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TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

DMAP 25-2023

CHAPTER 410

OREGON HEALTH AUTHORITY

HEALTH SYSTEMS DIVISION: MEDICAL ASSISTANCE PROGRAMS

FILED

04/05/2023 9:38 AM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Amend 410-172-0670 to include language related to Community Transition Services, clean up language.

EFFECTIVE DATE: 04/07/2023 THROUGH 10/02/2023

AGENCY APPROVED DATE: 04/04/2023

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Filed By:
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NEED FOR THE RULE(S):

Including language related to Community Transition Services, a requirement of the SUD 1115 Waiver to stabilize individuals transitioning out of residential treatment. These services need to be outlined clearly in rule to insure providers are supported in the use of these services through CCO's and Medicaid FFS funding.

JUSTIFICATION OF TEMPORARY FILING:

- (1) Deliverables are required to be completed by 4/7/2023 per CMS, with the risk of CMS deciding to discontinue the overall SUD 1115 Waiver for failure to deliver on expected outcomes.
- (2) Individuals receiving substance use disorder treatment at risk of relapse or homelessness, future CMS collaboration related to Social Determinants of Health, specifically related to employment supports that have been difficult to get approved, providers who are looking to expand treatment beds and utilize the SUD 1115 Waiver to receive CMS funding for the beds, individuals seeking opioid use disorder treatment and medication assisted treatment, communities losing the substance use disorder/opioid use disorder expanded services and continued increasing in wait times for individuals accessing services (resulting in increased overdoses, increased criminal involvement, increased individuals experiencing homeless, increased negative outcomes with child welfare for parents trying to engage in treatment). This waiver has been approved since 04/07/2021, and individuals will benefit from standing up these rules which will give providers structure to implement and treat people.
- (3) Failure to take rulemaking action could result in CMS making the decision that we are not adequately demonstrating the SUD 1115 waiver and withdrawing support and funding, resulting in the waiver allowing for CMS funds to be used for IMD SUD treatment beds. This would mean all cost of these treatments would be the responsibility Oregon's budget. Additionally, failure to take rulemaking action delays further access to the money providers could be using to implement transition services, increasing potential negative outcomes for individuals engage in SUD treatment and their communities.
- (4) We have fully vetted these services and supports with providers, and provided them the opportunity to give us feedback and input on policy regarding the impact it will have on their services and the individuals served. They are ready to begin offering Community Transition Services to qualified individuals, as providers have been a part of the

creation and conversation surrounding the SUD 1115 from the beginning, having offered multiple provider feedback sessions prior to implementation, and now several provider webinar sessions related to the SUD 1115 Waiver and the Community Transition Services located within it.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

SUD 1115 Waiver Special Terms & Conditions
SUD 1115 Waiver Implementation Plan
SPA 21-0012 Add substance use disorder rehabilitation services- Approved 08-26-2021
SUD Waiver Website
Billing and Coding Webinar; Billing and Coding Webinar Notes & Slide Deck
SUD 1115 Provider Webinar; SUD 1115 Provider Webinar Notes & Slide Deck

AMEND: 410-172-0670

RULE SUMMARY: Amending rule to include Community Transition Services

CHANGES TO RULE:

410-172-0670
Substance Use Disorder Treatment Services ¶

- (1) Substance Use Disorder (SUD) treatment services shall be culturally and linguistically ~~appropriate~~ responsive and include; screening, assessment, individual counseling, group counseling, individual family 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, 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 peer delivered services.¶
- (2) Providers seeking reimbursement for the provision of SUD services within the scope of their practice under Oregon Revised Statute (ORS) chapter 430 shall meet one of the following qualifications:¶
- (a) Maintain a SUD Certification of Approval (COA) issued by the Division as described in OAR chapter 309 division 008;¶
- (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 certification issued by the Division as described in OAR chapter 415, division 012;¶
- (c) Opioid treatment programs shall meet the requirements described in OAR chapter 309 division 008;¶
- (d) Substance use withdrawal management programs also known as detoxification centers shall meet the standards described in OAR chapter 309 division 008;¶
- (e) Physician or Physician Assistant licensed 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 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 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 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 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~~ shall 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 chapter 858 division 010-0037;¶

(b) Licensed Psychologist Associate under continued supervision as described in OAR 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 chapter 833 division 050;¶

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

(e) Registered Bachelor of Social Work issued by the Oregon Board of Licensed Social Workers as described in OAR chapter 877 division 020.¶

(4) Providers exempt from licensure or registration per ORS 675.523(3) shall be employed by or contracted with 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~~shall ensure individuals accessing services meet one of the following qualifications:¶

(a) 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 ODHS 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/or toddler;/-young child; and¶

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

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

(E) Screening and counseling services are made available for each child; as defined under OAR chapter 309 division 018; and¶

(F) School-aged children attend school regularly and are provided assistance with their schoolwork or a tutor or other support as identified by the school, parent, ODHS, EPSDT or program; and¶

(G) Transportation is arranged or provided for medical, dental, outpatient behavioral health and educational and other necessities; and¶

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

~~(b) Culture offered when medically necessary and appropriate and identified in an individual's treatment plan.~~¶

(b) Culturally and Linguistically Specific programServices 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~~ tribe;¶

~~(iii) Tribal members;~~¶

~~(iiiiv) Veterans.~~¶

(B) ~~Culturally and Linguistically Specific program~~Services shall:¶

(i) Be approved and designated as a culturally specific programs on license and meet all criteria in OAR 309-018-~~01765-0000;~~¶

(ii) Provide Peer-delivered services.¶

(6) Providers seeking reimbursement for Community Transition Services for SUD Residential Programs shall meet one of the following qualifications:¶

(a) Not to exceed \$5,000 per member per lifetime;¶

(b) Enable individuals to obtain an independent, community-based living setting;¶

(c) Allowable expenses may include:¶

(A) Security deposits required to obtain a lease on an apartment or home;¶

(B) Essential household furnishings required to occupy and use a community domicile including furniture, window coverings, food preparation items, and bed/bath linens;¶

(C) Set-up fees or deposits for utility or service access, including telephone, electricity, heating and water;¶

(D) Services necessary for the individual's health and safety such as pest eradication and one-time cleaning prior to occupancy;¶

(E) Moving expenses;¶

(F) Necessary home accessibility adaptations;¶

(G) Activities to assess need, arrange for, and procure needed resources. ¶

(d) Services not included in the Community Integration Services Housing Benefit: ¶

(A) Payment of rent or other room and board costs:¶

(B) Capital costs related to the development or modification of housing:¶

(C) Expenses for utilities or other regular occurring bills:¶

(D) Goods or services intended for leisure or recreation:¶

(E) Duplicative services from other state or federal programs:¶

(F) Services to individuals in a correctional institution or an Institution of Mental Disease (IMD) (other than services that meet the exception to the IMD exclusion):¶

(G) Community Transition Services are furnished only to the extent that they are reasonable and necessary as determined through the service plan development process, clearly identified in the service plan and only when the person is unable to meet such expense or when the services cannot be obtained from other sources. Community Transition Services do not include monthly rental or mortgage expense, food, regular utility charges, and/or household appliances or items that are intended for purely diversional/recreational purposes.

Statutory/Other Authority: ORS 413.042, 430.640

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