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

Amendment of HERC Prioritized List of Health Services reflecting approved modifications effective October 1, 2013

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

January 15, 2014	10:30 a.m.	500 Summer St NE, Salem, OR 97301, Room 137C	Sandy Cafourek
Hearing Date	Time	Location	Hearings Officer
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: 410-141-0520
REPEAL:
RENUMBER:
AMEND & RENUMBER:

Stat. Auth. : ORS 192.527, 192.528, 413.042 and 414.065

Other Auth.: HB 2100

Stats. Implemented: ORS 192.527, 192.528, 414.010, 414.065 and 414.727

RULE SUMMARY

The OHP Program administrative rules govern the Division of Medical Assistance Programs' payments for services provided to clients. The Division needs to permanently amend 410-141-0520 to reference the Oregon Health Services Commission's Prioritized List of Health Services' January 1, 2011 – December 31, 2013, Prioritized List of Health Services effective October 1, 2013, including interim modifications and technical changes made for 2009 national code set.

Documents Relied Upon: September 12, 2013 cover letter from HERC to Oregon Legislative leadership, with October 1, 2013 technical changes, and September 17, 2013 cover letter to CMS seeking approval of interim modifications and technical changes to the 2011 – 2013 Prioritized List.

Oregon Health Services Commission's Prioritized List of Health Services found at:
http://www.oregon.gov/oha/herc/Pages/Prioritized-List-Current.aspx

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.

January 17, 2014
Last Day for Public Comment (Last day to submit written comments to the Rules Coordinator)

Judy Mohr Peterson	Judy Mohr Peterson	11-27-2013
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

Secretary of State

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 (Division) — 410

Agency and Division — Administrative Rules Chapter Number

Amendment of HERC Prioritized List of Health Services reflecting approved modifications effective October 1, 2013

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

In the Matter of: The proposed amendment of OAR 410-141-0520

Statutory Authority: ORS 192.527, 192.528, 413.042 and 414.065
Other Authority:

Stats. Implemented: ORS 192.527, 192.528, 414.010, 414.065 and 414.727

Need for the Rule(s):
The OHP Program administrative rules govern the Division of Medical Assistance Programs' payments for services provided to clients. The Division needs to permanently amend 410-141-0520 to reference the Oregon Health Services Commission's Prioritized List of Health Services January 1, 2011-December 31, 2013, Prioritized List of Health Services effective October 1, 2013, including interim modifications and technical changes made for 2009 national code set.

Documents Relied Upon, and where they are available: September 12, 2013 cover letter from HERC to Oregon Legislative leadership, with October 1, 2013 technical changes, and September 17, 2013 cover letter to CMS seeking approval of interim modifications and technical changes to the 2011-2013 Prioritized List. Oregon Health Services Commission's Prioritized List of Health Services found at: http://www.oregon.gov/oha/herc/Pages/Prioritized-List-Current.aspx

Fiscal and Economic Impact: See below.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):
The interim modifications and technical changes are adoption of national code set changes, with no significant fiscal impact. The HERC Prioritized List is legislatively funded; the funding line level remains unchanged for the January 1, 2011-December 31, 2013, biennial Prioritized List. The Division does not anticipate any impact on 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. 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. 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: The Division does not anticipate additional administrative activities required for compliance or costs of professional services.
c. Equipment, supplies, labor and increased administration required for compliance: The Division does not anticipate additional administrative activities required for compliance or costs of professional services.

How were small businesses involved in the development of this rule? Stakeholders, including members of the public sector were consulted in the revision of these rules.
Administrative Rule Advisory Committee consulted? No
If not, why? Stakeholders including members of the public sector were consulted in the revision of these rules. No fiscal impact is anticipated.

Judy Mohr Peterson — 11-27-2013

Signature — Printed name — Date

410-141-0520
Prioritized List of Health Services

(1) The Health Evidenced Review Commission (HERC) ~~shall assume responsibility for the former HSC's~~ Prioritized List of Health Services (Prioritized List)~~. The Prioritized List~~ is the listing of physical and mental health services with "expanded definitions" of preventive services and the practice guidelines, as presented to the Oregon Legislative Assembly. The Prioritized List is generated and maintained by HERC. The HERC maintains the most current list on their Web site: http://www.oregon.gov/oha/herc/Pages/Prioritized-List-Pending.aspx ~~www.oregon.gov/OHA/OHPR/HERC/ Pending .shtml~~, or for a hardcopy contact the ~~Division of~~ Medical Assistance Programs within the Oregon Health Authority (OHA). This rule incorporates by reference the Centers for Medicare and Medicaid Services (CMS) approved biennial January 1, 2011–December 31, 2013 Prioritized List, including October~~April~~ 1, 2013 interim modifications and technical changes~~revisions~~, expanded definitions, practice guidelines and condition treatment pairs funded through line 498.
(2) Certain mental health services are only covered for payment when provided by a Mental Health Organization (MHO), Community Mental Health Program (CMHP) or authorized Coordinated Care Organization (CCO).
(3) ~~Chemical dependency (CD)~~Substance Use Disorder (SUD) treatment services are covered for eligible OHP clients when provided by an FCHP, PCO, and CCO or by a provider who has a letter of approval from the Addictions and Mental Health Division and approval to bill Medicaid for SU~~C~~D services.

Stat. Auth.: ORS 192.527, 192.528, 413.042 & 414.065
Stats. Implemented: ORS 192.527, 192.528, 414.065 & 414.727