

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

Oregon Health Authority, 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**

Amendment of HERC Prioritized List of Health Services Reflecting Approved Modifications Effective Oct.1, 2014  
**Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.**

**RULEMAKING ACTION**

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

**ADOPT:**

**AMEND:** OAR 410-141-0520

**REPEAL:** OAR 410-141-0520(T)

**RENUMBER:**

**AMEND & RENUMBER:**

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

Other Auth.: HB 2100

Stats. Implemented: ORS 192.527, 192.528, 414.010, 414.065 NS 414.727

**RULE SUMMARY**

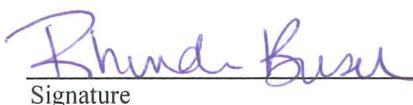
The OHP program administrative rules govern the Division of Medical Assistance Programs' payments for services provided to clients. The Division needs to temporarily amend 410-141-0520 to reference the Health Evidenced Review Committee (HERC) Prioritized List of Health Services' January 1, 2012 – December 31, 2014. The HERC has made interim modifications and technical changes to the October 13, 2013 Prioritized List of Health Services. The changes will be effective October 1, 2014.

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.

December 18, 2014, by 5 p.m.

Send comments to: [dmap.rules@state.or.us](mailto:dmap.rules@state.or.us)

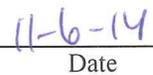
**Last Day for Public Comment** (Last day to submit written comments to the Rules Coordinator)



Signature



Printed name



Date

**Note:** Notices must be submitted by the 15th day of the month to be published in the next month's *Oregon Bulletin*. A Rulemaking Hearing may be requested in writing by 10 or more people, or by an association with 10 or more members, within 21 days following notice publication or 28 days from the date notice was sent to people on the agency's interested party mailing list, whichever is later. In such cases a Hearing Notice must be published in the *Oregon Bulletin* at least 14 days before the hearing.

Secretary of State  
**STATEMENT OF NEED AND FISCAL IMPACT**

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

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

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Amendment of HERC Prioritized List of Health Services Reflecting Approved Modifications Effective Oct.1, 2014

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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 410-141-0520 and the repeal of 410-141-0520(T).

Statutory Authority: ORS 192.527, 192.528, 413.042, 414.065

Other Authority: HB 2100

Stats. Implemented: ORS 192.527, 192.528, 414.010, 414.065 NS 414.727

Need for the Rule(s): DMAP needs to amend OAR 410-141-0520 HERC Prioritized List of Health Services to reference the January 1, 2012 – December 31, 2014, Prioritized List of Health Services effective October 1, 2014, that includes interim modifications and technical changes made for the 2009 national code set.

Documents Relied Upon, and where they are available: September 15, 2014 letter from HERC to Oregon Legislative leadership, with October 1, 2014 technical changes, and September 18, 2014 letter to CMS seeking approval of interim modifications and technical changes to the 2012 - 2014 Prioritized List

Fiscal and Economic Impact: \$0

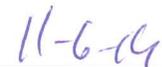
Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)): None
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: None
  - b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services: None
  - c. Equipment, supplies, labor and increased administration required for compliance: None

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

Administrative Rule Advisory Committee consulted?: N/A

If not, why?: The rule is subject to CMS changes.



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Signature

Printed name

Date

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

410-141-0520

### **Prioritized List of Health Services**

(1) The Health Evidenced Review Commission (HERC) Prioritized List of Health Services (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: <http://www.oregon.gov/oha/herc/Pages/PrioritizedList.aspx>. For a hardcopy, contact the Medical Assistance Programs within the Oregon Health Authority (OHA). This rule, effective October 1, 2014, incorporates by reference the Centers for Medicare and Medicaid Services' (CMS) approved biennial January 1, 2011-December 31, 2013 2014 Prioritized List, including April-October 1, 2014 interim modifications and technical changes, expanded definitions, practice guidelines and condition treatment pairs funded through line 498.

(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 Coordinated Care Organization (CCO).

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

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