)(a-d) of this rule and an entity that is certified or licensed by the State of Oregon under OAR chapter 309 division 008 to provide mental health treatment or addiction services, provided that the person is practicing within the lawful scope of the person's employment or contract.~~

(5) ~~Providers seeking reimbursement for the provision of SUD Residential Specialty Program must meet one of the following qualifications:~~

(a) ~~Qualified mental health professional as defined in OAR 309-019-0125(8);~~

(b) ~~Qualified mental health associate as defined in OAR 309-019-0125(7);~~

(c) ~~Mental health intern as defined in OAR 309-019-0105(68); or Pregnant and/or parenting with dependent children. Such programs shall ensure:~~

(A) ~~Individuals receiving services:~~

(i) ~~Are pregnant, or;~~

(ii) ~~Have their infant(s) and/or toddler(s)/ young child(ren) reside with them in the treatment facility, or;~~

(iii) ~~Are complying with a DHS plan to regain custody of their child(ern) and have a recommendation from the DHS caseworker to attend a parenting program;~~

(B) ~~Day Care be provided for every infant and toddler;~~

(C) ~~Evidence-based parenting practices are made available to all individuals;~~

(D) ~~Family therapy is made available to all individuals;~~

(E) ~~Screening and counseling services are made available for each child;~~

(dF) ~~Peer Support Specialist or Recovery Mentor as defined in OAR 410-180-0305(13);~~

(e) ~~Substance Use Disorder counselor certified by a national or stSchool-aged children attend school regularly and are provided assistance with their schoolwork or a tutor or other support as identified by the school, parent, DHS or program; and~~

(G) ~~Transportation is arranged or provided for medical and educational and other necessities; and~~

(H) ~~Peer-delivered services are made available.~~

(b) Culturally Specific programs shall be designed to meet the unique service needs of a specific culture and

provide services designed to meet the needs of the majority of individuals representing that culture.

(A) Types of culturally specific programs include:

(i) LGBTQIA2S+;

(ii) Specific cultural, racial and/or ethnic group(s) including tribal members;

(iii) Veterans.

(B) Culturally specific programs shall:

(i) Be approved and designated accrediting body's a culturally specific programs on license and meet all criteria in OAR 309-018-0170;

(ii) Provide Peer-delivered services.

Statutory/Other Authority: ORS 413.042, 430.640

Statutes/Other Implemented: ORS 413.042, 430.640, 414.025, 414.065, ~~430.640~~, 430.705, 430.715