

# **American Indian/Alaska Native (AI/AN) Services Rulebook**

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**DEPARTMENT OF HUMAN SERVICES**  
**MEDICAL ASSISTANCE PROGRAMS**  
**DIVISION 146**  
**AMERICAN INDIAN/ALASKA NATIVE**

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# AI/AN Services Rulebook

## Update Information

January 1, 2008

The Division of Medical Assistance Programs (DMAP) updated this Rulebook with the following administrative rule changes:

**AMENDED:** 410-146-0000, 410-146-0020, 410-146-0021, 410-146-0040, 410-146-0060, 410-146-0075, 410-146-0080, 410-146-0100, 410-146-0120, 410-146-0130, 410-146-0140, 410-146-0160, 410-146-0200, 410-146-0220, 410-146-0240, 410-146-0340, 410-146-0380, 410-146-0440, 410-146-0460

**REPEALED:** 410-146-0025, 410-146-0180, 410-146-0400 and 410-146-0420

**RENUMBERED:** Text from 410-146-0080 goes to 410-146-0085 and 410-146-0086

These revisions ensure that current policies and procedures for providers are clear and that rules are not open to interpretation by the provider or outside parties; to ensure providers are aware of and can be compliant with DMAP policy direction and program requirements; to allow DMAP to enforce program requirements if a provider is out of compliance; to facilitate providers' compliance with enrollment, payment methodology, service coverage and limitations, clinic reporting and billing requirements; and to remove and reference information found in other DMAP rules. Other OAR references are included to aide in location of information. Text is revised to improve readability and take care of necessary "housekeeping" corrections.

If you have questions, contact a Provider Services Representative toll-free at 1-800-336-6016 or direct at 503-378-3697.

## Other Provider Resources

DMAP has developed the following additional materials to help you bill accurately and receive timely payment for your services.

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### ■ Supplemental Information

The American Indian / Alaska Native Services (AI/AN) Supplemental Information booklet contains important information not found in the rulebook, including:

- ✓ Billing for QMB-only clients
- ✓ Vaccines for Children program information
- ✓ Electronic claims information
- ✓ Prior authorization references
- ✓ Eligibility verification
- ✓ Other helpful information not found in the rulebook

Be sure to download a copy of the AI/AN Services Supplemental Information booklet at:

<http://www.dhs.state.or.us/policy/healthplan/guides/aian/main.html>

Note: DMAP revises the supplement booklet throughout the year, without notice. Check the Web page regularly for changes to this document.

### ■ Provider Contact Booklet

This booklet lists general information phone numbers, frequent contacts, phone numbers to use to request prior authorization, and mailing addresses.

Download the Provider Contact Booklet at:

[http://www.oregon.gov/DHS/healthplan/data\\_pubs/add\\_ph\\_conts.pdf](http://www.oregon.gov/DHS/healthplan/data_pubs/add_ph_conts.pdf)

### ■ Other Resources

We have posted other helpful information, including provider announcements, at:

[http://www.oregon.gov/DHS/healthplan/tools\\_prov/main.shtml](http://www.oregon.gov/DHS/healthplan/tools_prov/main.shtml)

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## **410-146-0000 Foreword**

(1) The Division of Medical Assistance Programs (DMAP) American Indian/Alaska Native (AI/AN) Oregon Administrative Rules are designed to assist the following providers to prepare claims for services provided to clients with Medical Assistance Program coverage:

(a) Indian Health Service (IHS) facilities; and

(b) Tribal 638 facilities, defined as Tribally–operated health care clinics owned or operated by a Tribe or Tribal organization with funding authorized by Title I or Title V of the Indian Self-Determination and Education Assistance Act (Public Law 93-638, as amended), and recognized by the Centers for Medicare and Medicaid Services (CMS) under the 1996 Memorandum of Agreement (MOA);

(2) Health care facilities not designated an IHS or Tribal 638 facility should refer to Oregon Health Plan (OHP) General Rules (OAR 410 Division 120) and other applicable program-specific rules to enroll and operate as any other provider type recognized under the state plan.

(3) CMS does not recognize Urban Indian Health Program (UIHP) clinics as eligible for reimbursement of services under the MOA. UIHP Clinics should refer to:

(a) Federally Qualified Health Centers (FQHC) and Rural Health Clinics administrative Rules (OAR 410 Division 147) to enroll as a FQHC if the clinic is an urban Indian organization under the Indian Health Care Improvement Act, Public Law 94-437; or

(b) OHP General Rules (OAR 410 Division 120) and other applicable program-specific rules to enroll and operate as any other provider type recognized under the state plan.

(4) The AI/AN administrative rules include important information about general program policy, provider enrollment, maintenance of financial records, special programs, and billing. Unless specifically directed by the AI/AN rules, do not use other DMAP administrative rules to determine appropriate action..

(5) AI/AN DMAP-enrolled providers must use the OHP General Rules (OAR 410 Division 120) and the OHP Administrative Rules (OAR 410 Division 141) as

directed in the AI/AN rules and in conjunction with applicable program-specific rules including the AI/AN administrative rules.

(6) The Health Services Commission's Prioritized List of Health Services defines Medicaid-covered services under DMAP. For more information, refer to the OHP Administrative Rules (OAR 410-141-0520).

Statutory Authority: 409.050, 404.110 and 414.065

Other Authority: Title 19 of the Social Security Act, Title 42 Public Health of the Code of Federal Regulations, Oregon Administrative Rule (OAR) 410 Division 120, and 42USC1396a(bb) and 1396d (United States Code 42, Chapter 7, Subchapter 19). Public Law 93 -638. Section 1603 of Title 25.

Statutes Implemented: 414.065

1-1-08

## **410-146-0020 Memorandum of Agreement (MOA), AI/AN Reimbursement Methodology**

(1) In 1996, a Memorandum of Agreement (MOA) between the Health Care Financing Administration (HCFA, now called the Centers for Medicare and Medicaid Services, or CMS) and the Indian Health Service (IHS) established the roles and responsibilities of CMS and IHS regarding AI/AN individuals. The MOA addresses payment for Medicaid services provided to AI/AN individuals on and after July 11, 1996, through health care facilities owned and operated by AI/AN tribes and tribal organizations, which are funded through Title I or V of the Indian Self-Determination and Education Assistance Act (Public Law 93-638, as amended).

(2) The IHS and CMS, pursuant to an agreement with the Office of Management and Budget (OMB), developed an all-inclusive rate to be used for billing directly to and reimbursement by Medicaid. This rate is sometimes referred to as the “OMB,” “IHS,” “All-Inclusive” (AIR), “encounter,” or “MOA” rate and is referenced throughout these rules as the “IHS rate.” The IHS rate is updated and published in the Federal Register each fall:

(a) The rate is retroactive to the first of the year;

(b) DMAP automatically processes a retroactive billing adjustment each year to ensure payment of the updated rate.

(3) IHS direct health care service facilities, established, operated, and funded by IHS; enroll as an AI/AN provider and receive the IHS rate.

(4) Under the MOA, tribal 638 health care facilities can choose to be designated a certain type of provider or facility for enrollment with DMAP. The designation determines how DMAP pays for the Medicaid services provided by that provider or facility. Under the MOA, a tribal 638 health care facility may do one of the following:

(a) Operate as a Tribal 638 health care facility. The health center would enroll as AI/AN provider and choose reimbursement for services at either:

(A) The IHS rate; or (B) A cost-based rate according to the Prospective Payment System (PPS). Refer to OARs 410-147-0360 Encounter Rate Determinations, 410-147-0440 Medicare Economic Index (MEI), 410-147-0480 Cost Statement (OMAP 3027) Instructions, and 410-147-0500 Total Encounters for Cost Reports; or

(b) If it so qualifies, operate as any other provider type recognized under the State Plan, and receive that respective reimbursement methodology.

(5) AI/AN and Federally Qualified Health Center (FQHC) providers may be eligible to receive the supplemental/wraparound payment for services furnished to clients enrolled with a Prepaid Health Plan (PHP). Refer to AI/AN OAR 410-146-0420 and FQHC/Rural Health Clinic (RHC) administrative rules OAR 410 Division 147.

(6) AI/AN providers may be eligible for an Administrative Match contract with DMAP. AI/AN providers are not eligible to participate in the Medicaid Administrative Claiming (MAC) Program if they:

(a) Receive reimbursement for services according to the cost-based PPS rate methodology; or

(b) Receive financial compensation for Outstationed Outreach Worker activities.

Statutory Authority: 409.050, 404.110 and 414.065: Department of Human Services functions; recipient of Federal Funds, Authority of Director, which authorize the Department of Human Services to establish rules for the administration of the Medical Assistance Programs and rules. Other Authority: Title 19 of the Social Security Act, Title 42 Public Health of the Code of Federal Regulations, Oregon Administrative Rule (OAR) 410 Division 120, and 42USC1396a(bb) and 1396d (United States Code 42, Chapter 7, Subchapter 19). Public Law 93 -638. Section 1603 of Title 25.  
<http://www.access.gpo.gov/uscode/uscmmain.html>

Statutes Implemented: 414.065

1-1-08

## **410-146-0021 American Indian/Alaska Native (AI/AN) Provider Enrollment**

(1) This rule outlines the Division of Medical Assistance Programs (DMAP) requirements for IHS and Tribal 638 clinics to enroll as AI/AN providers. Refer also to OAR 410-120-1260 Provider Enrollment.

(2) An IHS or Tribal 638 clinic that operates a retail pharmacy, provides durable medical equipment, prosthetics, orthotics, and supplies (DMEPOS); or provides targeted case management (TCM) services, must enroll separately as a pharmacy, DMEPOS and/or TCM provider. Refer to OAR 410 Division 121, Pharmaceutical; OAR 410 Division 122, DMEPOS; and OAR 410 Division 138, TCM for specific information.

(3) To enroll with DMAP as an AI/AN provider, a health center must be one of the following:

(a) A Indian Health Service (IHS) direct health care services facility established, operated, and funded by IHS; or

(b) A Tribally-owned and operated facility funded by Title I or V of the Indian Self Determination and Education Assistance Act (Public Law 93-638, as amended) and is referenced throughout these rules as a "Tribal 638" provider;

(A) A Tribal 638 facility that under Self-Determination, contracts with IHS under Title I to have the administrative control, operation, and funding for health programs transferred to AI/AN tribal governments;

(B) A Tribal 638 facility that under Self-Determination has a compact with IHS under Title V and assumes autonomy for the provision of the tribe's own health care services.

(4) Eligible IHS and Tribal 638 providers who want to enroll with DMAP as an AI/AN provider must submit the following information:

(a) Completed DMAP Provider Application Form 3117 for an Agency;

(b) A Tribal facility must submit documentation verifying they are a 638 provider:

(A) A letter from IHS, applicable-Area Office or Central Office, indicating that the facility (identified by name and address) is a 638 facility;

(B) A written assurance from the Tribe that the facility (identified by name and site address) is owned or operated by the Tribe or a Tribal organization with funding *directly* obtained under a 638 contract or compact. A copy of the relevant provision of the Tribe's current 638 contract or compact must accompany the written assurance;

(c) A copy of the clinic's Addictions and Mental Health Division (AMH) certification for a program of mental health services if someone other than a licensed psychiatrist, licensed clinical psychologist, licensed clinical social worker or psychiatric nurse practitioner is providing mental health services. Refer to OAR 309-012-0130 through OAR 309-012-0220, Certificates of Approval for Mental Health Services; OAR 309-032-0525 through OAR 309-032-0605, Standards for Adult Mental Health Services; OAR 309-032-0950 through OAR 309-032-1080, Standards for Community Treatment Services for Children; and OAR 309-039-0500 through OAR 309-039-0580, Standards for the Approval of Providers of Non-Inpatient Mental Health Treatment Services;

(d) A copy of the clinic's AMH letter or licensure of approval if providing Addiction, Alcohol and Chemical Dependency services. Refer to OAR 415 Division 12, Standards for Approval/Licensure of Alcohol and other Abuse Programs;

(e) A list of all Prepaid Health Plan (PHP) contracts;

(f) A list of names and individual DMAP provider numbers for all practitioners contracted with or employed by the IHS or Tribal 638 Facility; and

(g) A list of all clinics affiliated or owned by the IHS or Tribal 638 Facility.

Statutory Authority: 409.050, 404.110 and 414.065

Other Authority: Title 19 of the Social Security Act, Title 42 Public Health of the Code of Federal Regulations, Oregon Administrative Rule (OAR) 410 Division 120, and 42USC1396a(bb) and 1396d (United States Code 42, Chapter 7, Subchapter 19). Public Law 93 - 638. Section 1603 of Title 25.

Statutes Implemented: 414.065

1-1-08

## **410-146-0022 OHP Standard Benefit for AI/AN Clients**

(1) OHP Standard Benefit for AI/AN Clients

(2) Once the Division of Medical Assistance Programs (DMAP) receives authorization to implement SB 878 from the Centers for Medicare and Medicaid Services, OHP Standard AI/AN clients have the following benefits:

(a) AI/AN Clients eligible for the OHP Standard Benefit are allowed by the authority of SB 878 to receive all services allowed under the OHP Plus Benefit that are reimbursed by CMS at 100% FPL;

(b) AI/AN Clients eligible for the OHP Standard Benefit do not change eligibility group unless allowed by OAR. For example OHP Standard female client becomes pregnant and moves into OHP Plus during pregnancy;

(c) Excluded Services: Transportation.

Stat. Auth.: ORS 409

Stats. Implemented: ORS 414.065

2-1-07

## **410-146-0040 ICD-9-CM Diagnosis Codes and CPT/HCPCs Procedure Codes**

(1) The Division of Medical Assistance Program (DMAP) requires diagnosis codes on all claims, including those submitted by independent laboratories and portable radiology, including nuclear medicine and diagnostic ultrasound providers. A clinic must always provide the client's diagnosis to ancillary service providers when prescribing services, equipment, and supplies.

(2) The appropriate code or codes from 001.0 through V82.9 must be used to identify:

(a) Diagnoses;

(b) Symptoms;

(c) Conditions;

(d) Problems;

(e) Complaints; or

(f) Other reasons for the encounter/visit.

(3) Clinics must list the principal diagnosis in the first position on the claim. Use the principal diagnosis code for the diagnosis, condition, problem, or other reason for an encounter/visit shown in the medical record to be chiefly responsible for the services provided. Clinics may list up to three additional diagnosis codes on the claim for documented conditions that coexist at the time of the encounter/visit and require or affect client care, treatment, or management.

(4) Clinics must list the diagnosis codes using the highest degree of specificity available in the ICD-9-CM. Use a three-digit code only if the diagnosis code is not further subdivided. Whenever fourth-digit or fifth-digit subcategories are provided, the provider must report the diagnosis at that specificity. DMAP considers a diagnosis code invalid if it has not been coded to its highest specificity.

(5) DMAP requires providers to use the standardized code sets required by the Health Insurance Portability and Accountability Act (HIPAA) and adopted by the Centers for Medicare and Medicaid Services (CMS). Unless otherwise directed in rule, providers must accurately code claims according to the national standards in effect for calendar years 2007 and 2008 for the date the service(s) was provided.

(a) For dental services, use codes on Dental Procedures and Nomenclature as maintained and distributed by the American Dental Association;

(b) For health care services, use Health Care Common Procedure Coding System (HCPCS) and Current Procedural Terminology (CPT) codes. These services include, but are not limited to, the following:

(A) Physician services;

(B) Physical and occupational therapy services;

(C) Radiology procedures;

(D) Clinical laboratory tests;

(E) Other medical diagnostic procedures;

(F) Hearing and vision services.

(6) DMAP maintains unique coding and claim submission requirements for Administrative Exams and Death With Dignity services. Refer to OAR 410 Division 150, Administrative Examination and Billing Services, and OAR 410-130-0670, Death with Dignity Services for specific requirements.

Statutory Authority: 409.050, 404.110 and 414.065

Other Authority: Title 19 of the Social Security Act, Title 42 Public Health of the Code of Federal Regulations, Oregon Administrative Rule (OAR) 410 Division 120, and 42USC1396a(bb) and 1396d (United States Code 42, Chapter 7, Subchapter 19). Public Law 93 -638. Section 1603 of Title 25.

Statutes Implemented: 414.065

1-1-08

## **410-146-0060 Prior Authorization**

(1) Prior authorization (PA) is not required for covered services provided by AI/AN providers to DMAP clients, with the exception of pharmacy services and hospital dentistry. Refer to OAR 410-146-0200 Pharmacy, OAR 410 Division 121 Pharmaceutical Services and OAR 410 Division 125, Hospital Services.

(2) Most Oregon Health Plan (OHP) clients have prepaid health services, contracted for by the Department of Human Services (DHS) through enrollment in a Prepaid Health Plan (PHP). The current month's Medical Care Identification specifies the client's status.

(3) An OHP client who is a Native American or Alaska Native (AI/AN) with Proof of Indian Heritage is exempt from mandatory enrollment in a PHP, and can request disenrollment from a PHP if mandatorily enrolled. An AI/AN OHP client can choose to remain in the Medicaid fee-for-service (FFS) delivery system for physical, dental and/or mental (including alcohol and chemical dependency) health care and receive services from an Indian Health Service facility, tribal health clinic/program or urban clinic. Refer to OAR 410-141-0060(4)(d).

(4) If a client is enrolled in a PHP there may be PA requirements for some services that are provided through the PHP. It is the AI/AN providers' responsibility to, prior to providing services to any:

(a) Non-AI/AN OHP client enrolled in a PHP and with whom the AI/AN provider has a contract, to comply with the PHP's PA requirements or other policies necessary for reimbursement from the PHP. The AI/AN provider needs to contact the client's PHP for specific instructions;

(b) AI/AN OHP client enrolled in a PHP with whom the AI/AN provider does not have a contract, to comply with PA requirements in these rules, the General Rules and applicable DMAP program rules.

(5) If a client receives services on FFS basis or is an AI/AN PHP-enrolled client with whom the AI/AN provider does not have a contract and plans to bill DMAP directly FFS, a PA may be required from DMAP for certain services. An AI/AN provider assumes full financial risk in providing services to a client prior to receiving authorization, or in providing services that are not in compliance with Oregon Administrative Rules (OARs). Some covered services or items require

authorization by DMAP before the service can be provided or before payment will be made. See OAR 410-120-1320 Authorization of Payment.

(6) If the service or item is subject to Prior Authorization, the AI/AN provider must follow and comply with PA requirements in these rules, the General Rules and applicable program rules, including but not limited to:

(a) The service is adequately documented (see OAR 410-120-1360, Requirements for Financial, Clinical and Other Records). Providers must maintain documentation in the provider's files to adequately determine the type, medical appropriateness, or quantity of services provided;

(b) The services provided are consistent with the information submitted when authorization was requested;

(c) The services billed are consistent with the services provided; and

(d) The services are provided within the timeframe specified on the authorization of payment document.

Statutory Authority: 409.050, 404.110 and 414.065

Other Authority: Title 19 of the Social Security Act, Title 42 Public Health of the Code of Federal Regulations, Oregon Administrative Rule (OAR) 410 Division 120, and 42USC1396a(bb) and 1396d (United States Code 42, Chapter 7, Subchapter 19). Public Law 93 -638. Section 1603 of Title 25.

Statutes Implemented: 414.065

1-1-08

## **410-146-0075 Client Copayments**

(1) American Indian/Alaska Native (AI/AN) clients who are members of a Federally recognized Indian Tribe or Tribal Organization and receive Medicaid-covered services rendered through an AI/AN provider or an Urban Tribal Health Clinic are exempt from copayments. Refer to OAR 410-120-1230 Client Copayment.

(2) AI/AN Providers may not charge copayments to eligible non-AI/AN Division of Medical Assistance Program (DMAP) clients receiving care at their facility.

Statutory Authority: 409.050, 404.110 and 414.065

Other Authority: Title 19 of the Social Security Act, Title 42 Public Health of the Code of Federal Regulations, Oregon Administrative Rule (OAR) 410 Division 120, and 42USC1396a(bb) and 1396d (United States Code 42, Chapter 7, Subchapter 19). Public Law 93 -638. Section 1603 of Title 25.

Statutes Implemented: 414.065

1-1-08

## **410-146-0080 Professional Ambulatory Services**

(1) Professional Ambulatory services for AI/AN providers include Medical, Diagnostic, Screening, Dental, Vision, Physical Therapy, Occupational Therapy, Podiatry, Mental Health, Alcohol and Chemical Dependency, Maternity Case Management, Speech, Hearing, and Home Health services.

(2) Providers must use the following guidelines in conjunction with all individual program-specific DMAP administrative rules to determine service coverage and limitations for Oregon Health Plan (OHP) clients according to their benefit packages:

(a) American Indian/Alaska Native (AI/AN) Services administrative rules (OAR 410 Division 146),

(b) General Rules (OAR 410 Division 120);

(c) OHP Administrative Rules (OARs 410-141-0480, 410-141-0500, and 410-141-0520), and

(d) The Health Services Commission's (HSC) Prioritized List of Health Services (List).

(3) IHS and Tribal 638 facilities are eligible for reimbursement of covered professional services provided within the scope of the clinic and within the individual practitioner's scope of license or certification. See also AI/AN OAR 410-146-0085(8).

(4) Clinics cannot bill DMAP for specific services that do not meet the criteria of a valid encounter when furnished as a stand-alone service. Services include, but are not limited to, the following:

(a) Case management services for coordinating medical care for a client;

(b) Sign language and oral interpreter services;

(c) Supportive rehabilitation services including, but not limited to, environmental intervention, supported employment, or skills training and activity therapy to promote community integration and job readiness as stand-alone services; and

(d) Services where the client is not present. (5) The date of service determines the appropriate version of the AI/AN Services Rules, General Rules, and the HSC Prioritized List that AI/AN providers should use to determine coverage.

Statutory Authority: 409.050, 404.110 and 414.065

Other Authority: Title 19 of the Social Security Act, Title 42 Public Health of the Code of Federal Regulations, Oregon Administrative Rule (OAR) 410 Division 120, and 42USC1396a(bb) and 1396d (United States Code 42, Chapter 7, Subchapter 19). Public Law 93 -638. Section 1603 of Title 25.

Statutes Implemented: 414.065

1-1-08

## **410-146-0085 DMAP Encounter and Recognized Practitioners**

(1) AI/AN DMAP-enrolled providers will bill encounters to the Division of Medical Assistance Programs (DMAP) and must meet the definition in Sections (4) and (5) of this rule and are limited to DMAP Medicaid-covered services according to a client's Oregon Health Plan (OHP) benefit package. These services include ambulatory services included in the State Plan under Title XIX or Title XXI of the Social Security Act.

(2) AI/AN providers reimbursed according to a cost-based rate under the Prospective Payment System (PPS) are directed to Oregon Administrative Rule (OAR) 410-147-0120 DMAP Encounter and Recognized Practitioners.

(3) AI/AN providers reimbursed according to the IHS rate are subject to the requirements of this rule.

(4) For the provision of services defined in Titles XIX and XXI, and provided through an IHS or Tribal 638 facility, an "encounter" is defined as a face-to-face or telephone contact between a health care professional and an eligible OHP client within a 24-hour period ending at midnight, as documented in the client's medical record. An encounter includes all services, items and supplies provided to a client during the course of an office visit except as excluded in Section (13) of this rule. Section (5) of this rule outlines limitations for telephone contacts that qualify as encounters.

(5) Telephone encounters only qualify as a valid encounter for services provided in accordance with OAR 410-130-0595, Maternity Case Management (MCM) and OAR 410-130-0190, Tobacco Cessation. See also OAR 410-120-1200(2)(y). Telephone encounters must include all the same components of the service when provided face-to-face. Providers must not make telephone contacts at the exclusion of face-to-face visits.

(6) Encounters with more than one health professional for the same diagnosis or multiple encounters with the same health professional that take place on the same day and at a single location constitute a single visit. For exceptions to this rule, refer to OAR 410-146-0086 for reporting multiple encounters.

(7) Refer to Table 146-0085-1 for a list of procedure codes used to report encounters when billing DMAP directly. DMAP will reimburse an AI/AN provider at the IHS all-inclusive encounter rate for the following services when billed as an encounter and include any related medical supplies

provided during the course of the encounter. (Refer to individual program administrative rules for service limitations.):

(a) Medical (OAR 410 Division 130);

(b) Diagnostic: DMAP covers reasonable services for diagnosing conditions, including the initial diagnosis of a condition that is below the funding line on the Prioritized List of Health Services. Once a diagnosis is established for a service, treatment or item that falls below the funding line, DMAP will not cover any other services related to the diagnosis;

(c) Tobacco Cessation (OAR 410-146-0140);

(d) Dental - Refer to OAR 410-146-0380, Table 146-0085-1, and OAR 410 Division 123;

(e) Vision (OAR 410 Division 140);

(f) Physical Therapy (OAR 410 Division 131);

(g) Occupational Therapy (OAR 410 Division 131);

(h) Podiatry (OAR 410 Division 130);

(i) Mental Health (OAR 309 Division 16);

(j) Alcohol, Chemical Dependency, and Addiction services (OAR 415 Divisions 50 and 51). Requires a letter or licensure of approval by the Addictions and Mental Health Division (AMH). Refer to OAR 410-146-0021 (4)(c) and (d);

(k) Maternity Case Management (OAR 410-146-0120);

(l) Speech (OAR 410 Division 129);

(m) Hearing (OAR 410 Division 129);

(n) DMAP considers a home visit for assessment, diagnosis, treatment or Maternity Case Management (MCM) as an encounter. DMAP does not consider home visits for MCM as Home Health Services;

- (o) Professional services provided in a hospital setting;
  - (p) Other Title XIX or XXI services as allowed under Oregon's Medicaid State Plan Amendment and DMAP Administrative Rules.
- (8) The following practitioners are recognized by DMAP:
- (a) Doctors of medicine, osteopathy and naturopathy;
  - (b) Licensed Physician Assistants;
  - (c) Nurse Practitioners;
  - (d) Registered nurses -- may accept and implement orders within the scope of their license for client care and treatment under the supervision of a licensed health care professional recognized by DMAP in this section and who is authorized to independently diagnose and treat according to OAR 851 Division 45);
  - (e) Nurse Midwives;
  - (f) Dentists;
  - (g) Dental Hygienists who hold a Limited Access Permit (LAP) -- may provide dental hygiene services without the supervision of a dentist in certain settings. See the section on Limited Access Permits, ORS 680.200 and OAR 818-035- 0065 through OAR 818-035-0100 for more information;
  - (h) Pharmacists;
  - (i) Psychiatrists;
  - (j) Licensed Clinical Social Workers;
  - (k) Clinical psychologists;
  - (l) Acupuncturists (refer to OAR 410 Division 130 for service coverage and limitations); and (m) Other health care professionals providing services within their scope of practice and working under the supervision requirements of:

(i) Their individual provider's certification or license; or

(ii) A clinic's mental health certification or alcohol and other drug program approval or licensure by the Addictions and Mental Health Division (AMH). Refer to OAR 410-146-0021 sections (4)(c) and (d).

(9) The clinic must not bill for drugs or medication treatments provided during a clinic visit since they are part of the IHS encounter rate. For example, a hypertensive drug or drug sample dispensed by a clinic to treat a client with high blood pressure during an office visit is included in the all-inclusive IHS encounter rate.

(10) DMAP considers medical supplies, equipment, or other disposable products (e.g. gauze, band-aids, wrist brace) used during an office visit to be part of the cost of an encounter. Clinics cannot bill these items separately as fee-for-service charges;

(11) Clinics cannot bill case management services for coordinating medical care for a client separately as fee-for-service since such services are included in the cost of an encounter. See also OAR 410-146-0080, Professional Services.

(12) Encounters with a registered professional nurse or a licensed practical nurse and related medical supplies (other than drugs and biologicals) furnished on a part-time or intermittent basis to home-bound AI/AN clients residing on tribal land and any other ambulatory services covered by DMAP are also reimbursable as permitted within the clinic's scope of services (see OAR 410-146-0080).

(13) DMAP excludes the following from the definition of an IHS or Tribal 638 encounter:

(a) Laboratory and/or radiology services as stand alone services are not considered a valid clinic encounter. These services are eligible for reimbursement fee-for-service according to the physician fee schedule and outside the IHS encounter rate;

(b) Clinics cannot bill separately for venipuncture for lab tests. Venipuncture is inclusive of the originating encounter;

(c) Durable medical equipment or medical supplies (e.g. diabetic supplies) not generally provided during the course of a clinic visit.

(d) Pharmaceutical or biologicals not generally provided during the clinic visit. For example, sample medications are part of the encounter but dispensing a prescription is billed separately under the fee-for-service pharmacy program. Clinics cannot bill DMAP or the PHP for samples provided at no cost to the clinic. Prescriptions are not included in the encounter rate and qualified enrolled pharmacy providers must bill DMAP through the pharmacy. Refer to OAR 410 Division 121, Pharmaceutical Services Program Rulebook for specific information;

(e) Administrative medical examinations and report services (See OAR 410 Division 150);

(f) Death with Dignity services (See OAR 410-130-0670);

(g) Services provided to Citizen/Alien-Waived Emergency Medical (CAWEM) clients. (See OAR 410-120-1210, OAR 461-135-1070 and OAR 410-130-0240);

(h) Services provided to Qualified Medicare Beneficiary (QMB) only clients. Refer to OAR 410-120-1210, Medical Assistance Benefit Packages and Delivery System. Specific billing information is located in the AI/AN Services Supplemental Information billing guide;

(i) Targeted Case Management (TCM) services (See OAR 410 Division 138); and

(j) Other services not defined in this rule or the State Plan under Title XIX or Title XXI of the Social Security Act.

(14) Federal law requires that state Medicaid agencies take all reasonable measures to ensure that in most instances DMAP will be the payer of last resort. Providers must make reasonable efforts to obtain payment first from other resources before billing DMAP. For the purposes of this rule "reasonable efforts" include, but are not limited to:

(a) Asking the client if they have coverage from Medicare, private insurance or another resource;

(b) Using an insurance database such as Electronic Eligibility Verification Services (EEVS) available to the Provider; or

(c) Verifying the client's insurance coverage through the Automated Information System (AIS) or the Medical Care Identification on each date of service and at the time of billing.

(15) When a Provider receives a payment from any source prior to the submission of a claim to DMAP, the amount of the payment must be shown as a credit on the claim in the appropriate field. See OARs 410-120-1280 Billing and 410-120-1340 Payment.

(16) Codes for encounters: Due to the unique billing and payment methodology, and implementation of the Health Insurance Portability and Accountability Act (HIPAA), DMAP selected specific CPT and HCPCS codes for IHS and Tribal 638 providers to report encounters. Providers must bill DMAP with the procedure codes listed in Table 146-0085-1 for AI/AN services eligible for reimbursement at the IHS encounter rate. This does not apply to ICD-9-CM diagnosis coding. Bill DMAP with the procedure codes indicated in each service category for services included in the AI/AN encounter rate. For services that are not included in the IHS encounter rate, refer to the appropriate DMAP provider rules for billing instructions.

(17) It is the HSC's intent to cover reasonable diagnostic services to determine diagnoses on the HSC Prioritized List, regardless of their placement on the HSC List. See also Section (7)(b) of this rule.

Table 146-0080-1

Statutory Authority: 409.050, 404.110 and 414.065

Other Authority: Title 19 of the Social Security Act, Title 42 Public Health of the Code of Federal Regulations, Oregon Administrative Rule (OAR) 410 Division 120, and 42USC1396a(bb) and 1396d (United States Code 42, Chapter 7, Subchapter 19). Public Law 93 -638. Section 1603 of Title 25.

Statutes Implemented: 414.065

1-1-08

**Table 146-0085-1 American Indian/Alaska Native (AI/AN) Tribal Program Encounter Codes & Modifiers – Last Updated January 1, 2008**

AI/AN Tribal Program providers are limited to the procedure codes listed in this Table when billing DMAP directly for either an:

(a) Open card, “fee-for-service,” client; or

(b) AI/AN client enrolled in a Prepaid Health Plan (PHP) with whom the AI/AN provider does not have a contract,

for services that are included in the IHS Encounter Rate. Procedure codes used to bill an encounter represent all services within a service category (e.g. Physical, Mental, Addition or Dental), provided to a client on the same date of service. The modifiers listed are required when appropriate.

AI/AN Tribal Program providers are not limited to the procedure codes listed in this Table when billing PHP with whom they have entered into a contract, Medicare, or any other Third Party Resource (TPR).

When billing for a clinic visit for an DMAP-covered service and the procedure code is not listed in this table, a clinic must select the most appropriate CPT or HCPC procedure code from this table to be reimbursed at the clinic's encounter rate.

This table is arranged to improve clarity and is not intended to provide complete guidance on when multiple encounters may be allowed during a single date of service. Please refer to OAR 410-147-0140 for specific information regarding policy on multiple encounters during a single date of service.

The clinical documentation must support the procedure code reported and meet National Coding Standards.

<p>Routine Medical Office Visits:</p> <ul style="list-style-type: none"> <li>• 99201-99317</li> <li>• 99319-99338</li> <li>• 99341-99350</li> <li>• 99372 or</li> <li>• 99381-99440</li> </ul>	<p>Immunization Administration:</p> <ul style="list-style-type: none"> <li>• 90471</li> </ul> <p><b>Only use 90471 if administration of an immunization is the sole purpose of the clinic visit. Use modifier SL or SK as appropriate.</b></p>	<p>Tobacco Cessation:</p> <ul style="list-style-type: none"> <li>• S9075 or</li> <li>• G9016</li> </ul> <p><b>Only use if it is the sole reason for the visit. Cannot be billed as a multiple encounter.</b> Refer to OAR 410-147-0220</p>
<p>Visiting Nurse Services:</p> <ul style="list-style-type: none"> <li>▪ G0154</li> </ul> <p><b>Only when furnished to an AI/AN client residing on tribal land.</b></p>	<p>Antepartum, Postpartum Visits or Prenatal Care:</p> <ul style="list-style-type: none"> <li>• 99201-99317</li> <li>• 99319-99338</li> <li>• 99372 or</li> <li>• 99381-99440</li> </ul>	<p>Delivery Services:</p> <ul style="list-style-type: none"> <li>• 59409</li> <li>• 59514</li> <li>• 59612 or</li> <li>• 59620</li> </ul>
<p>Maternity Case Management (MCM):</p> <ul style="list-style-type: none"> <li>• G9012</li> </ul> <p><b>HCPCS G9012 is used for all MCM services</b> Refer to OAR 410-147-0200</p>	<p>Addiction Services:</p> <ul style="list-style-type: none"> <li>• H0001-H0002</li> <li>• H0004-H0005</li> <li>• T1006</li> </ul>	<p>Outpatient Mental Health:</p> <ul style="list-style-type: none"> <li>• 90801-90815</li> <li>• 90847-90857</li> <li>• 90862 (only if sole reason for visit)</li> </ul> <p><b>A medical visit with a mental health diagnosis may not be billed on the same date of service as a mental health visit.</b></p>
	<p>Dental Prophylaxis:</p> <ul style="list-style-type: none"> <li>• D1110-D1203</li> </ul> <p><b>Only use this procedure code if it is the sole reason for the dental visit.</b> Refer to OAR 410 Division 123</p>	<p>Dental Exams:</p> <ul style="list-style-type: none"> <li>• D0120-D0180</li> </ul> <p>Refer to OAR 410 Division 123</p>
<p>Ophthalmological Services:</p> <p>Eye Exams: <b>Prescription of glasses or contacts</b> (Fitting, dispensing and repair is included in the encounter rate paid at the time of the exam. All glasses must be purchased through the DMAP Vision Supply Contract.)</p>		<p>Physical &amp; Occupational Therapy:</p> <ul style="list-style-type: none"> <li>• 97001-97004</li> </ul> <p>Refer to OAR 410 Division 131</p>

<ul style="list-style-type: none"> <li>92002-92014</li> </ul> <p>Refer to OAR 410 Division 140</p>		
<p>Medical/Surgical/Dental Treatment or Service:</p> <p>HCPCS T1015 is used when a treatment or procedure is provided and no other procedure code listed in this table appropriately describes the service.</p> <p>Refer to OAR 410 Division 130 (Med/Surg), OAR 410-147-0125, and OAR 410 Division 123 (Dental)</p>	<p>The following conditions require the use of a modifier for all codes:</p> <p>Family Planning Service - FP 410-130-0585 Family Planning Services</p> <p>Vaccine for Children - SL Refer to OAR 410-130-0255(4)</p> <p>Immunization for High Risk - SK</p> <p>Medicaid EPDST Services - EP Refer to OAR 410-130-0245 The Early and Periodic Screening, Diagnostic and Treatment (EPSDT) program</p>	<p>T1015 is a nationally recognized HCPCS code that denotes a per diem encounter rate, and requires the use of a modifier:</p> <p>For antepartum, postpartum or prenatal visits not described otherwise in this document use modifier TH.</p> <p>For family planning services use modifier FP.</p> <p>All other services use modifier SU.</p>

## **410-146-0086 Multiple Encounters**

(1) An encounter is defined in OAR 410-146-0085.

(2) The following services may be considered as multiple encounters when two or more service encounters are provided on the same date of service with distinctly different diagnoses (Refer to OAR 410-146-0085 and individual program rules listed below for specific service requirements and limitations):

(a) Medical (Section (4) of this rule, and OAR 410 Division 130);

(b) Dental (OAR 410-146-0380, Table 146-0085-1, and OAR 410 Division 123);

(c) Mental Health (OAR 309 Division 016). If a client is also seen for a medical office visit and receives a mental health diagnosis, then providers must report only one encounter;

(d) Addiction, Alcohol and Chemical Dependency (OAR 415 Divisions 50 and 51). If a client is also seen for a medical office visit and receives an addiction diagnosis, then providers must report only one encounter;

(e) Ophthalmology - fitting and dispensing of eyeglasses are included in the encounter when the practitioner performs a vision examination. (OAR 410 Division 140);

(f) Maternity Case Management MCM (OAR 410-146-0120);

(g) Physical or occupational therapy (PT/OT) - If this service is also performed on the same date of service as the medical encounter that determined the need for PT/OT (initial referral), then it is considered a single encounter (OAR 410 Division 131); and

(h) Immunizations – if no other medical office visit occurs on the same date of service.

(3) Division of Medical Assistance Programs (DMAP) expects that multiple encounters will occur on an infrequent basis.

(4) Encounters with more than one health professional and multiple encounters with the same health professional that take place on the same day and that share the same or like diagnoses constitute a single encounter, except when one of the following conditions exist:

(a) After the first Medical service encounter, the patient suffers a distinctly different illness or injury requiring additional diagnosis or treatment. More than one office visit with a medical professional within a 24-hour period and receiving distinctly different diagnoses may be reported as two encounters. This does not imply that if a client is seen at a single office visit with multiple problems that the provider can bill for multiple encounters;

(b) The patient has two or more encounters as described in Section (2) of this rule.

(5) A mental health encounter and an addiction and alcohol and chemical dependency encounter provided to the same client on the same date of service will only count as multiple encounters when provided by two separate health professionals and each encounter has a distinctly different diagnosis.

(6) Similar services, even when provided by two different health care practitioners is considered a single encounter, and not multiple encounters. Services that would not be considered multiple encounters provided on the same date of service include, but are not limited to:

(a) A well child check and an immunization;

(b) A well child check and fluoride varnish application in a medical setting;

(c) A mental health and addiction encounter with similar diagnoses;

(d) A prenatal visit and a delivery procedure;

(e) A cesarean delivery and surgical assist; and

(f) Any time a client receives only a partial service with one provider and partial service from another provider.

(7) A clinic may not develop clinic procedures that routinely involve multiple encounters for a single date of service.

(8) Clinics may not “unbundle” services that are normally rendered during a single visit for the purpose of generating multiple encounters:

(a) Clinics are prohibited from asking the patient to make repeated or multiple visits to complete what is considered a reasonable and typical office visit, unless it is medically necessary to do so;

(b) Medical necessity must be clearly documented in the patient’s record.

Statutory Authority: 409.050, 404.110 and 414.065

Other Authority: Title 19 of the Social Security Act, Title 42 Public Health of the Code of Federal Regulations, Oregon Administrative Rule (OAR) 410 Division 120, and 42USC1396a(bb) and 1396d (United States Code 42, Chapter 7, Subchapter 19). Public Law 93 -638. Section 1603 of Title 25.

Statutes Implemented: 414.065

1-1-08

## **410-146-0100 Vaccines for Children (VFC)**

(1) The Vaccines for Children (VFC) program supplies federally purchased free vaccines for immunizing eligible clients ages 0 through 18 at no cost to participating health care providers. For more information on how to enroll in the VFC program, contact the Department of Human Services Immunization Program. Refer to the AI/AN Supplemental Information for instructions.

(2) The Division of Medical Assistance Programs (DMAP) will reimburse for the administration of vaccines to eligible clients according to the AI/AN provider's IHS or cost-based rate. These services are billed on a CMS-1500 or 837P using diagnoses that meet national coding standards and the appropriate encounter code in Table 146-0085-1..

(3) Costs associated with vaccines are included in an AI/AN provider's encounter rate. Do not bill vaccine costs separately to DMAP. AI/AN providers reimbursed a cost-based rate are directed to OAR 410-146-0200(1)(a).

Statutory Authority: 409.050, 404.110 and 414.065

Other Authority: Title 19 of the Social Security Act, Title 42 Public Health of the Code of Federal Regulations, Oregon Administrative Rule (OAR) 410 Division 120, and 42USC1396a(bb) and 1396d (United States Code 42, Chapter 7, Subchapter 19). Public Law 93 - 638. Section 1603 of Title 25.

Statutes Implemented: 414.065

1-1-08

## **410-146-0120 Maternity Case Management Services**

(1) The Division of Medical Assistance Programs (DMAP) will reimburse American Indian/Alaska Native (AI/AN) providers for Maternity Case Management (MCM) services according to their encounter rate. Refer to OAR 410-146-0085 Professional Services and Table 146-0085-1.

(2) MCM service is optional coverage for Prepaid Health Plans (PHPs). Before providing MCM services to client enrolled in an PHP, determine if the PHP covers MCM services:

(a) If the PHP does not cover MCM services, the provider can bill DMAP directly per the clinic's encounter rate. Prior authorization is not required if the PHP does not provide coverage for MCM services;

(b) If the PHP does cover MCM services, and services were furnished to a:

(A) non-AI/AN client, the provider needs to request the necessary authorizations from the PHP;

(B) AI/AN client enrolled with a PHP with which the AI/AN provider does not have an agreement, the AI/AN provider can bill DMAP directly.

(3) Clients records' must clearly document all MCM services provided including all mandatory topics. Refer to Medical/Surgical OAR 410-130-0595 Maternity Case Management (MCM) for specific requirements.

(4) The primary purpose of the MCM program is to optimize pregnancy outcomes including the reduction of low birth weight babies. MCM services are intended to target pregnant women early during the prenatal period and can only be initiated when the client is pregnant.

(a) MCM services cannot be initiated the day of delivery, during postpartum or for newborn evaluation;

(b) Clients are not eligible for MCM services if the provider has not completed the MCM initial evaluation prior to the day of delivery;

(c) No other MCM service can be performed until an initial assessment has been completed.

(5) Multiple MCM encounters in a single day cannot be billed as multiple encounters.

(6) A medical encounter and an MCM encounter can occur on the same day only under the following two circumstances:

(a) The practitioner can bill a prenatal visit and a MCM service on the same day as separate encounters only if the MCM service is the initial evaluation visit;

(b) After the initial evaluation visit, the practitioner can bill the nutritional counseling MCM service if provided on the same day as a prenatal visit as two separate encounters. See Section (7)(c) of this rule for limitations.

(7) MCM Services limitations:

(a) DMAP reimburses the initial evaluation one time per pregnancy per provider;

(b) Providers may bill DMAP for case management visits four times per pregnancy. In addition, if a client is identified as high risk; the practitioner may bill six additional case management visits;

(c) DMAP reimburses Nutritional Counseling one time per pregnancy if a client meets the criteria in OAR 410-130-0595(14); and

(d) DMAP reimburses a Home/Environmental Assessment one time per pregnancy, and is included in the total number of case management visits in Section (7)(b) of this rule.

(8) A client may only participate in a single case management program. DMAP does not allow multiple case management billings. This includes Maternity Case Management (MCM), and any Targeted Case Management (TCM) Program outlined in OAR 410 Division 138.

(9) Community Health Representatives (CHR) may be eligible to provide specific MCM services, with the exclusion of the initial assessment (G9001), while working under the supervision of a licensed health care practitioner listed in OAR 410-130-0595 (6)(a). Refer to OAR 410-130-0595(6)(c).

Statutory Authority: 409.050, 404.110 and 414.065

Other Authority: Title 19 of the Social Security Act, Title 42 Public Health of the Code of Federal Regulations, Oregon Administrative Rule (OAR) 410 Division 120, and 42USC1396a(bb) and 1396d (United States Code 42, Chapter 7, Subchapter 19). Public Law 93 - 638. Section 1603 of Title 25.

Statutes Implemented: 414.065

1-1-08

## **410-146-0130 Modifiers**

(1) The Division of Medical Assistance Programs (DMAP) uses HIPAA compliant modifiers for many services. The modifiers listed in the American Indian/Alaska Native (AI/AN) rules represent those that are required.

(2) For a list of all required modifiers refer to OAR 410-146-0080, Table 146-0085-1 American Indian/Alaska Native (AI/AN) Tribal Program Encounter Codes & Modifiers.

(3) When billing for services that are reimbursed outside an AI/AN provider's cost-based or IHS rate, a clinic must use the required modifier(s) listed in the individual program-specific Administrative Rules.

Statutory Authority: 409.050, 404.110 and 414.065

Other Authority: Title 19 of the Social Security Act, Title 42 Public Health of the Code of Federal Regulations, Oregon Administrative Rule (OAR) 410 Division 120, and 42USC1396a(bb) and 1396d (United States Code 42, Chapter 7, Subchapter 19). Public Law 93 - 638. Section 1603 of Title 25.

Statutes Implemented: 414.065

1-1-08

## **410-146-0140 Tobacco Cessation**

- (1) The Division of Medical Assistance Programs (DMAP) will reimburse AI/AN providers for tobacco cessation services at the AI/AN provider's IHS or cost-based rate.
- (2) AI/AN providers will bill services with procedure codes G9016 for tobacco cessation counseling and S9075 for tobacco cessation treatment, with diagnosis code 305.1 (Tobacco Use Disorder). Refer to Table 146-0085-1.
- (3) Refer to OAR 410-130-0190, Tobacco Cessation for specific requirements and treatment limitations.
- (4) Providers may not report Tobacco Cessation, a specific DMAP prevention program, as a separate encounter when a medical, dental, mental health or addiction service encounter occurs on the same date of service.

Statutory Authority: 409.050, 404.110 and 414.065

Other Authority: Title 19 of the Social Security Act, Title 42 Public Health of the Code of Federal Regulations, Oregon Administrative Rule (OAR) 410 Division 120, and 42USC1396a(bb) and 1396d (United States Code 42, Chapter 7, Subchapter 19). Public Law 93 - 638. Section 1603 of Title 25.

Statutes Implemented: 414.065

1-1-08

## **410-146-0160 Administrative Medical Examinations and Reports**

(1) The Division of Medical Assistance Programs (DMAP) does not reimburse Administrative Medical Examinations and Reports at an AI/AN provider's IHS encounter rate. Administrative medical examinations and reports are not eligible under the Memorandum of Agreement (MOA). DMAP reimburses providers for Administrative Examinations and Reports on a fee-for-service basis outside the IHS or cost-based encounter rate.

(2) AI/AN Health Care Facilities can be reimbursed for administrative medical examinations and reports when requested by a DHS branch office, or approved by DMAP. The branch office may request an Administrative Medical Examination/Report Authorization (DMAP 729) to establish client eligibility for an assistance program or casework planning.

(3) Refer to OAR 410 Division 150, Administrative Examination and Report Billing Services, for specific requirements. See Administrative Exams Supplemental Information guide for more detailed information on procedure codes and descriptions.

Statutory Authority: 409.050, 404.110 and 414.065

Other Authority: Title 19 of the Social Security Act, Title 42 Public Health of the Code of Federal Regulations, Oregon Administrative Rule (OAR) 410 Division 120, and 42USC1396a(bb) and 1396d (United States Code 42, Chapter 7, Subchapter 19). Public Law 93 - 638. Section 1603 of Title 25.

Statutes Implemented: 414.065

1-1-08

## **410-146-0200 Pharmacy**

(1) The Division of Medical Assistance Programs (DMAP) excludes pharmaceutical or biologicals not generally provided during a clinic visit from the definition of an encounter:

(a) Providers cannot bill separately for drugs or medication treatments dispensed by a clinic to treat a client during an office visit since they are inclusive of the encounter rate for the office visit;

(b) Pharmacy services are not eligible under the Memorandum of Agreement (MOA) for reimbursement at the IHS or a cost-based encounter rate. Prescriptions are not included in the encounter rate and a qualified enrolled pharmacy must bill DMAP through the pharmacy program.

(2) AI/AN providers may directly bill DMAP only for contraceptive supplies and contraceptive medications outside of the pharmacy program:

(a) AI/AN providers must bill the Prepaid Health Plan (PHP) first for clients enrolled in a PHP. If the PHP will not reimburse for the contraceptive supply or contraceptive medication, then the clinic can bill DMAP fee-for-service at the clinic's acquisition cost. See also OAR 410-130-0585, Family Planning Services;

(b) AI/AN providers can directly bill DMAP fee-for-service at the clinic's acquisition cost for contraceptive supplies and contraceptive medications dispensed by a clinic to a non-PHP-enrolled client. See also OAR 410-130-0585, Family Planning Services.

(3) Refer to OAR 410 Division 121, Pharmaceutical Services Program Rulebook for specific information.

Statutory Authority: 409.050, 404.110 and 414.065

Other Authority: Title 19 of the Social Security Act, Title 42 Public Health of the Code of Federal Regulations, Oregon Administrative Rule (OAR) 410 Division 120, and 42USC1396a(bb) and 1396d

(United States Code 42, Chapter 7, Subchapter 19). Public Law 93 - 638. Section 1603 of Title 25.

Statutes Implemented: 414.065

1-1-08

## **410-146-0220 Death With Dignity**

(1) Death With Dignity is a covered service, except for those facilities limited by the Assisted Suicide Funding Restriction Act of 1997 (ASFRA), and is incorporated in the "comfort care" condition/treatment line on the Health Services Commission's Prioritized List of Health Services.

(2) All Death With Dignity services must be billed directly to the Division of Medical Assistance Programs (DMAP), even if the client is in a prepaid health plan. Death With Dignity services are not part of the AI/AN encounter rate.

(3) Follow criteria outlined in OAR 410-130-0670.

Statutory Authority: 409.050, 404.110 and 414.065

Other Authority: Title 19 of the Social Security Act, Title 42 Public Health of the Code of Federal Regulations, Oregon Administrative Rule (OAR) 410 Division 120, and 42USC1396a(bb) and 1396d (United States Code 42, Chapter 7, Subchapter 19). Public Law 93 - 638. Section 1603 of Title 25.

Statutes Implemented: 414.065

1-1-08

## **410-146-0240 Transportation**

(1) The Division of Medical Assistance Programs (DMAP) may reimburse American Indian/Alaska Native (AI/AN) providers for medically appropriate transportation services to Oregon Health Plan (OHP) AI/AN clients who receive medical services through an AI/AN provider. (Refer to OAR 410 Division 136, Medical Transportation).

(2) Federal regulations in 42 CFR 431.53 require the State to ensure necessary transportation for Medicaid recipients to and from providers. The AI/AN provider must ensure that:

(a) The service to be provided is the most cost-effective method that meets the medical needs of the client; and

(b) The service to be provided at the point of origin and/or destination is a DMAP Medicaid-covered service according to a client's Oregon Health Plan (OHP) benefit package.

(c) In addition, AI/AN OHP clients may be transported to the nearest Tribal Health facility, and are not restricted to the nearest (non-tribal) facility able to meet the client's medical needs.

(3) AI/AN providers do not need to enroll separately as a transportation provider if they furnish either sedan car or wheelchair van transportation. As used in this rule transportation services by AI/AN providers are defined as follows:

(a) Sedan car transport: Transportation provided by a 4-door sedan or mini-van motor vehicle having a seating capacity of not less than 4 and not more than 7 passengers;

(b) Wheelchair van transport: Transportation provided by a wheelchair lift equipped vehicle for a client who uses a wheelchair. Transportation is generally a "door to door" service. At times, an individual being transported must be picked up inside their residence and taken inside their destination (escort by the driver);

(4) DMAP reimburses transportation services fee-for-service, and outside of the IHS encounter rate, when the AI/AN provider meets the following conditions:

(a) The AI/AN provider owns or leases the sedan car or wheelchair van; and

(b) The individual providing the service is an employee of the AI/AN provider.

(5) Under the following conditions, an AI/AN provider is required to separately enroll with DMAP as a provider of medical transportation services:

(a) The AI/AN provider serves all clients as a whole, and does not limit services to the AI/AN community (e.g. Native American clients);

(b) The AI/AN provider owns and operates a taxi service; or

(c) The AI/AN provider owns and operates an ambulance service.

(6) DMAP will reimburse for medically appropriate transportation services according to the approved rate or schedule of maximum allowances for:

(a) Sedan Car, Wheelchair Van:

(A) Base Rate;

(B) Mileage;

(C) Base Rate -- each additional client;

(D) Extra Attendant.

(7) Non-emergency ambulance, air ambulance, commercial air, bus, or train requires advance arrangement and prior authorization (PA)

through the local Seniors and People with Disabilities Division (SPD) or Children, Adults and Families (CAF) branch office.

(8) For all claims submitted to DMAP, the provider records must contain completed documentation (pertinent to the service provided) that includes but is not limited to:

(a) Trip information including:

(A) Date of service;

(B) If one way, round trip, or three-way and if transportation needs are ongoing;

(C) Point of origin, e.g., client address, Nursing Home name and address, etc.;

(D) Number of actual patient miles traveled; and

(E) Destination point, e.g., hospital name, doctor name, address, etc.;

(b) Client information including:

(A) Client Name;

(B) ID Number; and

(C) Medical assistance needs (e.g. for example, requires wheelchair, walker, cane, needs assistance, requires portable oxygen, etc.); and

(c) Justification for extra attendant beyond one if wheelchair van;

(9) All required documentation must be retained in the provider files for the period of time specified in the General Rules (OAR 410 Division 120).(11) Medical transportation services must be billed on the CMS-1500 paper claim form or the 837P electronic transaction using the billing instructions and procedure codes in this rule and in

conjunction with OAR 147 Division 136 Medical Transportation Program.

(10) Additional Client Transport. If two or more Medicaid clients are transported by the same mode (e.g., wheelchair van) at the same time, DMAP will reimburse at the full base rate for the first client and one-half the appropriate base rate for each additional client. If two or more DMAP clients are transported by mixed mode (e.g., wheelchair van and ambulatory) at the same time, DMAP will reimburse at the full base rate for the highest mode for the first client and one-half the base rate of the appropriate mode for each additional client. Reimbursement will not be made for duplicated miles traveled. If more than one client is transported from a single pickup point to different destinations or from different pickup points to the final destination the total mileage may be billed. The first 10 miles is included in the Base Rate and should be included in the total number of miles on the CMS-1500 (OAR 410-136-0080, Additional Client Transport).

(11) Tribal facility owned/leased Sedan car:

(a) S0215 – Non-emergency transportation; mileage, per mile;

(b) Not eligible for base rate or extra attendant reimbursement;

(12) Tribal facility owned/leased Wheelchair Car/Van. DMAP reimbursement of the first ten miles of a transport is included in the payment for the base rate. A service from point of origin to point of destination (one-way) is considered a "transport."

(13) Tribal facility owned/leased wheelchair van:

(a) If a client is able to transfer from wheelchair to car/van, DMAP will not make payment for wheelchair services for transportation of ambulatory (capable of walking) clients (e.g. base rate, extra attendant);

(b) Wheelchair Van -- Bill using the following procedure codes:

(A) A0130 -- Non-emergency transportation, wheelchair car/van base rate;

(B) S0209 – Wheelchair Van, ground mileage, per statute mile;

(C) T2001 -- Extra Attendant (each).

(14) When billing transportation services use the appropriate place of service (POS) code as listed in the Medical Transportation Services Supplemental Information guidebook.

(15) DMAP may recoup such payments if, on subsequent review, it is found that the provider did not comply with DMAP Administrative Rules. Non-compliance includes, but is not limited to, failure to adequately document the service and the need for the service.

Statutory Authority: 409.050, 404.110 and 414.065

Other Authority: Title 19 of the Social Security Act, Title 42 Public Health of the Code of Federal Regulations, Oregon Administrative Rule (OAR) 410 Division 120, and 42USC1396a(bb) and 1396d (United States Code 42, Chapter 7, Subchapter 19). Public Law 93 - 638. Section 1603 of Title 25.

Statutes Implemented: 414.065

1-1-08

## **410-146-0340 Medicare/Medical Assistance Program Claims**

(1) If a client has both Medicare and Medical Assistance Program coverage, providers must bill Medicare first.

(2) All claims submitted by AI/AN providers to DMAP for clients who have both Medicare and DMAP coverage must be billed on a CMS-1500 claim form or by 837P transmission. See also Billing for Medicare/Medicaid Clients in the AI/AN Tribal Program Supplemental Information.

(3) If an out-of-state Medicare carrier or intermediary was billed, you must bill DMAP using a CMS-1500 claim form or 837P transmission, but only after that carrier has made payment determination.

(4) When billing on a CMS-1500 claim form or 837P transmission for a client with both Medicare and DMAP coverage:

(a) Bill all services provided to an OHP beneficiary using a procedure code listed in Table 146-0085-1, American Indian/Alaska Native (AI/AN) Tribal Program Encounter Codes & Modifiers;

(b) Bill the clinic's encounter rate; and

(c) Enter the total Medicare payment received in the "Amount Paid" field or use the appropriate Third Party Resources (TPR) explanation. Refer to CMS-1500 or 837P detailed billing instructions.

(5) Claims for Qualified Medicare Beneficiary (QMB)-only clients must be billed on CMS-1500 claim form or 837P transmission. Refer to OAR 410-120-1210, Medical Assistance Benefit Packages and Delivery System. Specific billing information and instructions are located in the AI/AN Tribal Program Supplemental Information billing guide:

(a) The total charged amount must equal the total Medicare allowed/covered charges. AI/AN providers are not to bill their encounter rate for services provided to Qualified Medicare Beneficiary (QMB)-only clients;

(b) AI/AN providers must bill each service, treatment or item provided to a QMB-only beneficiary on the CMS-1500 claim form or 837P transmission identical to how Medicare was billed;

(c) AI/AN providers must apply any reductions and/or adjustments by Medicare to the Medicare payment, such that the difference between the Medicare allowed/covered amount and the amount paid by Medicare as reported on the claim equals only the Medicare coinsurance and/or deductible;

(d) For claims to process payment correctly, AI/AN providers billing multiple services need to apply the total charge calculated, according to section (a) above, to the first detail line and zero charge all subsequent lines.

Statutory Authority: 409.050, 404.110 and 414.065

Other Authority: Title 19 of the Social Security Act, Title 42 Public Health of the Code of Federal Regulations, Oregon Administrative Rule (OAR) 410 Division 120, and 42USC1396a(bb) and 1396d (United States Code 42, Chapter 7, Subchapter 19). Public Law 93 - 638. Section 1603 of Title 25.

Statutes Implemented: 414.065

1-1-08

## **410-146-0380 OHP Standard Emergency Dental Benefit**

(1) The intent of the OHP Standard Emergency Dental benefit is to provide services requiring immediate treatment and is not intended to restore teeth. Refer to OAR 410-123-1670 OHP Standard Limited Emergency Dental Benefit.

(2) Services are limited to those procedures listed in OAR 410-123-1670, Table 123-1670-1 and are limited to treatment for conditions such as:

(a) Acute infection;

(b) Acute abscesses;

(c) Severe tooth pain; and

(d) Tooth re-implantation when clinically appropriate.

(3) An AI/AN provider billing Division of Medical Assistance Programs (DMAP) directly for dental services provided to an open card OHP Standard client, must bill the covered service(s) in accordance with Section (2) of this rule, using a dental procedure code as listed in Table 146-0085-1, American Indian/Alaska Native (AI/AN) Tribal Program Encounter Codes & Modifiers.

(4) An AI/AN provider is not limited to the AI/AN Tribal Program encounter procedure codes listed in Table 146-0085-1 when billing a Dental Care Organization (DCO), Medicare, or any other Third Party Resource (TPR).

(5) Hospital Dentistry is not a covered benefit for the OHP Standard population except for covered services authorized in accordance with Section (2) of this rule when provided to:

(a) Clients who have a developmental disability or other severe cognitive impairment, with acute situational anxiety and extreme uncooperative behavior that prevents dental care without general anesthesia; or

(b) Clients who have a developmental disability or other severe cognitive impairments and have a physically compromising condition that prevents dental care without general anesthesia.(6) Any limitations or prior authorization requirements on services listed in OAR 410-123-1260 will also apply to services in the OHP Standard benefit when provided by an AI/AN provider.

Statutory Authority: 409.050, 404.110 and 414.065

Other Authority: Title 19 of the Social Security Act, Title 42 Public Health of the Code of Federal Regulations, Oregon Administrative Rule (OAR) 410 Division 120, and 42USC1396a(bb) and 1396d (United States Code 42, Chapter 7, Subchapter 19). Public Law 93 - 638. Section 1603 of Title 25.

Statutes Implemented: 414.065

1-1-08

## **410-146-0440 Prepaid Health Plan Supplemental Payments**

(1) Effective January 1, 2001, the Division of Medical Assistance Programs (DMAP) is required by 42 USC 1396a(bb), to make supplemental payments to eligible Federally Qualified Health Centers (FQHC) and Rural Health Clinics (RHC) that contract with Prepaid Health Plans (PHP). AI/AN providers that are not FQHCs, and that elect to receive payment under Title XIX and XXI according to the IHS rate under the Memorandum of Agreement effective July 11, 1996 will also be eligible to receive a supplemental payment for that service in the same manner as an FQHC under 1902(bb)(5).

(2) AI/AN providers reimbursed according to a cost-based rate under the Prospective Payment System (PPS) are directed to Oregon Administrative Rule (OAR) 410-147-0460 Prepaid Health Plan Supplemental Payments.

(3) The PHP Supplemental Payment represents the difference, if any, between the payment received by the AI/AN provider from the PHP(s) for treating the PHP enrollee and the payment to which the AI/AN provider would be entitled if they had billed DMAP directly for these encounters according to the clinic's IHS rate. Refer to OAR 410-146-0020.

(4) In accordance with federal regulations the Provider must take all reasonable measures to ensure that in most instances, with the exception of IHS, Medicaid will be the payer of last resort. Providers must make reasonable efforts to obtain payment first from other resources before submitting claims to the PHP. Refer to OAR 410-146-0085(13).

(5) When any other coverage is known to the provider, the provider must bill the other resource(s) prior to billing the PHP. When a provider receives a payment from any source prior to the submission of a claim to the PHP, the amount of the payment must be shown as a credit on the claim in the appropriate field. See also OAR 410-120-1280 Billing and OAR 410-120-1340 Payment.

(6) Supplemental payment by DMAP for encounters submitted by AI/AN providers for purposes of this rule is reduced by any and all payments received by the AI/AN provider from outside resources, including Medicare, private insurance or any other coverage. Therefore, AI/AN providers are required to report all payments received on the Managed Care Data Submission Worksheet, including:

(a) Medicaid PHPs;

(b) Medicare Advantage Managed Care Organizations (MCO);

(c) Medicare, including Medicare MCO supplemental payments; and

(d) Any Third Party Resource(s) (TPR).

(7) DMAP will calculate the PHP Supplemental Payment in the aggregate of the difference between total payments received by the AI/AN provider, to include payments as listed in Section (5) of this rule and the payment to which the AI/AN provider would have been eligible to claim as an encounter if they had billed DMAP directly according to the IHS encounter rate.

(8) AI/AN providers must submit their clinic's data using the Managed Care Data Submission Template developed by DMAP to report all PHP encounter and payment activity.

(9) To facilitate DMAP processing PHP supplemental payments, the AI/AN must submit the following:

(a) To PHPs:

(A) Claims within the required timelines outlined in the contract with the PHP and in OAR 410-141-0420, Oregon Health Plan Prepaid Health Plan Billing Payment Under the Oregon Health Plan;

(B) The AI/AN provider number must be used when submitting all claims to the PHPs;

(b) To DMAP:

(A) Report total payments for all services submitted to the PHP:

(i) Including laboratory, radiology, nuclear medicine, and diagnostic ultrasound; and

(ii) Excluding any bonus or incentive payments;

(B) Report total payments for each category listed in the “Amounts Received During the Settlement Period” section of the Managed Care Data Submission Template Coversheet;

(C) Payments are to be reported at the detail line level on the Managed Care Data Submission Template Worksheet, except for capitated payments, or per member per month and risk pool payments received from the PHP;

(D) The total number of actual encounters. An encounter represents all services for a like service element (Medical, Dental, Mental Health, or Alcohol and Chemical Dependency) provided to an individual client on a single date of service. The total number of encounters is not the total number of clients assigned to the IHS or Tribal 638 facility or the total detail lines submitted on the Managed Care Data Submission Template Worksheet;

(E) All individual DMAP performing provider numbers assigned to practitioners associated with the IHS or Tribal 638 facility. “Associated” refers to a practitioner who is either subcontracted or employed by the AI/AN provider. A practitioner associated with an AI/AN provider can only retain their individual performing provider number under one of the two situations:

(i) The practitioner maintains a private practice; or

(ii) The practitioner is also employed by a non-IHS or non-Tribal 638 site.

(F) A current list of all PHP contracts. An updated list of all PHP contracts must be submitted annually to DMAP no later than October 31 of each year.

(10) PHP Supplemental Payment process:

(a) DMAP processes PHP Supplemental Payments on a quarterly basis. The quarterly settlement includes a final reconciliation for the reported time period.

(b) Upon processing a clinic's data and the PHP Supplemental Payment, DMAP will:

(A) Send a check to the AI/AN provider for PHP Supplemental Payment calculated from clinic data DMAP was able to process;

(B) Provide a cover letter and summary of the payment calculation; and

(C) Return data that is incomplete, unmatched, or cannot otherwise be processed by DMAP;

(c) The AI/AN provider is responsible for reviewing the data DMAP was unable to process for accuracy and completeness. The clinic has 30 days, from the date of DMAP's cover letter under Section (9)(b) of this rule, to make any corrections to the data and resubmit to DMAP for processing. Documentation supporting any and all changes must accompany the resubmitted data. A request for extension must be received by DMAP prior to expiration of the 30 days, and must:

(A) Be requested in writing;

(B) Accompanied by a cover letter fully explaining the reason for the late submission; and

(C) Provide an anticipated date for providing DMAP the clinic's resubmitted data and supporting documentation;

(d) Within 30 days of DMAP's receipt of the re-submitted data, DMAP will:

(A) Review the data and issue a check for all encounters DMAP verifies to be valid; and

(B) For quarterly data submissions, send a letter outlining the final quarterly settlement including any other pertinent information to accompany the check;

(e) The AI/AN provider should submit data to DMAP within the timelines provided by DMAP.

(11) Clinics must carefully review in a timely fashion the data that DMAP was unable to process and returns to the AI/AN provider. If clinics do not bring any incomplete, inaccurate or missing data to DMAP's attention within the time frames outlined, DMAP will not process an adjustment.

(12) DMAP encourages AI/AN providers to request PHP Supplemental Payment in a timely manner.

(13) Clinics must exclude from a clinic's data submission for PHP supplemental payment, services provided to a PHP-enrolled non-AI/AN client denied by the PHP because the clinic does not have a contract or agreement with the PHP. This may not apply to family planning services, or HIV/ AIDS prevention services. Family Planning and HIV/AIDS prevention services provided to a PHP-enrolled client when a clinic does not have a contract or agreement with the PHP:

(a) Must be reported in the clinic's data submission for PHP Supplemental Payment if the clinic receives payment from the PHP;

(b) Cannot be reported in the clinic's data submission for PHP Supplemental Payment if the clinic is denied payment by the PHP. If the PHP denies payment to the clinic, the clinic can bill these services directly to DMAP. (See also OAR 410-146-0060).

(14) If a PHP denies payment to a contracted AI/AN provider for all services, items and supplies provided to a client on a single date of service and meeting the definition of an “encounter” as defined in OAR 410-146-0085, for the reason that all services, items and supplies are non-covered by the plan, DMAP is not required to make a supplemental payment to the clinic. The following examples are excluded from the provision of this rule:

(a) Encounters that will later be billed to the PHP as a covered global procedure (e.g. Obstetrics Global Encounter);

(b) Had payment received by Medicare, and any other third party resource not have exceeded the payment the PHP would have made, the PHP would have made payment;

(c) At least one of the detail lines reported for all services, items and supplies provided to a client on a single date of service and represents an “encounter,” has a reported payment amount by the PHP.

(15) DMAP will not reimburse some Medicaid covered services that are only reimbursed by PHPs, and are not reimbursed by DMAP. DMAP will not make PHP supplemental payment for these services, as DMAP does not reimburse these services when billed directly to DMAP.

(16) It is the responsibility of the AI/AN provider to refer PHP-enrolled non-AI/AN clients back to their PHP if the AI/AN provider does not have a contract with the PHP, and the service to be provided is not family planning or HIV/AIDS prevention. The Provider assumes full financial risk in serving a person not confirmed by DMAP as eligible on the date(s) of service. See OAR 410-120-1140, Verification of Eligibility. It is the responsibility of the Provider to verify:

(a) That the individual receiving medical services is eligible on the date of service for the service provided; and

(b) Whether a client is enrolled with a PHP or receives services on an “open card” or “fee-for-service” basis.

Statutory Authority: 409.050, 404.110 and 414.065

Other Authority: Title 19 of the Social Security Act, Title 42 Public Health of the Code of Federal Regulations, Oregon Administrative Rule (OAR) 410 Division 120, and 42USC1396a(bb) and 1396d (United States Code 42, Chapter 7, Subchapter 19). Public Law 93 - 638. Section 1603 of Title 25.

Statutes Implemented: 414.065

1-1-08

## **410-146-0460 Compensation for Outstationed Outreach Workers**

(1) The Division of Medical Assistance Programs (DMAP) may provide reasonable compensation for activities directly related to the receipt and initial processing of applications for individuals, including low-income pregnant women and children, to apply for Medicaid at outstation locations other than state offices.

(2) DMAP may provide reasonable compensation to eligible AI/AN providers for outreach activities performed by Outstationed Outreach Workers (OSOW) equal to 100% of direct costs.

(3) AI/AN Providers must submit a budget each December 1st to the Division of Medical Assistance Programs (DMAP) for review of the clinic OSOW costs for approval before any OSOW compensation is made each January 1st.

(4) AI/AN providers must have a current Outreach Agreement with the State of Oregon, Department of Human Services (DHS), DMAP to be eligible for compensation under this rule.

(5) For staff employed by a clinic and performing outreach activities at less than full time, the clinic must calculate the percent of time spent performing OSOW services and maintain adequate documentation to support the percentage of time claimed. The percent must be used to calculate personnel expenses incurred by an AI/AN provider as outlined in Section (7)(a) of this rule and that are directly attributed to outreach activities performed by the employee.

(6) Case management is excluded from OSOW reimbursement. If an OSOW also does case management, calculate the OSOW expense as outlined in section (5) above.

(7) Direct cost expenses allowed for OSOW reimbursement:

(a) Personnel costs for OSOWs:

(A) Salary/Wages;

(B) Taxes;

(C) Fringe Benefits provided to OSOW;

(D) Premiums paid by the AI/AN Provider for Private Health Insurance;

(b) Travel expenses incurred by the AI/AN provider for DMAP training on OSOW activities;

(c) Phone bills, if a dedicated line. Otherwise an estimate of telephone usage and resulting costs;

(d) Reasonable equipment necessary to perform outreach activities. A Tribal 638 provider reimbursed according to a cost-based rate will not include expenses for replacing equipment if the original cost of the equipment was reported on the cost statement when the clinic's initial cost-based encounter rate was calculated;

(e) Rent or space costs. A Tribal 638 provider reimbursed according to a cost-based rate will not include rent or space costs if 100% of facility costs were reported on the cost statement when the clinic's initial cost-based encounter rate was calculated;

(f) Reasonable office supplies necessary to perform outreach activities; and

(g) Postage.

(8) DMAP excludes indirect costs relating to OSOW activities to Tribal 638 providers reimbursed according to a cost-based rate. Excluded indirect costs include and are not limited to the following:

(a) Any costs included in the initial calculation of a Tribal 638 clinic's cost-based encounter rate;

(b) Contracted interpretation services;

(c) Administrative overhead costs; and

(d) Operating expenses including utilities, building maintenance and repair, and janitorial services

(9) IHS and Tribal 638 Facilities that have a Medicaid Administrative Match contract that includes outreach costs are not eligible for separate outreach payments. IHS and Tribal 638 facilities cannot participate in the Medicaid Administrative Claiming (MAC) program if they are receiving OSOW compensation according to this rule.

Statutory Authority: 409.050, 404.110 and 414.065

Other Authority: Title 19 of the Social Security Act, Title 42 Public Health of the Code of Federal Regulations, Oregon Administrative Rule (OAR) 410 Division 120, and 42USC1396a(bb) and 1396d (United States Code 42, Chapter 7, Subchapter 19). Public Law 93 - 638. Section 1603 of Title 25.

Statutes Implemented: 414.065

1-1-08