

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 *date signed 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, 3rd Fl., DHS Bldg., 500 Summer St. NE-E35, Salem, Or. 97301-0177
 Address

to become effective 1/1/12 through 6/25/2012
Date upon filing or later A maximum of 180 days including the effective date.

RULEMAKING ACTION

Rule Filing Caption: Prioritized List of Health Services - Commission name and funding line changes

AMEND: 410-141-0520

Statutory Authority: ORS 192.527, 192.528, 413.042 and 414.065

Other Authority: None

Statutes Implemented: ORS 192.527, 192.528, 414.065 and 414.727

Subject Matter:

The OHP Program administrative rules govern the Division of Medical Assistance Programs' payments for services provided to clients. Effective Jan. 1, 2012, the Division temporarily amended 410-141-0520 to reference the January 1, 2012 changes to the Oregon Health Services Commission's (now the Health Evidenced Review Commission or HERC), January 1, 2011 to December 31, 2012 Prioritized List of Health Services.

Authorized Signers: _____


 Judy Mohr Peterson, Jean S. Donovan or Sandy Wood

12-22-11

Secretary of State
Statement of Need and Fiscal Impact

A Certificate and Order for Filing Temporary Administrative Rules accompanies this form.

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

In the Matter of: The Temporary amendment of an administrative rule that governs payment for the Oregon Health Plan (OHP or Managed Care) program. The Division temporarily amended 410-141-0520.

Rule Filing Caption: Prioritized List of Health Services - Commission name and funding line changes

Statutory Authority: ORS 192.527, 192.528, 413.042 and 414.065

Other Authority: HB 2100

Statutes Implemented: ORS 192.527, 192.528, 414.065 and 414.727

Need for Rule(s): The OHP Program administrative rules govern the Division of Medical Assistance Programs' payments for services provided to clients. Effective Jan. 1, 2012, the Division temporarily amended 410-141-0520 to reference the January 1, 2012 changes to the Oregon Health Services Commission's (now the Health Evidenced Review Commission or HERC), January 1, 2011 to December 31, 2012 Prioritized List of Health Services.

Justification of Temporary Rule(s): The Division finds that following the permanent rule making process rather than taking this immediate rulemaking action will result in serious prejudice to public interest, to the interest of the Division clients and providers. If the Division does not promptly incorporate the changes made to the Prioritized List, clients and providers will be at risk of following incorrect information when administering services and submitting claims to the Division.

This temporary rulemaking action will avoid or mitigate the risks mentioned above by incorporating, in rule, the updated funded services specified in the Prioritized List of Health Services technical changes to be effective on January 1, 2012, subject to Centers for Medicare and Medicaid Services (CMS).

Documents Relied Upon, and where these can be viewed or obtained:

- Health Services Commission's June 2011 Biennial Report to the Governor and 2011 Oregon Legislative Assembly
- June 4, 2011 cover letter to CMS seeking approval of Legislative changes to the 2011 – 2012 Prioritized List.
- 12/7/11 verbal approval from CMS to DMAP Exec. Staff

The HERC Prioritized List of Health Services found at:
http://www.oregon.gov/OHA/OHPR/HERC/current_Prioritized-List.shtml

Other Agencies affected: None

Authorized Signers:  12-22-11
Judy Mohr Peterson, Jean S. Donovan or Sandy Wood Date

410-141-0520 Prioritized List of Health Services

(1) Effective Jan. 1, 2012, per HB 2100 (2010 Oregon Legislative Assembly), the Oregon Health Services Commission (HSC) was abolished and the new Health Evidenced Review Commission (HERC) shall assume responsibility for the former HSC's Prioritized List of Health Services (Prioritized List). The Prioritized List is the listing of physical and mental health services with "expanded definitions" of preventive services and the practice guidelines, as presented to the Oregon Legislative Assembly. The Prioritized List is generated and maintained by HERC. The HERC maintains the most current list on their website:

www.oregon.gov/OHA/OHPR/HERC/Current-Prioritized-List.shtml, or for a hardcopy contact the Division of Medical Assistance Programs.

This rule incorporates by reference the Centers for Medicare and Medicaid Services (CMS) approved biennial January 1, 2011–December 31, 2012 Prioritized List, including January 1, 2012 modifications and technical revisions, expanded definitions, practice guidelines and condition treatment pairs funded through line498.

(2) Certain mental health services are only covered for payment when provided by a Mental Health Organization (MHO), Community Mental Health Program (CMHP) or authorized Fully Capitated Health Plan (FCHP) or Physician Care Organization (PCO).

(3) Chemical dependency (CD) services are covered for eligible OHP clients when provided by an FCHP, PCO, or by a provider who has a letter of approval from the Addictions and Mental Health Division and approval to bill Medicaid for CD services.

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

Other: HB 2100

Stats. Implemented: ORS 192.527, 192.528, 414.065 & 414.727

1-1-12 (T)