

Certificate and Order for Filing  
**TEMPORARY ADMINISTRATIVE RULES**  
A Statement of Need and Justification accompanies this form.

I certify that the attached copies\* are true, full and correct copies of the TEMPORARY Rule(s) adopted on \_\_\_\_\_ by the \_\_\_\_\_  
Date prior to or same as filing date.

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

Darlene Nelson 503-945-6927 503-947-5221 dar.l.nelson@state.or.us  
Rules Coordinator Telephone Fax email

Communications Unit, 3<sup>rd</sup> Fl., DHS Bldg., 500 Summer St. NE-E35, Salem, Or. 97301-0177  
Address

to become effective 1/13/12 through 7/10/12  
Date upon filing or later A maximum of 180 days including the effective date.

**RULEMAKING ACTION**

**Rule Filing Caption:** Align with OAR chapter 461, division 155 medical eligibility rules

**AMEND:** OAR 410-120-0006, Medical Eligibility Standards

Statutory Authority: ORS 413.042

Other Authority: HB 2009, enacted in 2009 Or Laws, chapter 595 Sections 19-25

**Statutes Implemented:** **ORS** 413.042 and 414.065

**Subject Matter:**

The General Rules Program administrative rules govern the Division's payments for services provided to clients, and medical assistance eligibility determinations made by the Oregon Health Authority. In coordination with the Department of Human Services' (Department), temporary revision of medical eligibility rules in chapter 461 the Division is temporarily amended OAR 410-120-0006 to assure that the Division's medical eligibility rule aligns with and reflects information found in Department's medical eligibility rules. In OAR 410-120-0006, the Division adopts in rule by reference Department eligibility rules and must update OAR 410-120-0006 in conjunction. The Division intends to file this rule permanently on or before July 10, 2012.

Authorized Signers: \_\_\_\_\_ Judy Mohr Peterson, Jean Phillips or Sandy Wood 1-13-12



## **410-120-0006 Medical Eligibility Standards**

As the state Medicaid and CHIP agency, the Oregon Health Authority (Authority) is responsible for establishing and implementing eligibility policies and procedure consistent with applicable law. As outlined in 943-001-0020, the Authority, and the Department of Human Services (Department) work together to adopt rules to assure that medical assistance eligibility procedures and determinations are consistent across both agencies.

(1) The Authority adopts and incorporates by reference the rules established in OAR Chapter 461, and in effect January 13, 2012, for all medical eligibility requirements for medical assistance when the Authority conducts eligibility determinations.

(2) Any reference to OAR Chapter 461 in Oregon Administrative Rules or contracts of the Authority are deemed to be references to the requirements of this rule, and shall be construed to apply to all eligibility policies, procedures and determinations by or through the Authority.

(3) For purposes of this rule, references in OAR chapter 461 to the Department or to the Authority shall be construed to be references to both agencies.

(4) Effective on or after July 1, 2011 the Authority shall conduct medical eligibility determinations using the OAR chapter 461 rules which are in effect on the date the Authority makes the medical eligibility determination.

(5) A request for a hearing resulting from a determination under this rule, made by the Authority shall be handled pursuant to the hearing procedures set out in division 25 of OAR Chapter 461. References to “the Administrator” in division 25 of chapter 461 or “the Department” are hereby incorporated as references to the” Authority.”

[NOTE: The publications referred to or incorporated by reference in this rule are available from the agency.]

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042 & 414.065

1-13-12 (T)