

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

Oregon Health Authority (OHA),	Health Systems Division (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

Updating Rate Table Incorporated by Reference

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

November 15, 2016	10:30 a.m.	500 Summer St. NE, Salem, OR 97301	Room 160	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 410-170-0110

REPEAL: OAR 410-170-0110(T)

RENUMBER:

AMEND & RENUMBER:

Stat. Auth. : ORS 413.042 and 414.065

Other Auth.:

Stats. Implemented: ORS 414.065

RULE SUMMARY

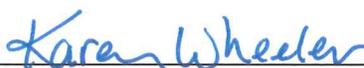
The Authority needs to amend the date of the Behavioral Rehabilitation Services rate table referenced in 410-170-0110 to reflect new rate changes. The rates table is available at: <http://www.oregon.gov/oha/healthplan/tools/Rate%20Table%20-%20May%201,%202016.pdf>.

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.

November 17, 2016, by 5 p.m. Send written comments to: hsd.rules@state.or.us

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


Signature


Printed name


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), Health Systems Division (Division) 410
Agency and Division Administrative Rules Chapter Number

Updating Rate Table Incorporated by Reference
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 410-170-0110 and the repeal of OAR 410-170-0110(T)

Statutory Authority: ORS 413.042 and 414.065

Other Authority:

Stats. Implemented: ORS 414.065

Need for the Rule(s): The Authority needs to amend the date of the Behavioral Rehabilitation Services rate table referenced in 410-170-0110 to reflect new rate changes.

Documents Relied Upon, and where they are available: The rates table is available at:
<http://www.oregon.gov/oha/healthplan/tools/Rate%20Table%20-%20May%201,%202016.pdf>.

Fiscal and Economic Impact: The financial impact of raising the rates is estimated at \$3.2M TF, annually.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)): The impact on other state agencies is estimated at \$1.3M annually.
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: These rule changes do not involve compliance.
 - b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services: None. These rule changes do not involve compliance.
 - c. Equipment, supplies, labor and increased administration required for compliance: None. These rule changes do not involve compliance.

How were small businesses involved in the development of this rule? The majority of our BRS providers are small businesses who were directly involved and some of whom actively requested the increase in rates, which lead to the need for updating this rate table referred to in our rules.

Administrative Rule Advisory Committee consulted?: No. The BRS providers have requested a rate change and have actively been involved in the rate increase process.

 Signature
 Printed Name
10/11/16 Date

410-170-0110

Billing and Payment for Services and Placement Related Activities

(1) The BRS contractor is compensated for a billable care day (service and placement related activities rates) on a fee-for-service basis, except as otherwise provided for in these rules. The Authority does not make payments for any calendar day that does not meet the definition of a billable care day under this rule.

(2) Billable care day rates are provided in the "BRS Rates Table," dated July 1, 2015 ~~May 1, 2016~~, which is adopted as Exhibit 1 and incorporated by reference into this rule. The BRS Rates Table is available at <http://www.oregon.gov/OHA/healthplan/pages/brs.aspx>. A printed copy may be obtained from the agency.

(3) Billable Care Day:

(a) For purposes of computing a billable care day, the BRS client must be in the direct care of the BRS provider at 11:59 p.m. of that day or be on an authorized home visit in accordance with section (4) of this rule;

(b) A billable care day does not include any day where the BRS client is on runaway status, in detention, an inpatient in a hospital, or has not yet entered or has been discharged from the BRS contractor's or BRS provider's program.

(4) Home Visits:

(a) The BRS contractor shall only include a maximum of eight calendar days of home visits in a month as billable care days;

(b) In order to qualify as an authorized home visit day, the BRS contractor must:

(A) Ensure that the home visit is tied to the BRS client's ISP or MSP;

(B) Work with the BRS client and the BRS client's family or substitute family on goals for the home visit and receive regular reports from the family on the BRS client's progress while on the home visit;

(C) Have staff available to answer calls from the BRS client and BRS client's family or substitute family and to provide services to the BRS client during the time planned for the home visit if the need arises;

(D) Document communications with the BRS client's family or substitute family; and

(E) Document the BRS client's progress on goals set for the home visits.

(5) Invoice form:

(a) The BRS contractor must submit a monthly billing form to the agency in a format acceptable to the agency on or after the first day of the month following the month in which it provided services and placement related activities to the BRS client. The billing form must specify the number of billable care days provided to each BRS client in that month;

(b) The BRS contractor must provide, upon request in a format that meets the agency's approval, written documentation of each BRS client's location for each day claimed as a billable care day;

(c) The BRS contractor may only submit a claim for a billable care day consistent with the agency's prior authorization.

(6) Payment for a Billable Care Day:

(a) The agency shall pay the service and placement related activities rates to the BRS contractor for each billable care day in accordance with the BRS Rates Table described in section (2) of this rule;

(b) Notwithstanding section (6)(a) of this rule, the Authority shall only pay the service rate for each billable care day to a public child-caring agency, who by rule or contract provides the local match share for Medicaid claims under OAR 410-120-0035 and 42 CFR 433 Subpart B. The Authority may not pay the placement related activities rate for each billable care day to these types of public child-caring agencies;

(c) To the extent the payment for services is funded by Medicaid and CHIP funds, the BRS contractor and the BRS provider are subject to Medicaid billing and payment requirements in these rules and the Authority's general rules (OAR 410-120-0000 to 410-120-1980).

(7) Third Party Resources:

(a) The Authority's BRS contractors must make reasonable efforts to obtain payment first from other resources consistent with OAR 410-120-1280(16);

(b) The Department's and OYA's BRS contractors are not required to review or pursue third party resources. The Department and OYA must make reasonable efforts to obtain payment first from other resources consistent with OAR 410-120-1280(16) for Medicaid-eligible BRS clients.

(8) Public child-caring agencies who are responsible by rule or contract for the local match share portion of eligible Medicaid claims must comply with OAR 410-120-0035 and 42 CFR 433 Subpart B.

(9) In cases where the BRS contractor is not also the BRS provider, the BRS contractor is responsible for compensating the BRS provider for billable care days pursuant to the agency-approved subcontract between the BRS contractor and the BRS provider.

(10) The Authority may not be financially responsible for the payment of any claim that the Centers for Medicare and Medicaid Services (CMS) disallows under the Medicaid or CHIP program. If the Authority has previously paid the agency or BRS contractor for any claim that CMS disallows, the payment shall be recouped pursuant to OAR 410-120-1397. The Authority shall recoup or recover any other overpayments as described in OAR 410-120-1397 and OAR 943-120-0350 and 943-120-0360.

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

Stat. Auth.: ORS 413.042 & 414.065

Stats. Implemented: ORS 414.065

BRS Rate Table

BRS Type of Care	Placement Model	Service Rate per Billable Care Day	Placement Related Activities Rate per Billable Care Day	Total Daily Rate per Billable Care Day	Absent Day Rate
Shelter Assessment and Evaluation; Intensive Community Care; Independent Living Service; Community Step-Down; and Independent Living Program	Residential Care Model	\$96.10\$102.71	\$49.48\$50.23	\$145.58\$152.94	\$72.79\$76.47
	Therapeutic Foster Care Model	\$96.10\$102.71	\$49.48\$50.23	\$145.58\$152.94	\$72.79\$76.47
Therapeutic Foster Care; BRS Proctor; and Multidimensional Treatment Foster Care	Therapeutic Foster Care Model	\$105.74\$108.38	\$50.30\$52.71	\$156.04\$161.09	\$78.02\$80.54
	Therapeutic Foster Care Model	\$107.42\$112.73	\$50.19\$52.98	\$157.61\$165.71	\$78.81\$82.85
Enhanced Therapeutic Foster Care	Therapeutic Foster Care Model	\$122.63\$125.70	\$49.85\$52.24	\$172.48\$177.94	\$86.24\$88.97
	Residential Care Model	\$115.04\$125.89	\$52.20\$53.30	\$167.24\$179.18	\$83.62\$89.59
Intensive Rehabilitation Services; BRS Residential; BRS Enhanced; and Short-Term Stabilization Program	Residential Care Model	\$142.02\$152.85	\$54.35\$55.41	\$196.37\$208.26	\$98.19\$104.13