



**TEMPORARY ADMINISTRATIVE ORDER**  
INCLUDING STATEMENT OF NEED & JUSTIFICATION

**PH 32-2023**

CHAPTER 333

OREGON HEALTH AUTHORITY

PUBLIC HEALTH DIVISION

**FILED**

06/30/2023 10:00 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE  
& LEGISLATIVE COUNSEL

FILING CAPTION: Healthier Oregon pathway to OHP benefits expansion to include members of all ages.

EFFECTIVE DATE: 07/01/2023 THROUGH 12/27/2023

AGENCY APPROVED DATE: 06/29/2023

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Filed By:

Public Health Division

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**NEED FOR THE RULE(S):**

House Bill 3352, passed in 2021, requires the Oregon Health Authority (OHA) to expand the Healthier Oregon program to all eligible members on July 1, 2023. As a result of this expansion of benefits, individuals enrolled in the expanded Healthier Oregon program will no longer be eligible for Reproductive Health Access Fund (RHAF) coverage administered by the Reproductive Health (RH) Program. Changes to OARs to reflect the Healthier Oregon program expansion are being coordinated across chapters 410, 461, 333, and 411 simultaneously. Changes in chapter 333 pertain to the impact of the expansion on the RH Program.

**JUSTIFICATION OF TEMPORARY FILING:**

Funding to expand the Healthier Oregon program across all age groups was approved in OHA's agency budget, SB 5525, passed by the legislature on June 22, 2023. Current rules restrict enrollment to Healthier Oregon by age and therefore, need to be amended to reflect the full expansion. Without these temporary rules, newly eligible members for the Oregon Health Plan through the Healthier Oregon pathway would not be able to access coverage. Temporary rules will keep OHA in alignment with House Bill 3352, which requires Healthier Oregon to expand to all eligible members.

RH Program rules need to be amended to clarify that individuals with full benefit medical coverage administered by OHA, including Healthier Oregon, will not be eligible for RH Program coverage, in order to comply with House Bill 3352.

**DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:**

House Bill 3352 (2021), available here:

<https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/HB3352/Enrolled>

Senate Bill 5525 (2023), available here:

<https://olis.oregonlegislature.gov/liz/2023R1/Downloads/MeasureDocument/SB5525>

**RULES:**

333-004-3080, 333-004-3140

AMEND: 333-004-3080

RULE SUMMARY: Updating references to revised OARs in chapter 410.

CHANGES TO RULE:

333-004-3080

RH Access Fund Excluded Services by Funding Source

(1) Title X does not cover:¶¶

(a) Sterilizations for enrollees assigned female at birth;¶¶

(b) Treatment for STIs not pursuant to a family planning visit;¶¶

(c) Stand-alone visits for repeat Pap tests not pursuant to a family planning visit;¶¶

(d) Hysterectomies or abortions;¶¶

(e) Transportation to or from a clinic appointment;¶¶

(f) Procedures performed for medical reasons, whether or not the procedure results in preventing or delaying pregnancy or restoring fertility;¶¶

(g) Human papillomavirus (HPV) vaccinations; or¶¶

(h) Any other medical service or laboratory test that is not described in OAR 333-004-3070(2) (RH Access Fund Covered Services by Funding Source) and whose primary purpose is other than preventing or achieving pregnancy.¶¶

(2) CCare does not cover:¶¶

(a) Sterilizations for enrollees assigned female at birth;¶¶

(b) Treatment for STIs;¶¶

(c) Preconception or prenatal care, including pregnancy confirmations;¶¶

(d) Stand-alone visits for repeat Pap tests;¶¶

(e) Hysterectomies or abortions;¶¶

(f) Transportation to or from a clinic appointment;¶¶

(g) Procedures performed for medical reasons, whether or not the procedure results in preventing or delaying pregnancy or restoring fertility;¶¶

(h) Human papillomavirus (HPV) vaccinations; or¶¶

(i) Any other medical service or laboratory test that is not described in OAR 333-004-3070(3) (RH Access Fund Covered Services by Funding Source), and whose primary purpose is other than preventing unintended pregnancy.¶¶

(3) RHEA does not cover:¶¶

(a) Treatment for STIs;¶¶

(b) Stand-alone visits for repeat Pap tests;¶¶

(c) Hysterectomies;¶¶

(d) Transportation to or from a clinic appointment;¶¶

(e) Human papillomavirus (HPV) vaccinations;¶¶

(f) Any other medical service or laboratory test that is not described in ORS 743A.067;¶¶

(g) Mammography services. These services are available through the ScreenWise program (OAR 333-010-0120(2)(a) (Covered Services)), and under the benefit package in OAR 410-134-0003 (Healthier Oregon Emergency-Only and State-Funded Supplemental Health Benefits);¶¶

(h) Abortion services not occurring in clinics certified by the RH Program. These services, ~~for individuals with a household income and size at or below 185 percent of the FPL,~~ are available under the benefit package for this population in OAR 410-120-1210(4)(e) ~~(Medical Assistance Benefit Packages and Delivery System);~~ or¶¶

~~(i) Sterilization procedures. These services, for individuals with a household income and size at or below 138 percent of the FPL,~~ 34-0003 (Healthier Oregon Emergency-Only and State-Funded Supplemental Health Benefits); or¶¶

(i) Sterilization procedures. These services are available under the benefit package for this population in OAR 410-120-1210(4)(e) (Medical Assistance Benefit Packages and Delivery System 34-0003 (Healthier Oregon Emergency-Only and State-Funded Supplemental Health Benefits).

Statutory/Other Authority: ORS 413.042, ORS 414.432, ORS 431.147, ORS 431.149, OL 2022, ch. 45, sec 10

Statutes/Other Implemented: ORS 414.432, ORS 431.147, ORS 413.032, OL 2022, ch. 45, sec 10

AMEND: 333-004-3140

RULE SUMMARY: Revising funding source exclusions

CHANGES TO RULE:

333-004-3140

Use of Funds

(1) Final determination of funding source is made by the RH Program based on information recorded in the RH Access Fund eligibility database and claims data submitted by the agency.¶

(2) Use of Title X Funds. Title X funds may only be used for the reimbursement of family planning services and supplies or related preventive services as defined in OAR 333-004-3070(2) (RH Access Fund Covered Services by Funding Source), provided to enrollees as defined in OAR 333-004-3090(1)(a) (Client Eligibility for the RH Access Fund).¶

(3) Use of CCare Funds. CCare funds may only be used for the reimbursement of CCare services, drugs, devices, and supplies as defined in OAR 333-004-3070(3) (RH Access Fund Covered Services by Funding Source) provided to enrollees as defined in OAR 333-004-3090(1)(b) (Client Eligibility for the RH Access Fund). CCare funds may not be used for an enrollee.¶

(a) Who is in the custody of a law enforcement, corrections, or youth detention agency.¶

(b) Who receives or who is eligible for the Citizen/Alien-Waived Emergency Medical benefit package under Title XIX.¶

(c) ~~Who is enrolled in another Medicaid program~~ is enrolled in another medical assistance program administered by the Authority that provides family planning benefits.¶

(4) Use of RHEA Funds. RHEA funds may only be used for the reimbursement of reproductive health or abortion services as defined in OAR 333-004-3070(4) (RH Access Fund Covered Services by Funding Source), provided to enrollees as defined in OAR 333-004-3090(1)(c) (Client Eligibility for the RH Access Fund). RHEA funds may not be used for an enrollee who is enrolled in a medical assistance program administered by the Authority that provides family planning benefits.¶

(5) Federal funds may not be used for abortion services.¶

(6) To the extent funding is available, the RH Program may provide funding to agencies, on an equitable basis, to assist with covering administrative costs incurred by agencies in adhering to these rules and program requirements.

Statutory/Other Authority: ORS 413.042, ORS 414.432, ORS 431.147, ORS 431.149, OL 2022, ch. 45, sec 10

Statutes/Other Implemented: ORS 414.432, ORS 431.147, ORS 413.032, OL 2022, ch. 45, sec 10