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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

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

FILED

08/14/2023 10:34 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Adopt October Prioritized list of Health Services for the Oregon Health plan effective October 1

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 09/21/2023 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

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Filed By:
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NEED FOR THE RULE(S)

The Oregon Health Plan uses the Prioritized List of Health Services to define the covered benefit. The list will be updated to a new version effective October 1. This change is needed to adopt the most current version for the Oregon Health Plan.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

The October Prioritized list will be posted at this site approximately one month before the effective date.
<https://www.oregon.gov/oha/hpa/dsi-herc/Pages/index.aspx>

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

This rule change has a general impact and is not anticipated to change racial equity in this state either positively or negatively.

FISCAL AND ECONOMIC IMPACT:

Fiscal impact has been accounted for by the Health Evidence Review commission in their work preparing the October List.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) None anticipated.

(2)

(a) None anticipated.

(b) None anticipated.

(c) None anticipated.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

The public including small businesses were included in the Health Evidence Review Commission's work preparing the October List.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

Input from experts and the public was received and considered by the Health Evidence Review Commission in preparing the October List.

AMEND: 410-141-3830

RULE SUMMARY: The Oregon Health Plan uses the Prioritized List of Health Services to define the covered benefit. The list will be updated to a new version effective October 1. This change is needed to adopt the most current version for the Oregon Health Plan.

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 and behavioral health services generated and maintained by HERC. The Authority may apply 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 and 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~~October 1, 2023, incorporates by reference the ~~February~~October 1, 2023 Prioritized List, funded through line 472 and including all line items, diagnosis and treatment codes, guideline notes, statements of intent, coding specifications and annotations. This Prioritized List dated ~~February~~October 1, 2023 supersedes the ~~Janu~~February 1, 2023 Prioritized List for services provided after ~~February~~October 1, 2023, 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