

**CHAPTER 407
DEPARTMENT OF HUMAN SERVICES**

**DIVISION 43
OREGON HEALTH AUTHORITY**

407-043-0010

Oregon Health Authority Transition Period Roles and Responsibilities

- (1) Effective June 26, 2009, 2009 Or. Laws Chapter 595 (House Bill 2009) created the Oregon Health Authority and transferred certain duties, functions, and powers of the Department of Human Services (Department) with respect to health and health care to the Oregon Health Authority. House Bill 2009 also authorized an operational transition period beginning June 26, 2009 and ending no later than June 30, 2011. The transferred subject areas are generally described in Section 19(1)(a), 2009 Or. Laws Chapter 595 as including but not limited to:
 - (a) Developing the policies for and the provision of publicly funded medical care and medical assistance in Oregon;
 - (b) Ensuring the promotion and protection of public health and the licensing of health care facilities;
 - (c) Developing the policies for and the provision of mental health treatment and treatment for substance use disorders;
 - (d) Administering the Oregon Prescription Drug Program; and
 - (e) Establishing responsibility for the Office for Oregon Health Policy and Research and all functions of the office.
- (2) The transferred functions described in section (1)(a)–(e) above are generally carried out as currently described in Department rules by the Public Health Division, the Addictions and Mental Health Division, and the Division of Medical Assistance Programs.
- (3) Operational transfer of any Department program, business transaction, judicial or administrative proceeding, or any other duty, function, or power transferred to the Oregon Health Authority may occur, in whole or in part, on the date specified by the Oregon Health Authority, but no later than June 30, 2011.
- (4) In accordance with OAR 943-001-0010 to 943-001-0015, the Department shall continue to exercise all of the duties, functions, and powers relating to the transfer to the Oregon Health Authority, subject to the supervision and oversight of the Oregon Health

Authority, until superseded by operational transfer, either in whole or in part, to the Oregon Health Authority as follows:

- (a) All rules shall remain in effect and ongoing rule filing processes may continue.
- (b) All program administration, policies, and procedures shall remain in effect and may continue to be developed and implemented.
- (c) Any judicial or administrative action, proceeding, contested case hearing, administrative review matter, or new action, proceeding, or matter involving or relating to the Department's duties, functions, or powers transferred to the Oregon Health Authority shall continue under the Department.
- (d) All procurements, contracts, grants, or other business transactions shall remain the Department's responsibility.
- (e) Rights and obligations legally incurred under contracts, leases, and business transactions shall remain legally valid.
- (f) Any taxes, assessments, fees, charges, or any payments due and payable to or reimbursable by the Department relating to the duties, functions, or powers transferred to the Oregon Health Authority shall continue to be paid to or reimbursed by the Department on behalf of the Oregon Health Authority.
- (g) Any former statutorily required findings, determinations, or recommendations to be made by the Department shall remain the Department's responsibility.
- (h) All filings, notices, or service documents that were formerly mailed, provided to, or served upon the Department relating to the duties, functions, or powers transferred to the Oregon Health Authority shall continue to be made, provided to, or served upon the Department on behalf of the Oregon Health Authority.
 - (A) Mailing or service of notices or documents on the Department shall be considered notice to the Oregon Health Authority. For example, any notice sent to the Department of Human Services Estate Administration Unit for purposes of ORS 113.145, 114.525, and 130.370 shall be considered notice to the Oregon Health Authority.
 - (B) If mailed, provided to, or served on the Oregon Health Authority, the filing, notice, or document shall be transmitted to the Department to respond or take such other actions as necessary to protect the state's interests.

- (5) Any and all remaining duties, functions, or powers relating to the duties, functions, and powers transferred to the Oregon Health Authority that are not described in section (4) shall continue in effect or be exercised by the Department until superseded by operational transfer, either in whole or in part, to the Oregon Health Authority.

Stat. Auth.: ORS 409.050 & 2009 OL Ch. 595 (HB 2009)

Stats. Implemented: 2009 OL Ch 595 (HB 2009)

407-043-0020

Cooperative Relationship with Oregon Health Authority

- (1) The Department of Human Services (Department) will cooperate and collaborate with Oregon Health Authority (Authority) in order to effectively coordinate services to individuals, families and communities and realize operational efficiencies in the administration of services that can be shared between them (“shared services”).
- (2) In any Department rules, policies, or procedures that refer to the programs, functions, and duties that were formerly part of the Department that were transferred to the Authority, such reference shall be considered a reference to the Authority.
- (3) The Department acknowledges that the Authority is the state Medicaid agency and the state Children’s Health Insurance Program agency, authorized by state statute to administer the medical assistance program. The Authority is also responsible for facilitating outreach and enrollment efforts to connect eligible individuals with all available publicly funded health programs.
 - (a) The Department and the Authority recognize that there are many points of interconnection between their programs and the individuals who receive services through these programs. In addition, there are areas of natural connection between the Department and the Authority based upon the former structure of the Department.
 - (b) The Department shall continue to work cooperatively with the Authority in the administration of the medical assistance program, including determinations of eligibility and service need for medical assistance. The Authority has designated the Department as the operating agency for the home and community-based waivers and as an Organized Health Care Delivery System.
 - (c) The Department and the Authority are authorized by state law to delegate to each other any duties, functions, and powers that they deem necessary for the efficient and effective operation of their respective functions. The Department and the Authority will work together to adopt rules to assure that medical assistance eligibility requirements, procedures, and determinations are consistent across both agencies. The Authority has authorized the Department

to determine medical eligibility for medical assistance. Where that responsibility is given to the Department under ORS Chapter 411, the Department has delegated to the Authority the duties, functions and powers to make medical eligibility determinations in accordance with OAR 410-120-0006.

- (d) Where statute establishes duties and functions of the Department or the Authority in relation to medical assistance as a public assistance program, the Department and the Authority will cooperate in the effective administration of the program.

Stat. Auth.: ORS 409.050

Stats. Implemented: ORS 413.032