

Secretary of State  
**NOTICE OF PROPOSED RULEMAKING HEARING**  
A Statement of Need and Fiscal Impact accompanies this form.

Oregon Health Authority (OHA), Division of Medical Assistance Programs (Division)	410	
Agency and Division	Administrative Rules Chapter Number	
Sandy Cafourek	500 Summer St NE, Salem, OR 97301	(503) 945-6430
Rules Coordinator	Address	Telephone

**RULE CAPTION**

Revision to List of Medical Billing Codes Excluded from Payment under OHP's FFS Program  
**Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.**

October 15, 2015	10:30 a.m.	500 Summer St. NE, Salem, OR 97301	Room 165	Sandy Cafourek
Hearing Date	Time	Location		Hearings Officer

*Auxiliary aids for persons with disabilities are available upon advance request.*

**RULEMAKING ACTION**

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing.

**ADOPT:**

**AMEND:** OAR 410-130-0220

**REPEAL:** OAR 410-130-0220(T)

**RENUMBER:**

**AMEND & RENUMBER:**

Stat. Auth. : ORS 413.042

Other Auth.:

Stats. Implemented: ORS 414.025 & 414.065

**RULE SUMMARY**

This rule specifies that some medical billing codes will not be accepted for payment because they are for services that are not covered, because payment is bundled under another service, or because the division directs providers to use another code to bill the service. The rule contains a list of these codes. This revision adds and removes codes from this list.

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

October 17, 2015 by 5 p.m. Send written comments to: [dmap.rules@state.or.us](mailto:dmap.rules@state.or.us)  
**Last Day for Public Comment** (Last day to submit written comments to the Rules Coordinator)

  
Signature

DAVID SCMITT  
Printed name

8/21/2015  
Date

**Note:** Hearing Notices must be submitted by the 15th day of the month to be published in the next month's *Oregon Bulletin*.

**STATEMENT OF NEED AND FISCAL IMPACT**

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Oregon Health Authority (Authority), Division of Medical Assistance Programs (Division)

410

Agency and Division

Administrative Rules Chapter Number

Revision to List of Medical Billing Codes Excluded from Payment under OHP's FFS 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 amendment of OAR 410-130-0220 and the repeal of OAR 410-10-0220(T)

Statutory Authority: ORS 413.042

Other Authority:

Stats. Implemented: ORS 414.025 & 414.065

Need for the Rule(s): This rule contains a list of codes that are excluded from payment for various reasons. The rule needs to be updated to keep current with the national code sets, coverage decisions, and to keep current with adopted rates methodologies. The update consists of removing codes that are no longer excluded from payment and adding codes that will be excluded. This revision includes the addition of 64 codes that the Division will now consider bundled under other codes for payment purposes. The Division made payment on many of these codes in the past. This change will bring the Division in line with Medicare on these codes. One hundred and four codes are being added because they are not covered services. Payment was not made for any of these codes in the past. Sixty-four codes are being added because the Division directs providers to use a different code. Total payment for these services should remain the same; they will just be billed under other codes. Five codes are being removed because they are no longer valid codes in the national code set. Ten codes are being removed because they are covered services above the funding line. The Division has been making payment for these codes, and as such, they have already been accounted for in the FFS budget. They need to be removed so the rule will be consistent with payment policy.

Documents Relied Upon, and where they are available:

- HERC recommendations for coverage available in meeting minutes <http://www.oregon.gov/oha/herc/Pages/Upcoming.aspx> .
- Medicare National Physician's Fee Schedule <https://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/PhysicianFeeSched/PFS-Relative-Value-Files.html> .

Fiscal and Economic Impact: Savings

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)): Amending these rules is estimated to result in an annual total funds savings of about \$60,000 for the Authority. It will have no fiscal impact for other state agencies, units of local government, or the public. There will be \$60,000 impact spread across the community of OHP providers, some of which are small businesses because some codes that paid separately will now be bundled under payment for codes that they are incident to. For example, providers will no longer be paid \$25.75 for surgical trays on top of our rate for the surgery because payment for the surgical tray will now be bundled under payment for the surgery.

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

a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule: The impact of this rule revision will be spread across the whole provider community including some providers that are small businesses. It is not possible to know how many small business providers will be impacted, but the impact to each individual is estimated to be small.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services: No impact with this rule change.

c. Equipment, supplies, labor and increased administration required for compliance: No impact with this rule change.

How were small businesses involved in the development of this rule? Small businesses were included in the solicitation for the Rules Advisory Committee.

Administrative Rule Advisory Committee consulted?: Yes, a RAC was held on 7/22/15. The RAC included representatives from the Oregon Chiropractic Association and Central City Concern.

DS Signature DAVID SUMMITT Printed Name 8/21/2015 Date

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310.

410-130-0220

**Not Covered/Bundled Services/Not Valid**

(1) Refer to the Oregon Health Plan administrative rules (chapter 410, division 141) and General Rules (chapter 410, division 120) for coverage of services. Refer to Table 130-0220-1 in this rule for additional information regarding not covered services, ~~or for services that the Division of Medical Assistance Programs (Division) considers to be bundled in other services, and for codes the Division considers not valid for claims processing.~~

~~(2) The following are examples of not covered services. This is not an all-inclusive list:~~

~~(a) Psychotherapy services (covered only through local mental health clinics and Mental Health Organizations);~~

~~(b) Routine postoperative visits (included in the payment for the surgery) during 90 days following major surgery (global period) or 10 days following minor surgery;~~

~~(c) Services that are normally provided in the practitioner's office but at the client's request are provided in a location other than the practitioner's office;~~

~~(d) Telephone calls for purposes other than tobacco cessation, maternity case management, and telemedicine.~~

~~(2) (3) For specific additional information, see General Rules OAR 410-120-1200, Medical Assistance Benefits: Excluded Services and Limitations.~~

~~(3) (4) Table 130-0220-1.~~

[ED. NOTE: Tables referenced are not included in rule text. Click here for PDF copy of table(s).]

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 414.025 & 414.065

### Table 130-0220-1 – Not Covered/Bundled/Not Valid

Refer to the Health Evidence Review Commission’s (HERC) Prioritized List of Health Services for coverage of codes, depending on code pairings and line placements.

Refer to the Durable Medical Equipment Prosthetics, Orthotics, and Supplies (DMEPOS) rules (division 410, chapter 122) for not covered Healthcare Common Procedure Coding System (HCPCS) codes not addressed below.

Refer to the National Correct Coding Initiative for NCCI Procedure-to-Procedure (PTP) and Medically Unlikely (MUE) edits. codes with NCCI edits in addition to other edits and restrictions.

#### Description indicators:

- N = Non-covered Services. These services are not covered under OHP benefits.
- B = Bundled Code. Payment for these services is always bundled into payment for other services not specified. When these services are covered, payment for them is subsumed by the payment for the services to which they are incident.
- NV = Not valid for claims processing. When covered, the Division uses another code for reporting of, and payment for these services.

Code	Description	Code	Description	Code	Description	Code	Description
11920	N	22524	N	36000	B	46938	N
11921	N	22525	N	36416	B	47133	NV
11922	N	22841	B	36455	N	47383	N
11980	N	27080	N	37210	N	48550	NV
15775	N	27418	N	38129	N	50380	N
15776	N	28890	N	38204	B	50592	N
15777	N	29866	N	41530	N	50593	N
15819	N	29867	N	41821	N	52010	N
15820	N	29868	N	43206	N	53850	N
15821	N	31620	N	43252	N	53852	N
15824	N	31627	N	43257	N	53860	N
15825	N	31647	N	43647	N	55300	N
15826	N	31648	N	43648	N	55870	N
15828	N	31649	N	43842	N	55873	N
15829	N	31651	N	43843	N	55970	NV
15847	N	31660	N	43881	N	55980	NV
15850	B	31661	N	43882	N	58321	N
20696	N	32701	N	43886	N	58322	N
20930	B	32850	NV	43887	N	58323	N
20936	B	32998	N	43888	N	58345	N
20979	N	33140	N	44132	NV	58350	N
20982	N	33141	N	44133	NV	58672	N
21685	N	33282	N	44705	N	58740	NV
22520	N	33548	N	44979	N	58750	N
22521	N	33930	NV	45391	N	58752	N
22522	N	33940	NV	45392	N	58760	N
22523	N	34839	NV	46505	N	58825	N

REWRITE

Code	Description	Code	Description	Code	Description	Code	Description
58970	N	75574	N	83987	N	89268	N
58974	N	76376	N	83993	N	89272	N
58976	N	76377	N	84145	N	89280	N
59897	N	77061	N	84431	N	89281	N
61635	N	77062	N	84830	N	89290	N
62263	N	77063	N	86152	N	89291	N
62290	N	77083	N	86153	N	89300	N
62291	N	77084	N	86305	N	89310	N
62292	N	77373	N	86356	N	89320	N
64479	N	77435	N	86386	N	89321	N
64480	N	78459	N	86891	NV	89322	N
64490	N	78491	N	86910	N	89325	N
64491	N	78492	N	86911	N	89329	N
64492	N	81225	N	87905	N	89330	N
64493	N	81226	N	88000	N	89331	N
64494	N	81227	N	88005	N	89335	N
64495	N	81287	N	88007	N	89337	N
64550	N	81291	N	88012	N	89342	N
64566	N	81313	N	88014	N	89343	N
64617	N	81330	N	88016	N	89344	N
64626	N	81350	N	88020	N	89346	N
64627	N	81355	N	88025	N	89352	N
64633	N	81417	N	88027	N	89353	N
64634	N	81425	N	88028	N	89354	N
64635	N	81426	N	88029	N	89356	N
64636	N	81427	N	88036	N	89398	N
65771	N	81470	N	88037	N	90634	NV
66174	N	81471	N	88040	N	90645	NV
66175	N	81500	N	88045	N	90646	NV
69090	N	81503	N	88099	N	90665	N
69720	N	81504	N	88375	N	90690	N
69725	N	81506	N	88738	N	90691	N
69740	N	82107	N	88740	N	90692	N
69745	N	82610	N	88741	N	90693	N
69820	N	82757	N	88749	N	90712	N
69840	N	82777	N	89235	N	90717	N
69955	N	83006	N	89250	N	90725	N
70554	N	83037	N	89251	N	90727	N
70555	N	83631	N	89253	N	90735	N
72285	N	83695	N	89254	N	90738	N
72295	N	83698	N	89255	N	90749	N
74261	N	83700	N	89257	N	90863	N
74262	N	83701	N	89258	N	90869	N
74263	N	83704	N	89259	N	90885	B
74742	N	83861	N	89260	N	90887	B
75571	N	83913	N	89261	N	90889	B
75572	N	83951	N	89264	N	91040	N

REWRITE

Code	Description	Code	Description	Code	Description	Code	Description
91111	N	95012	N	99058	B	99486	B
91112	N	95078	N	99060	B	99487	B
91117	N	95803	N	99070	B	99489	B
91120	N	95928	N	99071	B	99497	NV
91200	N	95929	N	99075	N	99498	NV
92145	N	96020	N	99078	B	99500	NV
92352	B	96040	B	99080	B	99501	NV
92353	B	96116	N	99090	N	99502	NV
92354	N	96119	N	99091	B	99503	NV
92355	N	96120	N	99100	B	99504	NV
92358	B	96902	B	99116	B	99505	NV
92371	B	96904	NV	99135	B	99506	NV
92531	B	97005	N	99140	B	99507	NV
92532	B	97006	N	99174	N	99509	NV
92533	B	97010	N	99241	N	99510	NV
92534	B	97014	N	99242	N	99511	NV
92558	N	97016	N	99243	N	99512	NV
92559	N	97018	N	99244	N	99600	NV
92592	NV	97024	NV	99245	N	99601	NV
92593	NV	97026	N	99251	N	99602	NV
92605	N	97028	N	99252	N	A4262	B
92606	B	97032	N	99253	N	A4263	B
92618	N	97033	N	99254	N	A4270	B
92620	N	97034	N	99255	N	A4300	B
92621	N	97035	N	99288	B	A4550	B
92625	N	97039	N	99339	B	A4570	N
92640	N	97139	N	99340	B	A4580	N
92921	B	97533	N	99358	NV	A4590	N
92925	B	97545	N	99359	NV	A4641	NV
92929	B	97546	N	99363	B	C9732	N
92934	B	97602	B	99364	B	G0109	NV
92938	B	97610	N	99366	B	G0166	N
92944	B	98960	NV	99367	NV	G0168	N
93571	N	98961	NV	99368	NV	G0235	NV
93572	N	98962	NV	99373	N	G0245	NV
93662	N	98967	NV	99374	B	G0246	NV
93702	N	98968	NV	99377	B	G0247	NV
93740	B	99000	N	99379	B	G0269	B
93770	B	99001	N	99380	B	G0270	NV
93890	N	99002	N	99446	B	G0271	NV
93892	N	99024	N	99447	B	G0279	N
93893	N	99026	N	99448	B	G0281	N
93895	N	99027	N	99449	B	G0282	N
94005	B	99050	B	99450	N	G0283	N
94150	B	99051	B	99455	N	G0295	N
94452	N	99053	N	99456	N	G0428	N
94453	N	99056	N	99485	B	G0455	N

REWRITE

Code	Description	Code	Description	Code	Description	Code	Description
G0456	NV	P9051	N	S4015	N	S9446	N
G0457	NV	P9052	N	S4016	N	S9447	N
G0459	NV	P9053	N	S4017	N	S9449	N
G0464	N	P9054	N	S4018	N	S9451	N
G0473	NV	P9055	N	S4020	N	S9452	N
G9141	NV	P9056	N	S4021	N	S9453	NV
G9142	NV	P9057	N	S4022	N	S9454	N
G9147	N	P9058	N	S4023	N	S9455	N
M0075	N	P9059	N	S4025	N	S9460	N
M0076	N	P9060	N	S4026	N	S9465	N
M0100	N	Q0035	N	S4027	N	S9470	N
M0300	N	Q0091	N	S4028	N	S9480	NV
M0301	N	Q0092	N	S4030	N	S9484	NV
P2028	N	Q0115	N	S4031	N	S9537	NV
P2029	N	Q3031	B	S4035	N	S9558	NV
P2031	N	R0076	B	S4037	N	S9560	NV
P2033	N	S0340	NV	S4040	N	S9900	N
P2038	N	S0341	NV	S4042	N	S9970	N
P7001	N	S0342	NV	S5151	NV	S9986	N
P9010	N	S0610	NV	S8032	NV	S9988	N
P9011	N	S0612	NV	S8930	N	S9989	N
P9012	N	S0613	NV	S8940	N	S9990	N
P9016	N	S0630	N	S9075	NV	S9991	N
P9017	N	S0800	N	S9125	NV	S9992	N
P9019	N	S0810	N	S9140	NV	S9994	N
P9020	N	S0812	N	S9141	NV	S9996	N
P9021	N	S2054	N	S9145	NV	S9999	N
P9022	N	S2055	N	S9208	NV		
P9023	N	S2060	NV	S9209	NV		
P9031	N	S2061	NV	S9211	NV		
P9032	N	S2095	N	S9212	NV		
P9033	N	S2102	N	S9213	NV		
P9034	N	S2103	N	S9214	NV		
P9035	N	S2107	N	S9339	NV		
P9036	N	S2112	N	S9345	NV		
P9037	N	S2120	N	S9346	NV		
P9038	N	S2140	N	S9353	NV		
P9039	N	S2202	N	S9357	NV		
P9040	N	S2235	N	S9436	N		
P9041	N	S2260	NV	S9437	N		
P9043	N	S2300	N	S9438	N		
P9044	N	S2348	N	S9439	N		
P9045	N	S3625	N	S9441	NV		
P9046	N	S3721	N	S9442	N		
P9047	N	S4011	N	S9443	NV		
P9048	N	S4013	N	S9444	N		
P9050	N	S4014	N	S9445	N		