Secretary of State

NOTICE OF PROPOSED RULEMAKING HEARING*

A Statement of Need and Fiscal Impact accompanies this form

FILED
9-6-16 12:03 PM
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Oregon Health Authority, Health Policy and Analytics — 409
Agency and Division — Administrative Rules Chapter Number

Zarie Haverkate — (503) 931-6420
Rules Coordinator — Telephone

Oregon Health Authority, Health Policy and Analytics, 500 Summer St. NE, E-65, Salem, OR 97301
Address

RULE CAPTION

Establishes Criteria for Awarding Grants under Safety Net Capacity Grant Program

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

Hearing Date	Time	Location	Hearings Officer
10-26-16	1:00 p.m.	500 Summer St NE, Room 554, Salem, Oregon 97301	Zarie Haverkate

RULEMAKING ACTION

Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

ADOPT:
OAR 409-110-0025, 409-110-0030, 409-110-0035, 409-110-0040, and 409-110-0045

AMEND:

REPEAL:
OAR 409-110-0025(T), 409-110-0030(T), 409-110-0035(T), 409-110-0040(T), and 409-110-0045(T)

RENUMBER: Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

AMEND AND RENUMBER: Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

Statutory Authority:
ORS 413.225

Other Authority:

Statutes Implemented:
ORS 413.225, 2015 c. 837 §34 & 414.231

RULE SUMMARY

The Oregon Health Authority is seeking to adopt permanent administrative rules to govern the operation of the Safety Net Capacity Grant Program (SNCGP). Senate Bill 5507, passed during the 2015 legislative session, appropriated resources to fund the SNCGP effective July 1, 2015. The grant ensures that safety net providers have the capacity to serve vulnerable and underserved children in Oregon with health care services to include physical, oral, mental, behavioral, and vision health services.

Proposed rules are available on the program's website at: http://www.oregon.gov/OHA/OHPR/pages/rulemaking/index.aspx
For hardcopy requests, call: (503) 931.6420.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

10-28-2016 5:00 p.m.	Zarie Haverkate	zarie.haverkate@state.or.us
Last Day *(m/d/yyyy)* and Time for public comment	Rules Coordinator Name	Email Address

*The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation.

Secretary of State

STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing accompanies this form.

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Oregon Health Authority, Health Policy and Analytics — 409

Agency and Division — Administrative Rules Chapter Number

Establishes Criteria for Awarding Grants under Safety Net Capacity Grant Program

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:

The proposed adoption of OAR 409-110-0000, 409-110-0005, 409-110-0010, 409-110-0015, and 409-110-0020.

Statutory Authority:

ORS 413.225

Other Authority:

Statutes Implemented:

ORS 413.225, 2015 c. 837 §34 & 414.231

Need for the Rule(s):

The Oregon Health Authority is seeking to adopt permanent administrative rules governing the operation of the Safety Net Capacity Grant Program (SNCGP). Senate Bill 5507, passed during the 2015 legislative session, appropriated resources to fund the SNCGP effective July 1, 2015. The grant ensures that safety net providers have the capacity to serve vulnerable and underserved children in Oregon with health care services to include physical, oral, mental, behavioral, and vision health services.

Documents Relied Upon, and where they are available:

-Proposed rules are available on the program's website at: http://www.oregon.gov/oha/ohpr/pages/rulemaking/index.aspx.
- Senate Bill 5507 (2015 Legislature) is available at: https://olis.leg.state.or.us/liz/2015R1/Measures/list/.
- Additional information regarding the program is available at: http://www.oregon.gov/oha/OHPR/PCO/Pages/Safety-Net-Capacity-Grant.aspx.

Fiscal and Economic Impact:

The 2015 Legislature appropriated $10 million dollars to the SNCGP.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

The 2015 Legislature appropriated $10 million dollars to fund the SNCGP as part of the Health Care for All Oregon's Children Program. Oregon Health Authority's Division of Health Systems (HSD) will administer the SNCGP. Two full-time employees have been allocated in the 2015-2017 state budget to support program administration which includes reviewing and awarding grant proposals, monitoring grant activities and evaluating performance. County governments could be positively impacted through increased opportunities to partner programmatically with grant recipients. Safety net provider grant recipients will receive targeted resources to enable them to provide physical, oral, mental, and behavioral and vision health services to categorically ineligible children.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small business and types of businesses and industries with small businesses subject to the rule:

It is difficult to estimate the number of small businesses that may apply for participating in this voluntary program, but the Authority estimates approximately 10-20 small employers or small non-profit businesses may be affected by the rule.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

Small businesses that choose to apply in this program will be responsible for reporting, record-keeping, and other administrative activities associated with the program. The Authority will coordinate with any small businesses that participate in the program on all program requirements, including reporting requirements. Additional administrative costs to the small businesses will likely be covered by funding through the program. Since the Authority does not know the number of small businesses that will elect to participate or what additional administrative costs may be incurred by those that elect to participate, the Authority cannot estimate these costs.

c. Equipment, supplies, labor and increased administration required for compliance:

These costs will vary by business and community. It is unknown whether small businesses would be required to increase labor costs, or whether the existing staffing would be sufficient.

How were small businesses involved in the development of this rule?

Small non-profit businesses, including the Oregon Primary Care Association and Oregon Latino Health Coalition, participated in the rule advisory committee.

Administrative Rule Advisory Committee consulted?: Yes

If not, why?:

Yes. Individuals representing federally qualified health centers (FQHC), school-based health centers (SHBCs), rural health clinics (RHCs) and other community-based organizations participated on the RAC.

10-28-2016 5:00 p.m.	Zarie Haverkate	zarie.haverkate@state.or.us
Last Day (m/d/yyyy) and Time for public comment	Printed Name	Email Address

CHAPTER 409

OREGON HEALTH AUTHORITY, HEALTH POLICY AND ANALYTICS

DIVISION 110
HEALTH SYSTEMS PLANNING
Safety Net Capacity Grant Program

409-110-0025
Scope

These rules establish criteria for awarding grants under the Safety Net Capacity Grant Program, which was established to ensure that safety net providers have capacity to serve vulnerable and underserved children in Oregon.

Stat. Auth: ORS 413.225
Stats. Implemented: ORS 413.225, 2015 c. 837 §34 & 414.231

409-110-0030
Definitions

The following definitions apply to OAR 409-110-0025 to 409-110-0045:

(1) "Authority" means the Oregon Health Authority.

(2) "Community-sponsored Clinic" means a non-profit, community-based clinic that does not receive state or federal funding and is sponsored by the local community in the form of grants and donations, including in-kind donations of goods and services.

(3) "Culturally and Linguistically Appropriate Services" means health care services that are respectful of and responsive to cultural and linguistic needs. Please refer to the "National Standards on Culturally and Linguistically Appropriate Services" (CLAS), United States Department of Health and Human Services, Office of Minority Health.

(4) "Primary Healthcare Service" means physical, oral, mental, behavioral, and vision health services that are delivered in a manner that reflects the state's emphasis on patient-centered care.

(5) "Program" means the Safety Net Capacity Grant Program.

(6) "Safety Net Provider" means a public or non-profit federally qualified health center, school-based health center, tribal health clinic, rural health clinic, or community-sponsored clinic that provides primary care and preventive physical, oral, mental, behavioral and vision health services to low-income patients without charge or using a sliding scale.

(8) "Target Population" refers to children who are not eligible for the Oregon Healthy Kids Program for reasons other than income.

[ED.NOTE: Publications referenced are available from the agency]

Stat. Auth: ORS 413.225
Stats. Implemented: ORS 413.225, 2015 c. 837 §34 & 414.231

409-110-0035
Program Administration

(1) The Program is intended to ensure that the target population has access to primary physical, oral, mental, behavioral, and vision health services.

(2) The Authority shall award grants to safety net providers through the Program.

(3) Services covered through the Program are limited to primary and preventive physical, oral, mental, behavioral, and vision health services.

(4) Children in the target population through the age of 18 are eligible to receive services through the program.

(5) The grant amount awarded shall take into consideration the distribution and concentration of the target population in the proposed service area.

(6) The Program is competitive and proposals that include collaboration with community partners may be given preference.

(7) The Authority shall administer the Program including soliciting, reviewing, evaluating, and selecting successful grant proposals. The Authority shall also provide project monitoring, technical assistance and submit periodic status reports to interested parties.

(8) Grant funding shall be awarded for the remainder of the 2015-2017 biennium, with the possibility of extensions.

(10) The Authority shall distribute safety net grant funds to successful applicants on an incremental basis.

Stat. Auth.: ORS 413.225
Stats. Implemented: ORS 413.225, 2015 c. 837 §34

409-110-0040
Grant Award Process

(1) The Authority shall advertise grant proposals through publication on its website and through communication to eligible entities.

(2) All proposals must be submitted in a form specified by the Program and by the date specified in the solicitation document.

(3) The Authority shall document receipt of all proposals.

(4) To qualify for a grant through the Program, applicants must be able to credibly estimate the number of new and existing children in the target population they will serve, as well as the number of estimated visits for the target population.

(5) The Authority shall evaluate all proposals based upon but not limited to the following evaluation elements:

(a) Demonstrated capacity to provide primary health care services.

(b) Demonstrated capacity or description of a credible plan to serve the target population.

(c) Demonstrated capacity or description of a credible plan to assure that services are culturally and linguistically competent.

(d) Demonstrated capacity or description of a credible plan to identify, contact, and provide primary care services to the target population.

(e) Demonstrated readiness to be operational within 60 days of grant award.

(f) Maintenance of operating hours and locations to ensure accessibility.

(g) Demonstrated ability to partner with community-based and other community organizations and to leverage funds, where possible.

(h) Submission of a proposed work plan, including timeline, discrete programs and products, evaluation outcomes, and budget.

(i) Demonstrated capacity or description of a credible plan for implementing data systems that can report on delivery of services and health outcomes, preferably through the utilization of electronic health records that are Certification Commission for Health Information Technology certified.

(6) The Authority shall form a committee to consider and make recommendations on the submitted proposals.

(7) The Authority shall notify applicants, in writing, whether their proposal was selected for funding. The Authority shall provide a question and answer opportunity through electronic or telephone communication both before and after the selection of proposals.

Stat. Auth.: ORS 413.225
Stats. Implemented: ORS 413.225, 2015 c. 837 §34 & 414.231

409-110-0045
Monitoring and Reporting Requirements

(1) A grantee shall:

(a) Submit grant reports to the Authority on a periodic basis. Grant reports will indicate progress to achieve grant benchmarks and goals and report on the expenditure of grant dollars. Failure to comply with reporting requirements may result in grant suspension or termination; and

(b) Report specific data or information, to be determined by the Authority.

(2) Grant disbursements are contingent on grantee achieving proposed service delivery levels. Failure to achieve proposed service levels or benchmarks may result in grant reduction or termination.

(3) Periodically grantee and the Authority shall jointly review progress.

Stat. Auth.: ORS 413.225

Stats. Implemented: ORS 413.225, 2015 c. 837 §34 & 414.231