Secretary of State

NOTICE OF PROPOSED RULEMAKING HEARING*

A Statement of Need and Fiscal Impact accompanies this form.

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

Cheryl Peters	500 Summer St NE, Salem, OR 97301	dmap.rules@state.or.us	503-945-6527
Rules Coordinator	Address		Telephone

RULE CAPTION

Align with Department of Human Services OAR chapter 461, medical eligibility rules

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

8/16/2013	10:30	500 Summer St NE, Salem, OR 97301, Room 137C	Cheryl Peters
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 410-120-0006

REPEAL:

Stat. Auth. : ORS 413.042

Other Auth.:

Stats. Implemented: ORS 413.042 and 414.065

RULE SUMMARY

The General Rules Program administrative rules govern the Division's payments for services provided to clients and medical assistance eligibility determinations made by the Oregon Health Authority. In coordination with the Department of Human Services' (Department) revision of medical eligibility rules in chapter 461, the Division is amending OAR 410-120-0006 to assure that the Division's medical eligibility rule aligns with and reflects information found in the Department's medical eligibility rules. In OAR 410-120-0006, the Division adopts in rule by reference Department eligibility rules and must update OAR 410-120-0006 in conjunction.

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.

8/19/2013, by 5:00 p.m.

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

Rhonda Busek	Rhonda Busek	7-11-13
Signature	Printed name	Date

*Hearing Notices published in the Oregon Bulletin must be submitted by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, upon which the deadline is 5:00 pm the preceding workday. ARC 920-2005

Secretary of State

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

Align with Department of Human Services OAR chapter 461, medical eligibility rules

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 amendment of OAR 410-120-0006

Statutory Authority: ORS 413.042

Other Authority:

Stats. Implemented: ORS 413.042 and 414.065

Need for the Rule(s): The General Rules Program administrative rules govern the Division's payments for services provided to clients, and medical assistance eligibility determinations made by the Oregon Health Authority. In coordination with the Department of Human Services' (Department) revision of medical eligibility rules in chapter 461, the Division is amending OAR 410-120-0006 to assure that the Division's medical eligibility rule aligns with and reflects information found in the Department's medical eligibility rules. In OAR 410-120-0006, the Division adopts in rule by reference the Department's eligibility rules and must update OAR 410-120-0006 in conjunction.

Documents Relied Upon, and where they are available:
A copy of the Department's temporary rules are found at the CAF Self-Sufficiency Programs Web site:
http://www.dhs.state.or.us/policy/selfsufficiency/ar_search.htm

Fiscal and Economic Impact: Amending this rule will have no fiscal impact on the Authority other state agencies, local government, clients, the public, or businesses, including small businesses.

Statement of Cost of Compliance:

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

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: N/A

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

How were small businesses involved in the development of this rule? Small businesses were not involved, because they are not impacted by this rules

Administrative Rule Advisory Committee consulted?: No.

If not, why?:The changes to this rule implement changes made to the CAF eligibility rules in chapter 461. A RAC was consulted regarding the changes.

Signature Rhonda Busek — Print Name Rhonda Busek — Date 7-11-13

410-120-0006 Medical Eligibility Standards

As the state Medicaid and CHIP agency, the Oregon Health Authority (Authority) is responsible for establishing and implementing eligibility policies and procedure consistent with applicable law. As outlined in 943-001-0020; the Authority, and the Department of Human Services (Department) work together to adopt rules to assure that medical assistance eligibility procedures and determinations are consistent across both agencies.

(1) The Authority adopts and incorporates by reference the rules established in OAR Chapter 461 and in effect ~~May 29, 2013~~July 15, 2013, for all medical eligibility requirements for medical assistance when the Authority conducts eligibility determinations.

(2) Any reference to OAR Chapter 461 in Oregon Administrative Rules or contracts of the Authority are deemed to be references to the requirements of this rule and shall be construed to apply to all eligibility policies, procedures and determinations by or through the Authority.

(3) For purposes of this rule, references in OAR chapter 461 to the Department or to the Authority shall be construed to be references to both agencies.

(4) Effective on or after July 1, 2011 the Authority shall conduct medical eligibility determinations using the OAR chapter 461 rules which are in effect on the date the Authority makes the medical eligibility determination.

(5) A request for a hearing resulting from a determination under this rule, made by the Authority shall be handled pursuant to the hearing procedures set out in division 25 of OAR Chapter 461. References to "the Administrator" in division 25 of chapter 461 or "the Department" are hereby incorporated as references to the" Authority."

[NOTE: The publications referred to or incorporated by reference in this rule are available from the agency.]

Stat. Auth.: ORS 413.042
Stats. Implemented: ORS 413.042 & 414.065