

# Health Systems Division: Behavioral Health Services - Chapter 309

August 14, 2019

## *Round 2 Redline*

### **Division 9. CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINIC (CCBHC) PROGRAM**

#### **309-009-0000 Purpose and Scope**

These rules establish the Certified Community Behavioral Health Clinic (CCBHC) program and define the criteria and process that the Authority shall use to recognize and verify status as CCBHCs. These rules specify the standards for the CCBHC application and certification process. ~~In addition to meeting all state and federal criteria, only organizations certified under OAR 309-019-0100 to 309-019-0220 (Outpatient Addictions and Mental Health Services) and OAR 309-008-0100 to 309-008-1600 (Standards for Certification of Behavioral Health Treatment Services) may become certified.~~

Statutory/Other Authority: ORS 413.042

Statutes/Other Implemented: ORS 413.042

History:

OHP 10-2018, renumbered from 409-062-0000, filed 08/01/2018, effective 08/01/2018

OHP 14-2016, f. & cert. ef. 9-26-16

OHP 7-2016(Temp), f. & cert. ef. 4-22-16 thru 10-18-16

### 309-009-0010 Definitions

In addition to the definitions listed in OAR 309-001-0100, the following definitions apply to this OAR chapter 309, division 009. ~~409-062-0000 to 409-062-0060:~~

~~(1) "Authority" means the Oregon Health Authority.~~

~~(12)~~ "CCBHC" means the Certified Community Behavioral Health Clinic.

~~(3) "CCBHC application" means the survey link that is posted on the CCBHC program website.~~

~~(24)~~ "Certification" means the process by which the Authority ~~uses to determine whether if~~ a practice has met the criteria specified in these rules in the document titled "Criteria for the Demonstration Program to Improve Community mental Health Centers and to Established Certified Community Behavioral Health Clinics" as well as the Oregon state CCBHC standards.

~~(35)~~ "Certified" means that the Authority has affirmed that a practice substantially meets the federal and Oregon CCBHC standards

~~(46)~~ "Practice" means an individual, facility, institution, corporate entity, or other organization which provides direct health care services or bills, obligates and receives reimbursement on behalf of a performing provider of services, also termed a billing provider (BP). The term provider refers to both performing providers and BPs unless otherwise specified.

~~(57)~~ "Program" means activities associated with the CCBHC planning grant.

~~(68)~~ "Program website" means <http://www.oregon.gov/oha/HPA/CSI-BHP/Pages/Community-BH-Clinics.aspx>.

~~(79)~~ "Verification" means the process that the Authority shall conduct to ensure that a practice has submitted accurate information to the Authority for purposes of CCBHC certification.

Statutory/Other Authority: ORS 413.042

Statutes/Other Implemented: ORS 413.042

History:

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### **309-009-0020 Program Administration**

(1) The Program shall develop and implement a uniform application and process for certifying CCBHCs throughout the state of Oregon.

(2) The Authority shall recognize practices as certified CCBHCs upon meeting criteria set forth in OAR ~~309-009-0040~~409-062-0040.

(3) The Authority shall administer the Program, including data collection and analysis, recognition, and verification that a practice meets the defined CCBHC criteria.

(4) The Authority may also provide technical assistance.

Statutory/Other Authority: ORS 413.042

Statutes/Other Implemented: ORS 413.042

History:

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### 309-009-0030 Application and Certification Process

(1) To be certified as a CCBHC, practices or their designee shall submit a CCBHC application electronically to the Authority using the Program's online application system found on the program website or by mail to the address posted on the program website. The application period ~~which~~ shall be open for 30 days, or a longer period as designated by the ~~The Authority may choose to extend the application period beyond 30 days.~~

(2) The Authority shall review the application within 30 days of its submission to determine whether it is accurate, complete, and meets the certificated requirements. If the application is incomplete the Authority shall notify the applicant in writing of the information that is missing and when it must be submitted.

(3) The Authority shall review a complete application within 45 days of submission. If the Authority determines that the applicant has met the requirements of these rules the Authority shall:

(a) Inform the applicant in writing that the application has been approved as a potential CCBHC;

(b) Assign a preliminary level of readiness for certification; and

(c) Include information regarding site visit planning, including, but not limited to, needs assessment requests, an anticipated agenda, schedule, and materials required for the site visit.

(4) The Program shall post instructions and criteria for submitting a CCBHC application on the Program website.

(5) The Authority may deny CCBHC certification if an applicant does not meet the requirements of these rules.

(6) A practice may request that the Authority reconsider the denial of CCBHC recognition or reconsider the assigned level of readiness.

(a) A request for reconsideration must be submitted in writing to the Authority within 30 days of the date of the denial or approval letter and must include a detailed explanation of why the practice believes the Authority's decision is in error, along with any supporting documentation.

(b) The Authority shall inform the practice in writing whether it has reconsidered its decision.

Statutory/Other Authority: ORS 413.042

Statutes/Other Implemented: ORS 413.042

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### 309-009-0040 Certification Criteria

A practice seeking CCBHC certification must meet the following criteria:

- (1) Complete CCBHC application process, meeting the designation of “ready to certify” or “mostly ready to certify” (with or without assistance) designation;
- (2) Meet all federal criteria stated in the document titled “Criteria for the Demonstration program to Improve Community mental health Centers and to Establish Certified Community Behavioral Health Clinics”;
- (3) Meet all Oregon criteria, including the following:
  - (a) The organization must be certified under OAR 309-019-0100 through 309-019-0220 (Outpatient Behavioral Health Services) and OAR 309-008-0100 to 309-008-1600 (Certification of Behavioral Health Treatment Services);
  - (b) The organization must meet all criteria articulated in guidance documents posted to the Authority’s website stated in the Oregon CCBHC standards;
- (4) Agree to a verification site visit and follow-up activities with the CCBHC site review team; and
- (5) Agree to contributeing to and participat~~ing~~ing in the statewide needs assessment process.

Statutory/Other Authority: ORS 413.042

Statutes/Other Implemented: ORS 413.042

History:

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### 309-009-0050 Level of Readiness Designation

~~(1)~~The Authority shall award one of the following three levels of readiness designations when reviewing ~~to~~ practices that apply for implementing multiple advanced CCBHC certification measures, including:

(1a) Ready to certify: Currently meets the required criteria.

(2b) Mostly ready to certify: Currently meets the majority of required criteria and has plans and a timeline in place to meet remaining required criteria. The Authority may award a designation of “mostly ready to certify with assistance” if the practice

~~(c) Mostly ready to certify with assistance:~~ Currently meets the majority of required criteria, with-but needs ~~for~~ significant technical assistance to meet the remaining required criteria and to develop a plan and timeline to meet remaining required criteria.

(3z) Not ready to certify: Does not meet all certification criteria.

Statutory/Other Authority: ORS 413.042

Statutes/Other Implemented: ORS 413.042

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### 309-009-0060 Variances

(1) The Authority may grant a variance to a CCBHC applicant or provider if only if the proposed alternative:

(a) Is consistent with all statutory requirements; and There is a lack of resources to meet the criteria required in these rules; or

(b) Would not jeopardize the health, life, or safety of the individuals served, or would otherwise result in services or systems that meet or exceed applicable regulatory standards. Implementation of the proposed alternative services, methods, concepts or procedures would result of improved outcomes for the individual.

(2) CCBHC applicants must submit the variance request directly to the CCBHC project team.

~~(3)~~ The request must be in writing and must contain the following:

(a) A description and applicable details of the variance requested, including the applicable section of the rule for which the variance is sought Criteria from which the variance is sought;

(a) The rationale and necessity for the requested variance, such as a lack of resources to meet a regulatory requirement The reason for the proposed variance;

(c) The alternative practice, service, method, concept, or procedure proposed, and;

(d) The proposed duration of the variance, including Aa plan and timetable for compliance with the section of criteria for which the variance applies.

~~(34)~~ The CCBHC principal investigator must approve or deny the request for a variance, and must notify the provider in writing of the decision to approve or deny the requested variance, within 30 days of receipt of the variance request. The written notification must include the specific alternative practice, service, method, concept, or procedure that is approved and the duration of the approval.

(4) An applicant or provider may appeal a denied variance request by filing a written appeal with the Authority within 14 days of the denial. The Authority shall issue a decision within 30 days of receipt of the appeal. The Authority's decision on appeal shall be final.

(5) Granting a variance for one request does not set a precedent that must be followed by the Authority when evaluating subsequent requests for variance.

Statutory/Other Authority: ORS 413.042

Statutes/Other Implemented: ORS 413.042

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