

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

Oregon Health Authority (OHA), Health Systems Division, 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**

Deletes Redundant Liability Limits for Coordinated Care Organizations  
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

November 15, 2016	10:30 a.m.	500 Summer St. NE, Salem, OR 97301	Room 160	Sandy Cafourek
Hearing Date	Time	Location		Hearings Officer

*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 410-141-3435

**REPEAL:**

**RENUMBER:**

**AMEND & RENUMBER:**

Stat. Auth. : ORS 413.042 & 414.625

Other Auth.:

Stats. Implemented: ORS ORS 414.625

**RULE SUMMARY**

This rule change deletes the reference in CCO rules to having transportation brokerages and their subcontractors having any specific level of liability insurance. There are already provisions in CCO rules regarding liability insurance responsibilities of CCOs and their subcontractors. The rule specific to transportation brokerages was both redundant in part and contradictory in part. Deleting this rule will create a less confusing and more enforceable liability rule overall.

The agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

November 17, 2016 by 5 p.m. Send written comments to: [hsd.rules@state.or.us](mailto:hsd.rules@state.or.us)

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

		
Signature	Printed name	Date

**Note:** Hearing Notices must be submitted by the 15th day of the month to be published in the next month's *Oregon Bulletin*.

**STATEMENT OF NEED AND FISCAL IMPACT**

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

Oregon Health Authority (Authority), Health Systems Division, Medical Assistance Programs (Division)	410
Agency and Division	Administrative Rules Chapter Number

Deletes Redundant Liability Limits for Coordinated Care Organizations
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 410-141-3435

Statutory Authority: ORS 413.042 & 414.625

Other Authority:

Stats. Implemented: ORS 414.625

Need for the Rule(s): The Authority needs to amend this rule in order to remove redundant and unenforceable liability requirements for Coordinated Care Organizations.

Documents Relied Upon, and where they are available: None.

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)): Amending these rules will have no fiscal impact on the Authority, other state agencies, units of local government, the public, or businesses, including small businesses.
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 rule may affect taxi driver and drivers of non-emergent medical transportation sedans and vans who subcontract with Coordinated Care Organizations. The Authority does not track the number of these subcontractors and cannot estimate the number of small businesses.
  - b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services: None.
  - c. Equipment, supplies, labor and increased administration required for compliance: None.

How were small businesses involved in the development of this rule? An invitation to join the Rules Advisory Committee was cast broadly to include all stakeholders who have expressed an interest in non-emergent medical transportation.

Administrative Rule Advisory Committee consulted?: Yes. RAC participants included representatives from Access 2 Care/Ride to Care, AllCare Health, Cascades East Ride Center/Central Oregon Intergovernmental Council, Coalition for a Health Oregon, FamilyCare, Inc., Gridworks Consulting, Health Share of Oregon, Lane Transit District, Pacific Source Health Plans, Oregon State Ambulance Association, Salem-Keizer Transit, Trillium CCO, Willamette Valley Community Health. If not, why?:

	Karen Wheeler	10/26/16
Signature	Printed Name	Date

**410-141-3435**

**NEMT General Requirements**

(1) A Coordinated Care Organization shall provide all NEMT services for its members. The Authority shall provide NEMT services in CCO's service area only to members not enrolled in a CCO.

(2) A CCO shall provide a toll-free call center for members to request rides.

(3) A CCO and its contracted transportation provider may not bill a member for any transport to and from medical services that are covered and where the CCO or its contracted transportation provider denied reimbursement.

~~(4) CCOs shall require NEMT providers to obtain and maintain insurance at limits no less than is required under OAR 410-136-3060.~~

(54) Transportation providers shall be considered "participating providers" for the purposes of OAR 410-141-3180 (Record Keeping and Use of Health Information Technology).

Stat. Auth.: ORS 413.042 & 414.625

Stats. Implemented: ORS 414.625