

TEMPORARY ADMINISTRATIVE RULES

A Statement of Need and Justification accompanies this form.

FILED
8-1-16 4:29 PM
ARCHIVES DIVISION
SECRETARY OF STATE

I certify that the attached copies are true, full and correct copies of the TEMPORARY Rule(s) adopted on Upon filing, by the

Oregon Health Authority, Health Systems Division: Medical Assistance Programs	410
Agency and Division	Administrative Rules Chapter Number
Sandy Cafourek	(503) 945-6430
Rules Coordinator	Telephone
500 Summer St. NE, Salem, OR 97301	
Address	
To become effective <u>08/03/2016</u> through <u>10/11/2016</u> .	

RULE CAPTION

Medicaid Payment for Behavioral Health

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 with the Administrative Rules Unit prior to filing.

ADOPT:

AMEND:

410-172-0660, 410-172-0670, 410-172-0700, 410-172-0710

SUSPEND:

410-172-0740, 410-172-0750

Statutory Authority:

ORS 413.042 and 430.640

Other Authority:

Statutes Implemented:

ORS 413.042, 414.025, 414.065, 430.640, 430.705, 430.715

RULE SUMMARY

Behavioral health providers registered by Oregon regulatory boards as interns or licensed as non-clinical providers are eligible for and need to enroll as a provider of services in the Oregon Medicaid program and claim for services rendered to Oregon Medicaid recipients. These providers currently are not included in administrative rule. Occupational therapists licensed by the Oregon occupational therapy board are eligible for and need to enroll as a provider of services in the Oregon Medicaid program and claim for services rendered to Oregon Medicaid recipients. This provider currently is not included in administrative rule.

Sandy Cafourek

dmap.rules@state.or.us

Rules Coordinator Name

Email Address

DMAP 50-2016 (Temp)

Secretary of State
STATEMENT OF NEED AND JUSTIFICATION
A Certificate and Order for Filing Temporary Administrative Rules
accompanies this form.

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Oregon Health Authority, Health Systems Division: Medical Assistance Programs
Agency and Division

410
Administrative Rules Chapter Number

Medicaid Payment for Behavioral Health

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 OARs 410-172-0660, 410-172-0670, 410-172-0700, and 410-172-0710 and suspension of OARs 410-172-0740 and 410-172-0750

Statutory Authority:

ORS 413.042 and 430.640

Other Authority:

Statutes Implemented:

ORS 413.042, 414.025, 414.065, 430.640, 430.705, 430.715

Need for the Temporary Rule(s):

Behavioral health providers registered by Oregon regulatory boards as interns or licensed as non-clinical providers are eligible for and need to enroll as a provider of services in the Oregon Medicaid program and claim for services rendered to Oregon Medicaid recipients. These providers currently are not included in administrative rule. Occupational therapists licensed by the Oregon occupational therapy board are eligible for and need to enroll as a provider of services in the Oregon Medicaid program and claim for services rendered to Oregon Medicaid recipients. This provider currently is not included in administrative rule.

Documents Relied Upon, and where they are available:

None

Justification of Temporary Rule(s):

The Authority finds that failure to act promptly will result in serious prejudice to the public interest, the Authority, Medicaid recipients, and eligible providers. These rules need to be adopted promptly so that:

- Behavioral health providers registered by Oregon regulatory boards as interns or licensed as non-clinical providers are eligible to enroll as a provider of services in the Oregon Medicaid program and claim for services rendered to Oregon Medicaid recipients.
- Occupational therapists licensed by the Oregon occupational therapy board are eligible to enroll as a provider of services in the Oregon Medicaid program and claim for services rendered to Oregon Medicaid recipients.
- Inclusion of all allowable providers types as providers of Medicaid funded behavioral health services will align administrative rule with state licensing statute and provide parity for board registered interns and non-licensed clinical providers when enrolling as a Medicaid provider and claiming for services rendered to Oregon Medicaid recipients.
- Inclusion of these provider types will reduce and assist areas of the state with behavioral health workforce shortages and expand the available opportunities for board registered interns to gain the post graduate experience required for independent licensure.
- Providers who are credentialed qualified mental health professionals are eligible to recommend personal care services for Oregon Medicaid recipients.
- Clarifying the ability for QMHP providers to recommend facility-based personal care services will support providers to comply with Medicaid state plan requirements.

Sandy Cafourek

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Authorization Page

Generated on July 29, 2016 4:10PM

TEMPORARY ADMINISTRATIVE RULES

Oregon Health Authority, Health Systems Division:
Medical Assistance Programs

410

Agency and Division

Administrative Rules Chapter Number

Sandy Cafourek

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Rules Coordinator

Email Address

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Adopted on

08/03/2016 thru 10/11/2016

Effective dates

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Medicaid Payment for Behavioral Health

Not more than 15 words

RULEMAKING ACTION

ADOPT:

AMEND: 410-172-0660, 410-172-0670, 410-172-0700, 410-172-0710

SUSPEND: 410-172-0740, 410-172-0750

Stat. Auth.: ORS 413.042 and 430.640

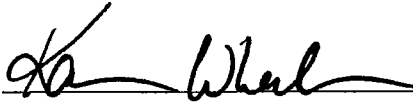
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Justification of Temporary Rules



Authorized Signer

Karam Wheeler

Printed Name

8/1/16

Date

Authorization Page replaces the ink signature on paper filings. Have your authorized signer sign and date, then scan and attach it to your filing. You must complete this step before submitting your Permanent and Temporary filings.

Service Specific Rules

410-172-0660

Rehabilitative Behavioral Health Services

(1) Rehabilitative behavioral health services means medical or remedial services recommended by a licensed medical practitioner or other licensed practitioner to reduce impairment to an individual's functioning associated with the symptoms of a mental disorder or substance use disorder and are intended to restore functioning to the highest degree possible.

(2) Remedial rehabilitative behavioral health services shall be recommended by a licensed practitioner of the healing arts within the scope of their practice under state law.

(3) Rehabilitative behavioral health services that include medical services shall be provided under ongoing oversight of a licensed medical practitioner.

(4) Paid providers of rehabilitative behavioral health services shall meet one of the following qualifications or hold at least one of the following educational degrees and valid licensure:

(a) Physician or Physician Assistant licensed by the Oregon Medical Board;

(b) Advanced Practice Nurse including Clinical Nurse Specialist and Certified Nurse Practitioner licensed by the Oregon Board of Nursing;

(c) Psychologist licensed by the Oregon Board of Psychology;

(d) Professional Counselor or Marriage and Family Therapist licensed by the Oregon Board of Licensed Professional Counselors and Therapists;

(e) Clinical Social Worker licensed by the Oregon Board of Licensed Social Workers;

(f) Licensed Occupational Therapist licensed by the Oregon Occupational Therapy Licensing Board;

(g) Certificate issued by the Health Systems Division (Division) as described in OAR 309-012-0130 through 309-012-0220.

(5) Non-paid providers shall be supervised by a paid provider as described in this rule under a board approved plan of practice and supervision or be employed by or contracted with a provider organization certified by OHA as described in OAR 309-012-0130 through 309-012-0220 and meet one of the following qualifications:

(a) Psychologist resident as described in OAR 858-010-0037;

(b) Psychologist associate as described in OAR 858-010-0015;

(c) Licensed Professional Counselor intern or Marriage and Family Therapist intern registered with the Oregon Board of Licensed Professional Counselors and Therapists as described in OAR 833-050-0011;

(d) Licensed Master Social Worker licensed by the Oregon Board of Licensed Social Workers as described in OAR 877-015-0105;

(e) Certificate of Clinical Social Work Associates issued by the Oregon Board of Licensed Social Workers as described in OAR 877-020-0009;

(f) Registered bachelor of social work issued by the Oregon Board of Licensed Social Workers as described in OAR 877-015-0105;

(g) Qualified mental health professional as defined in OAR 309-019-0105;

(h) Qualified mental health associate as defined in OAR 309-019-0105;

(i) Mental health intern as defined in OAR 309-019-0105; or

(j) Peer-Support Specialist as defined in OAR 410-180-0305.

(6) In addition to meeting the provider requirements described in this rule, providers of Assertive Community Treatment (ACT) services shall be certified as a fidelity ACT team by the Division or its designee as described in OAR 309-019-0100.

(h) Qualified mental health associate as defined in OAR 309-019-0105;

(i) Mental health intern as defined in OAR 309-019-0105; or

(j) Peer-Support Specialist as defined in OAR 410-180-0305.

(k) SUD counselor certified by a national or state accrediting body, including Certified Alcohol and Drug Counselor (CADC) certificate issued by the Addictions Counselor Certification Board of Oregon (ACCBO) including:

(A) CADC I - Requires education, supervised experience hours, and successful completion of a written examination: 150 hours of SUD education provided by an accredited or approved body; 1,000 hours of supervised experience; completion of the NCAC I professional psychometric national certification examination from the National Association of Alcohol and Drug Abuse Counselors;

(B) CADC II – Requires a minimum of a BA or BS degree with a minimum of 300 hours of SUD education provided by an accredited or approved body; 4,000 hours of supervised experience; completion of the NCAC II professional psychometric national certification examination from the National Association of Alcohol and Drug Abuse Counselors;

(C) CADC III – Requires a minimum of a Master's degree with a minimum of 300 hours of SUD education provided by an accredited or approved body; 6,000 hours of supervised experience; completion of the NCAC II professional psychometric national certification examination from the National Association of Alcohol and Drug Abuse Counselors.

(4) For treatment staff holding certification in addiction counseling, qualification for the certification shall include at least: 750 hours of supervised experience in substance use counseling; 150 contact hours of education and training in substance use related subjects; and successful completion of a written objective examination or portfolio review by the certifying body.

(5) For treatment staff holding a health license described in this rule, the provider shall possess documentation of at least 60 (120 for supervisors) contact hours of academic or continuing professional education in SUD treatment.

Stat. Auth.: ORS 413.042 & 430.640

Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705, & 430.715

410-172-0700

1915(i) Home and Community Based Services

(1) Habilitation services are designed to help an individual attain or maintain their maximal level of independence, including the individual's acceptance of a current residence and the prevention of unnecessary changes in residence. Services are provided in order to assist an individual to acquire, retain, or improve skills in one or more of the following areas: Assistance with activities of daily living, cooking, home maintenance, community inclusion and mobility, money management, shopping, community survival skills, communication, self-help, socialization, and adaptive skills necessary to reside successfully in home and community-based settings.

(2) Psychosocial rehabilitation services are medical or remedial services recommended by a licensed physician or other licensed practitioner to reduce impairment to an individual's functioning associated with the symptoms of a mental disorder or to restore functioning to the highest degree possible.

(3) Paid providers of 1915(i) services shall meet one of the following qualifications:

(a) Physician or Physician Assistant licensed by the Oregon Medical Board;

(b) Advanced Practice Nurse including Clinical Nurse Specialist and Certified Nurse Practitioner licensed by the Oregon Board of Nursing;

(c) Professional Counselor or Marriage and Family Therapist licensed by the Oregon Board of Licensed Professional Counselors and Therapists;

(d) Clinical Social Worker licensed by the Oregon Board of Licensed Social Workers;

(e) Psychologist licensed by the Oregon Board of Psychology;

(f) Licensed Occupational Therapist licensed by the Oregon Occupational Therapy Licensing Board;

him or herself. Behavioral health personal care attendant services are provided in accordance with an individual's authorized plan for services recommended by a QMHP as defined in OAR 309-019-0105.

(2) Personal care assistance most often relates to performance of activities of daily living (ADLs) and instrumental activities of daily living (IADLs). ADLs include eating, bathing, dressing, toileting, transferring, and maintaining continence. IADLs capture more complex life activities and include personal hygiene, light housework, laundry, meal preparation, transportation, grocery shopping, using the telephone, medication management, and money management.

(3) Personal care services may be provided on a continuing basis or on episodic occasions.

(4) Paid providers of facility-based personal care services shall meet one of the following:

(a) Licensed residential facility pursuant to OAR chapter 309, divisions 035 and 040;

(b) Secure Residential Treatment Facility (SRTF);

(c) Residential Treatment Facility (RTF);

(d) Residential Treatment Home (RTH);

(e) Adult Foster Home (AFH).

Stat. Auth.: ORS 413.042 & 430.640

Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705, & 430.715