



NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 416
OREGON YOUTH AUTHORITY

FILED

09/10/2025 11:42 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Adopting temporary rule as permanent regarding BRS Rates Table change, and rules reference effective date.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 10/24/2025 5:00 PM

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.

A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

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NEED FOR THE RULE(S)

OYA is adopting a temporary rule that is effective through December 27, 2025, as permanent. The date and content of the BRS Rates Table referenced in OAR 416-335-0090 reflect new rates approved by the Legislature/OYA budget. The reference date for related Oregon Health Authority rules reflect July 1, 2025.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

BRS Rates Table effective July 1, 2025, available as Exhibit 1 to OAR 416-335-0090 or by contacting the Oregon Youth Authority.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

OYA does not anticipate that these rules will have a negative effect on racial equity in Oregon.

FISCAL AND ECONOMIC IMPACT:

There is no fiscal impact as OYA has incorporated the rate changes into its agency budget.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

There is no cost of compliance to the rules. Approximately 10 small businesses (BRS programs) will receive an increase in payments from OYA, as reflected in the BRS Rates Table.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small businesses were not involved in the development of these rules as the BRS Rates Table changes result from Legislative action/agency budget.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

The rule amendments are to incorporate an established rates table, and refer to currently effective rules.

RULES PROPOSED:

416-335-0000, 416-335-0090

AMEND: 416-335-0000

RULE SUMMARY: Updating reference to OHA rules effective July 1, 2025.

CHANGES TO RULE:

416-335-0000

Effective Date and Administration of the BRS Program ¶¶

(1) BRS Programs provided through contract with OYA must meet the requirements in the BRS Program general rules (OAR 410-170-0000 through 410-170-0120), and the additional requirements contained in these rules (OAR 416-335-0000 through 416-335-0100).¶¶

(2) All references to the Oregon Health Authority Chapter 410 rules are those that are effective on July 1, 2023~~5~~.

Statutory/Other Authority: ORS 183.355, 420A.025

Statutes/Other Implemented: ORS 420A.010, 420A.014

AMEND: 416-335-0090

RULE SUMMARY: OYA is adopting a temporary rule that is effective through December 27, 2025, as permanent. The date and content of the BRS Rates Table referenced in OAR 416-335-0090 reflect new rates approved by the Legislature/OYA budget.

CHANGES TO RULE:

416-335-0090

Billing and Payment for Services and Placement Related Activities

(1) Billable Care Days¶¶

(a) The BRS Contractor is compensated for a Billable Care Day (Service and Placement Related Activities rates) on a fee-for-service basis in accordance with OAR 410-170-0110 and this rule.¶¶

(b) The BRS Contractor may include overnight Home Visits and Transitional Visits by the BRS Client to a Hosting Placement in its Billable Care Days. The BRS Contractor must:¶¶

(A) Receive prior approval from OYA for a Home Visit or Transitional Visit to a Hosting Placement; and¶¶

(B) Ensure that the Home Visit or Transitional Visit is in support of the BRS Client's most current service plan goals related to transition.¶¶

(c) The Agency will pay the Sending Placement at the Billable Care Day rate.¶¶

(d) If the Hosting Placement is an OYA Foster Home, the Agency will pay the foster care rate specified by the foster care agreement for Transitional Visits.¶¶

(2) Absent Days¶¶

(a) The BRS Contractor is compensated for an Absent Day at the Absent Day rate in order to hold a BRS Program placement for a BRS Client with the prior approval of the BRS Client's JPPO and the Contract Administrator.¶¶

(b) The BRS Contractor is compensated at an Absent Day rate when the BRS Contractor is a Hosting Placement for a Transitional Visit, unless the Hosting Placement is an OYA Foster Home.¶¶

(c) Notwithstanding OAR 410-170-0110(4), the BRS Contractor may request prior approval from OYA to be reimbursed for more than a maximum of eight calendar days total of any combination of Home Visits and Transitional Visits in a month for a BRS Client. However, for any additional days of Home Visits and Transitional Visits approved under this rule, Sending and Hosting Placements will be paid at the Absent Day rate.¶¶

(3) The BRS Contractor may be reimbursed only for the BRS Type of Care authorized in the contract with OYA.¶¶

(4) Invoice Form¶¶

(a) The BRS Contractor must submit a monthly billing form to OYA in a format acceptable to the Agency, on or after the first day of the month following the month in which it provided Services and Placement Related Activities to the BRS Client. The billing form must specify the number of Billable Care Days and Absent Days for each BRS Client in that month.¶¶

(b) The BRS Contractor must provide upon request, in a format that meets OYA's approval, written documentation of each BRS Client's location for each day claimed as a Billable Care Day and an Absent Day.¶¶

(c) The BRS Contractor may only submit a claim for a Billable Care Day and an Absent Day consistent with the Agency's prior authorization or approval.¶¶

(5) Billable Care Day and Absent Day rates are provided in the "BRS Rates Table," dated July 1, 2023~~5~~, which is adopted as Exhibit 1 and incorporated by reference into this rule. A printed copy may be obtained from OYA.

Statutory/Other Authority: ORS 420A.025

Statutes/Other Implemented: ORS 420A.010, ORS 420A.014

RULE ATTACHMENTS MAY NOT SHOW CHANGES. PLEASE CONTACT AGENCY REGARDING CHANGES.

OAR 416-335-0090(5) Exhibit 1 – BRS Rates Table (effective July 1, 2025)

BRS Type of Care	Placement Model	Accredited Status	Service Rate per Billable Care Day	Placement Related Activities Rate per Billable Care Day	Total Daily Rate per Billable Care Day	Absent Day Rate
Shelter	Proctor Care Model	N/A	\$213.25	\$114.15	\$327.40	\$163.70
	Residential Care Model	N/A	\$245.29	\$139.75	\$385.04	\$192.52
Community Step-Down; Independent Living Program	Proctor Care Model	N/A	\$217.93	\$115.14	\$333.07	\$166.54
	Residential Care Model	Non-QRTP	\$252.26	\$142.79	\$395.05	\$197.53
		QRTP ¹	\$252.26	\$147.23	\$399.49	\$199.75
Proctor Care; Assessment and Evaluation Proctor	Proctor Care Model	N/A	\$233.83	\$115.88	\$349.71	\$174.86
Proctor Enhanced Services	Proctor Care Model	N/A	\$256.01	\$120.97	\$376.98	\$188.49
Enhanced Structure Independent Living Program	Residential Care Model	Non-QRTP	\$293.90	\$180.31	\$474.21	\$237.11
		QRTP	\$293.90	\$184.74	\$478.64	\$239.32
Basic Residential; Rehabilitation Services; and Assessment and Evaluation Residential	Residential Care Model	Non-QRTP	\$292.44	\$168.10	\$460.54	\$230.27
		QRTP	\$292.44	\$172.54	\$464.98	\$232.49
Intensive Rehabilitation Services; Intensive Residential; and Short- Term Stabilization Program	Residential Care Model	Non-QRTP	\$362.48	\$164.07	\$526.55	\$263.28
		QRTP	\$362.48	\$168.51	\$530.99	\$265.50
Intensive Behavioral Support	Residential Care Model	Non-QRTP	\$520.94	\$239.06	\$760.00	\$380.00
		QRTP	\$520.94	\$245.96	\$766.90	\$383.45

¹ Qualified Residential Treatment Program