

Secretary of State
NOTICE OF PROPOSED RULEMAKING HEARING*
A Statement of Need and Fiscal Impact accompanies this form.

Oregon Health Authority, Division of Medical Assistance Programs (Division)	410	
Agency and Division	Administrative Rules Chapter Number	
Sandy Cafourek	500 Summer St Ne, Salem, OR 97301	503-945-6430
Rules Coordinator	Address	Telephone

RULE CAPTION

Service Area Change for Existing CCOs

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

November 17, 2015	10:30am	500 Summer St NE, Salem, OR 97301	Sandy Cafourek
Hearing Date	Time	Location	Hearings Officer

Hearing Date	Time	Location	Hearings Officer
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Auxiliary aids for persons with disabilities are available upon advance request.

RULEMAKING ACTION

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing.

ADOPT:

AMEND: OAR 410-141-3040

REPEAL: OAR 410-141-3040 (T)

RENUMBER:

AMEND & RENUMBER:

Stat. Auth : **ORS 413.042 and 414.645**

Other Auth.:

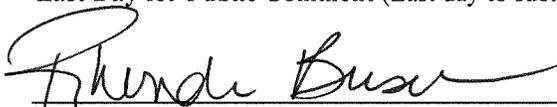
Stats. Implemented: **ORS 413.042**

RULE SUMMARY

These rules provide the framework for Coordinated Care Organization (CCO) for existing CCOs electing to apply to the Authority for service area change, once the Authority has stated that it has a need for network and capacity in a given service area. The rule provides for the service area change process, the review tool and mechanism, and designates a means for dispute should a CCO not agree with the application review findings or process. The temporary rule OAR 410-141-3040 will be repealed.

November 19, 2015, 5 pm

Last Day for Public Comment (Last day to submit written comments to the Rules Coordinator)



Rhonda Buser

10-9-15

Signature

Printed name

Date

*Hearing Notices published in the Oregon Bulletin must be submitted by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, upon which the deadline is 5:00 pm the preceding workday. ARC 920-2005

STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Oregon Health Authority, Division of Medical Assistance Programs

410

Agency and Division

Administrative Rules Chapter Number

Service Area Change for Existing CCOs

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

In the Matter of: the amendment of OAR 410-141-3040

Statutory Authority: ORS 183.484 and 413.042

Other Authority:

Stats. Implemented: ORS 413.042

Need for the Rule(s): The Division needs to adopt this rule to provide a consistent framework for existing CCOs electing to apply to the Authority for service area expansion, once the Authority has stated that it has a need for network and capacity in a given service area. The rule provides for the service area expansion process, the review tool and mechanism, and a means for dispute should a CCO not agree with the application review findings or process.

Documents Relied Upon, and where they are available: OAR 410-141-3010 and OAR 410-141-3015

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)): The Division does not anticipate fiscal impacts on other state agencies, units of local government or the public.

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

a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule: The types of small businesses include doctor's offices, specialty groups, small clinics and community based providers, however, the Division's system does not flag which providers are part of a larger clinic or corporation, therefore the Division is unable to estimate the number of small businesses that are subject to the rules but the Division does not anticipate a direct or indirect impact on small businesses.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services: None anticipated

c. Equipment, supplies, labor and increased administration required for compliance: None anticipated

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

Administrative Rule Advisory Committee consulted?: Yes, 7/28/15, 8/26/15 , 9/15/15 and 9/22/15

If not, why?: N/A



Signature



Printed name

Date

410-141-3040

Service Area Change (SAC) for Existing Coordinated Care Organizations (CCOs) **NEW RULE**

(1) For purposes of this rule, the following definitions apply:

(a) “Applicant” means a certified coordinated care organization (CCO) as defined in ORS 414.625 that submits an application seeking recertification and a contract amendment. The CCO is described, for this use, as the applicant, upon its submission of the CCO Letter of Intent to Apply.

(b) “Certified” means the Authority’s determination that an entity meets the criteria in OAR 410-141-3015 for being a CCO through initial certification.

(c) “Document Review” means the review conducted by the Authority, occurring at the point after the receipt of the completed SAC packet and before the effective date of the contract amendment, to determine applicant’s ability to serve Medicaid beneficiaries in the requested service areas. Successful meeting of the requirements of the document review entitles the applicant to receive a contract amendment for the additional service areas as a recertified CCO in the delivery of Medicaid services.

(d) “Recertification” means the process outlined in this rule, allowing the CCO contractor to submit an abbreviated application to apply as an existing CCO for a new CCO service area.

(e) “Service Area Change” means when the Authority identifies a need, as defined in section (3), for existing CCOs to apply to the Authority to serve a service area of counties or zip codes.

(2) Within 150 calendar days of withdrawal from a portion of its service area, the CCO shall make every effort to provide the Authority with a Letter of Intent to Exit the Service Area. This template can be found on the CCO Contract Forms page. The Authority shall work with each CCO for a workable exit transition.

3) Service area changes shall:

(a) Be considered by the Authority under the following circumstances:

(A) If an existing CCO withdraws from a portion of its service area; or;

(B) If OHA identifies a deficiency that negatively impacts enrollees' health or safety and is not otherwise adequately addressed in law or contract, including, but not limited to, the CCO Contract, 42 USC 1396u-2 (e), 42 CFR 438; or

(b) Other CCOs, operating in the same service area, do not have adequate capacity to serve the members that were served by the withdrawing CCO.

(4) At both thirty and 45 calendar days from the date of identified need, the Authority shall announce in letters to the existing CCOs, its intent to accept LOIA from CCOs for service area changes in the stated service areas.

(5) Ten calendar days from the date of the Authority's 45 day notice of identified need, CCOs shall submit their Letters of Intent to Apply. This ten day period is not a part of the total represented time located on the timeline found in the SAC packet.

(6) Ten calendar days from the Authority's 45 day notice of identified need, the LOIA shall be received by the Authority. In the LOIA, the CCO shall designate a sole point of contact for this process.

(7) Within ten calendar days of receipt of the LOIA, the Authority shall send a Letter of Acknowledgement to the CCO. This ten day period is not a part of the total represented time located on the timeline found in the SAC packet.

(8) CCOs may locate, on the CCO Contract Forms page, a SAC packet for their completion. It consists of SAC guidance documents and a timeline of process events. CCOs shall work to complete the Authority's SAC process for application, review, and recertification, supported by ORS 414.625.

(9) Within thirty calendar days of the date of their LOIA to the Authority, the SAC packet shall be completed in its entirety and returned to the contract

administration unit. The recertification application is the applicant's offer to enter into a contract for the period specified in the SAC packet.

(10)The Authority shall review packets from all CCOs who apply, considering only packets that are responsive, completed as described in the SAC guidance document, and submitted in the time and manner described in this rule.

(11) An additional thirty calendar days from their initial date of submission of the SAC packet is available to applicants to submit any additional information requested by the Authority.

(12) Within thirty calendar days of the final submission date of the SAC packet and all additional requested information received by the Authority, the document review of submitted packets shall be completed. The applicants are eligible for recertification based on criteria specified in the SAC guidance document, the application, written assurances, and any additional information that the Authority obtains and deems satisfactory. The applicant shall be responsible for and meet standards established by the Authority and the current CCO contract.

(13) If two or more CCOs meet the requirements to expand into a service area, then the OHA shall allow all the qualified CCOs to serve that service area. The Authority shall certify all CCOs who apply for the service area change and meet the specified standards as supported in OAR 410-141-3010.

(14)Sixty calendar days shall be provided by the Authority for document review and signature to each CCO who receives recertification and an amendment for a service area change.

(15) Except as otherwise expressly provided, applicants shall have the right to dispute any Authority actions or decisions pertaining to this process. Applicants with such disputes pertaining to the obligations or responsibilities to this process may engage in dispute resolution as provided for in OAR 410-141-3267.

Stat. Auth: ORS 413.042, ORS 414.645

Stats. Implemented: ORS 413.042