Secretary of State

NOTICE OF PROPOSED RULEMAKING HEARING*

A Statement of Need and Fiscal Impact accompanies this form

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Oregon Health Authority, Health Policy and Analytics — 409
Agency and Division — Administrative Rules Chapter Number

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Rules Coordinator — Telephone

Oregon Health Authority, Health Policy and Analytics, 500 Summer St. NE, E-65, Salem, OR 97301
Address

RULE CAPTION

Proposed permanent adoption of the Certified Community Behavioral Health Clinic Program Application and Certification Requirements

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

Hearing Date	Time	Location	Hearings Officer
9-20-16	11:00 a.m.	500 Summer St NE, Room 456, Salem OR 97301	Zarie Haverkate

RULEMAKING ACTION

Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

ADOPT:
OAR 409-062-0000, 409-062-0010, 409-062-0020, 409-062-0030, 409-062-0040, 409-062-0050, 409-062-0060

AMEND:

REPEAL:
OAR 409-062-0000(T), 409-062-0010(T), 409-062-0020(T), 409-062-0030(T), 409-062-0040(T), 409-062-0050(T), 409-062-0060(T)

RENUMBER: Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

AMEND AND RENUMBER: Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

Statutory Authority:
ORS 413.042

Other Authority:
Protecting Access to Medicare Act of 2014, H.R. 4302, Section 223

Statutes Implemented:
ORS 413.042

RULE SUMMARY

Congress passed the Protecting Access to Medicare Act (H.R. 4302) in March 2014. This legislation includes provisions of the Excellence in Mental Health Act - an eight-state demonstration program and the single largest investment in community behavioral health in more than 50 years. The Oregon Health Authority was awarded a federal planning grant from October 2015 to October 2016. The Authority filed temporary rules in April 2016 to establish the Certified Community Behavioral Health Clinic (CCBHC) Program. The rules implement CCBHC standards and process for certifying CCBHCs for purposes of qualifying for a CCBHC Demonstration Grant. The Authority is seeking to make permanent the current language in the temporary rule which will allow CCBHC Planning Grant activities to continue to move forward.

Notice of rulemaking and documents are available at: http://www.oregon.gov/OHA/OHPR/pages/rulemaking/index.aspx. For hardcopy requests, call 503-931-6420. Additional information regarding the CCBHC grant and program is available on the CCBHC Website: http://www.oregon.gov/oha/bhp/Pages/Community-BH-Clinics.aspx.

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.

09-22-2016 5:00 p.m.	Zarie Haverkate	zarie.haverkate@state.or.us
Last Day *(m/d/yyyy)* and Time	Rules Coordinator Name	Email Address

for public comment

*The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation.

Secretary of State

STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing accompanies this form.

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Oregon Health Authority, Health Policy and Analytics — 409

Agency and Division — Administrative Rules Chapter Number

Proposed permanent adoption of the Certified Community Behavioral Health Clinic Program Application and Certification Requirements

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:

The permanent adoption of OAR 409-062-0000, 409-062-0010, 409-062-0020, 409-062-0030, 409-055-0040, 409-055-0050, and 409-055-0060.

Statutory Authority:

ORS 413.042

Other Authority:

Protecting Access to Medicare Act of 2014, H.R. 4302, Section 223

Statutes Implemented:

ORS 413.042

Need for the Rule(s):

The Oregon Health Authority, Health Policy and Analytics, is planning to file permanent rulemaking of temporary rules to allow the Authority to certify potential CCBHCs. This rule allows CCBHC Planning Grant activities to proceed by allowing the launch of the CCBHC application and certification process.

Documents Relied Upon, and where they are available:

- Oregon Standards for CCBHCs
- Guidance to Planning Grant States to Apply to Participate in the Section 223 CCBHC Demonstration Program
- Criteria for the Demonstration Program to Improve Community Mental Health Centers and to Establish Certified Community Behavioral Health Clinics
- Any clarifying or amending documents to the federal guidance documents.
- "Protecting Access to Medicare Act of 2014" (H.R. 4302, Section 223)

Available on the CCBHC program website at: http://www.oregon.gov/oha/bhp/Pages/Community-BH-Clinics.aspx.

Fiscal and Economic Impact:

None.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

Because this is a new program and because participation will be voluntary, the Authority is unable to estimate a precise financial impact. Clinics wishing to participate will be required to apply for participation in the program.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small business and types of businesses and industries with small businesses subject to the rule:

N/A

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

The state and certified CCBHCs will periodically report to SAMHSA during the demonstration grant period (2017-2019).

c. Equipment, supplies, labor and increased administration required for compliance:

None.

How were small businesses involved in the development of this rule?

N/A

Yes

If not, why?:

The advisory committee included members of the standing CCBHC Advisory Group which is comprised of diverse stakeholders from across Oregon, representing providers, consumers, policy makers, health plans and professional associations.

09-22-2016 5:00 p.m.	Zarie Haverkate	zarie.haverkate@state.or.us
Last Day (m/d/yyyy) and Time for public comment	Printed Name	Email Address

Chapter 409

OREGON HEALTH AUTHORITY, HEALTH POLICY AND ANALYTICS

DIVISION 62
Certified Community Behavioral Health Clinic Program

409-062-0000~~(T)~~
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.

Stat. Auth: ORS 413.042
Stats. Implemented: ORS 413.042

409-062-0010~~(T)~~
Definitions

The following definitions apply to OAR 409-062-0000 to 409-062-0060:

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

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

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

(4) "Certification" means the process which the Authority uses to determine if a practice has met the criteria 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.

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

(6) "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.

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

(8) "Program website" means http://www.oregon.gov/oha/bhp/Pages/Community-BH-Clinics.aspx.

(9) "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.

Stat. Auth: ORS 413.042
Stats. Implemented: ORS 413.042

409-062-0020~~(T)~~
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 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.

Stat. Auth: ORS 413.042
Stats. Implemented: ORS 413.042

409-062-0030~~(T)~~
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 which shall be open for 30 days. 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 certified 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 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.

Stat. Auth: ORS 413.042
Stats. Implemented: ORS 413.042

409-062-0040~~(T)~~
Certification Criteria

A practice seeking CCBHC certification must meet the following criteria:

(1) Complete CCBHC application process, meeting the "ready to certify" or "mostly ready to certify" 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 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 contributing to and participating in the statewide needs assessment process.

Stat. Auth: ORS 413.042
Stats. Implemented: ORS 413.042

409-062-0050~~(T)~~
Level of Readiness Designation

(1) The Authority shall award three levels of readiness designations to practices implementing multiple advanced CCBHC measures, including:

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

   (b) Mostly ready to certify: Currently meets the majority of required criteria and has plans and a timeline in place to meet remaining required criteria.

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

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

Stat. Auth: ORS 413.042
Stats. Implemented: ORS 413.042

409-062-0060~~(T)~~
Variances

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

(a) There is a lack of resources to meet the criteria required in these rules; or

(b) 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) Criteria from which the variance is sought;

(a) The reason for the proposed variance;

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

(d) A plan and timetable for compliance with the section of criteria for which the variance applies.

(4) 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. The written notification must include the specific alternative practice, service, method, concept, or procedure that is approved and the duration of the approval.

(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.

Stat. Auth: ORS 413.042
Stats. Implemented: ORS 413.042