

## Frequently asked questions about the *OHP Agreement to Pay for Pharmacy Services (OHP 3166)*

Effective January 1, 2020, the Oregon Health Authority (OHA) will provide a pharmacy-specific Agreement to Pay form (OHP 3166) for pharmacies to use to comply with Oregon Administrative Rule (OAR) [410-120-1280\(3\)](#) when Oregon Health Plan members want to pay out-of-pocket for their prescription(s).

This form is available on the Oregon Health Plan website at [bit.ly/ohp-pharmacy](https://bit.ly/ohp-pharmacy) (look under “Forms” in the “Pharmacy Quick Links”).

This fact sheet answers questions OHA has received from pharmacies and coordinated care organizations (CCO) about using this form.

### **What happens when a member does not want to sign the form?**

OHA created this form to protect both the member and the pharmacy when the member wants to pay out-of-pocket for a prescription. OAR [410-120-1280](#) requires providers to complete an Agreement to Pay form with the member to document that the member agrees to pay out-of-pocket for the prescription cost. It is in the pharmacy’s best interest to have the member sign the form.

If the client refuses to complete the form, please explain that all Oregon Health Plan (OHP) pharmacies are now required to have clients complete this form before accepting payment from OHP clients. The pharmacy may return the prescription to the member, if requested.

### **What qualifies as “proof” of legal authority?**

Providers need to use their own judgment for each scenario; some may or may not require the pharmacist to ask for proof of legal authority. For example, if a parent is picking up the prescription and the pharmacist can confirm this from the profile history, previous interactions, state-issued ID, etc., then the provider can use their judgement whether to request additional documentation of legal authority.

In the more complex scenarios related to legal guardians and power of attorney, the provider should use their judgement about requesting proof of legal authority. Legal guardians and people who have power of attorney should have some sort of documentation of their legal authority with them.

### **Will the pharmacy have to call the state every time to determine emergency supply?**

Yes. OHA will offer a 96-hour emergency supply in many cases; but the pharmacy will need to call OHA to make sure the prescription qualifies.