

Secretary of State  
Certificate and Order for Filing  
**TEMPORARY ADMINISTRATIVE RULES**  
A Statement of Need and Justification accompanies this form..

I certify that the attached copies\* are true, full and correct copies of the TEMPORARY Rule(s) adopted [ **upon filing** ] by the  
Date prior to or same as filing date

**Oregon Health Authority** 943  
Agency and Division Administrative Rules Chapter Number

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Rules Coordinator Address Telephone

to become effective [ **September 14, 2009** ] through [ **March 12, 2010** ].  
Date upon filing or later A maximum of 180 days including the effective date

**RULE CAPTION**

**Operational Transition Period Roles and Responsibilities for Oregon Health Authority and Agencies**

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

**RULEMAKING ACTION**

List each rule number separately, 000-000-0000.

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

**ADOPT: OAR 943-001-0000, 943-001-0010, 943-001-0015**

**Stat. Auth.: ORS 183.341 & 2009 Or. Laws Chapter 595 (House Bill 2009)**

**Other Auth.:**

**Stats. Implemented: ORS 183.341 & 2009 Or. Laws Chapter 595 (House Bill 2009)**

**RULE SUMMARY**

Effective June 26, 2009, 2009 Or. Laws Chapter 595 (House Bill 2009) created the Oregon Health Authority (OHA) and transferred, to OHA, certain duties, functions, and powers of the Department of Administrative Services related to the Public Employees' Benefit Board and the Oregon Educators Board; the Department of Consumer and Business Services related to the Oregon Medical Insurance Pool Board; the Office of Private Health Partnerships; and the Department of Human Services with respect to health and health care. House Bill 2009 authorized an operational transition period beginning June 26, 2009 and ending no later than June 30, 2011. These rules explain the roles and responsibilities of OHA and the agencies and programs transferred to OHA during the operational transition period.

  
Authorized Signer

Kym Gasper, Authorized Signer

Printed name

9.14.2009  
Date

\*With this original and Statement of Need, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules. ARC 940-2005

**STATEMENT OF NEED AND JUSTIFICATION**

A Certificate and Order for Filing Temporary Administrative Rules accompanies this form.

**Oregon Health Authority**

**943**

Agency and Division

Administrative Rules Chapter Number

In the Matter of:

The adoption of OAR 943-001-0000, 943-001-0010, and 943-001-0015.

Rule Caption: (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

Operational Transition Period Roles and Responsibilities for Oregon Health Authority and Agencies

Statutory Authority: ORS 183.341 & 2009 Or. Laws Chapter 595 (House Bill 2009)

Other Authority:

Stats. Implemented: ORS 183.341 & 2009 Or. Laws Chapter 595 (House Bill 2009)

Need for the Temporary Rule(s):

Effective June 26, 2009, 2009 Or. Laws Chapter 595 (House Bill 2009) created the Oregon Health Authority (OHA) and transferred, to OHA, certain duties, functions, and powers of the Department of Administrative Services related to the Public Employees' Benefit Board and the Oregon Educators Board; the Department of Consumer and Business Services related to the Oregon Medical Insurance Pool Board; the Office of Private Health Partnerships; and the Department of Human Services with respect to health and health care. House Bill 2009 authorized an operational transition period beginning June 26, 2009 and ending no later than June 30, 2011. These rules explain the roles and responsibilities of OHA and the agencies and programs transferred to OHA during the operational transition period.

Documents Relied Upon, and where they are available:

House Bill 2009, available at: <http://www.leg.state.or.us/09reg/measpdf/hb2000.dir/hb2009.en.pdf>

Justification of Temporary Rule(s):

The OHA finds that failure to act promptly will result in serious prejudice to the public interest, OHA, and the agencies and programs transferred to OHA because without the immediate adoption of these rules, there is a substantial risk of disruption of the transferred functions, activities, or programs. These rules provide authority from OHA to the affected agencies to continue to carry out the duties, functions, and powers that have been transferred to or established in OHA, subject to supervision and oversight of OHA, effective June 26, 2009 and until operational transfer to OHA occurs. These rules need to be adopted immediately to maintain business continuity. This temporary rulemaking action will avoid or mitigate the consequences of potential disruption that is likely to occur if this business continuity process is not adopted immediately.



Authorized Signer

Kym Gasper, Authorized Signer

Printed name

9.14.2009

Date

**CHAPTER 943**  
**OREGON HEALTH AUTHORITY**

**DIVISION 1**  
**PROCEDURAL RULES**

**943-001-0000**

**Model Rules of Procedure**

The Oregon Health Authority adopts the Attorney General Model Rules applicable to rulemaking, effective January 1, 2008, with the exception of OAR 137-001-0080.

[ED. NOTE: The full text of the Attorney General's Model Rules of Procedure is available from the office of the Attorney General or the Department of Human Services.]

Stat. Auth.: ORS 183.341 & 2009 Or. Laws Chapter 595 (House Bill 2009)

Stats. Implemented: ORS 183.341 & 2009 Or. Laws Chapter 595 (House Bill 2009)

**943-001-0010**

**Oregon Health Authority**

- (1) Effective June 26, 2009, 2009 Or. Laws Chapter 595 (House Bill 2009) created the Oregon Health Authority and transferred to the Oregon Health Authority certain duties, functions, and powers of:
  - (a) The Department of Administrative Services (DAS) related to the Public Employees' Benefit Board (PEBB) and the Oregon Educators Board (OEBB);
  - (b) The Department of Consumer and Business Services (DCBS) related to the Oregon Medical Insurance Pool Board (OMIP);
  - (c) The Office of Private Health Partnerships (OPHP); and
  - (d) The Department of Human Services (DHS) with respect to health and health care. The transferred subject areas of DHS are generally described in Section 19(1)(a), Or. Laws Chapter 595 (House Bill 2009) as including but not limited to:
    - (A) Developing the policies for and the provision of publicly funded medical care and medical assistance in Oregon;
    - (B) Ensuring the promotion and protection of public health and the licensing of health care facilities;
    - (C) Developing the policies for and the provision of mental health treatment and treatment for substance use disorders;
    - (D) Administering the Oregon Prescription Drug Program; and

- (E) Establishing responsibility for the Office for Oregon Health Policy and Research and all functions of the office.
- (2) The transferred functions described in section (1)(d)(A)-(E) above are generally carried out as currently described in DHS rules by the Public Health Division, the Addictions and Mental Health Division, and the Division of Medical Assistance Programs.
- (3) As used in these rules (OAR 943-001-0000 to 943-001-0015) the term “agency” means DHS, PEBB, OEBC, OMIP, and OPHP, and within the context of transfer responsibilities, DAS and DCBS.
- (4) Effective June 26, 2009, the administration of new non-transferred duties, functions, and powers established by 2009 Or. Laws, Chapter 595 (House Bill 2009), or other 2009 laws, in the Oregon Health Authority or its constituent units is temporarily delegated to the Department of Human Services, subject to the supervision and oversight of the Oregon Health Authority, until operationally transferred, either in whole or in part, to the Oregon Health Authority.
- (5) Operational transfer may occur, in whole or in part, in any program, business transaction, judicial, or administrative proceeding on the date specified by the Oregon Health Authority but no later than June 30, 2011.

Stat. Auth.: 2009 Or. Laws Chapter 595 (House Bill 2009)

Stats. Implemented: 2009 Or. Laws Chapter 595 (House Bill 2009)

### **943-001-0015**

#### **Transition Period Roles and Responsibilities**

- (1) Effective June 26, 2009, to maintain business continuity for the duties, functions, and powers transferred to the Oregon Health Authority, the agencies listed in OAR 943-001-0010 (1)(a-d) shall continue to exercise their former duties, functions, and powers, subject to the supervision and oversight of the Oregon Health Authority, until superseded, by operational transfer, either in whole or in part, to the Oregon Health Authority, as follows:
  - (a) All rules shall remain in effect and ongoing rule filing processes may continue.
  - (b) All program administration, policies, and procedures remain in effect and may continue to be developed and implemented.
  - (c) Any judicial or administrative action, proceeding, contested case hearing, or administrative review matters, or new action, proceeding, or matter involving or relating to the duties or powers transferred to the Oregon Health Authority shall continue.

- (d) Rights and obligations legally incurred under contracts, leases, and business transactions shall remain legally valid.
  - (e) Contract, grant, and business transaction procurement and administration duties, functions, and powers shall remain in effect and may continue.
  - (f) Any statutory obligations for taxes, assessments, fees, charges, or payments shall continue to be paid to or reimbursed by the appropriate agency.
  - (g) Any former statutorily required findings, determinations, or recommendations to be made by the agencies shall continue to be made by the agencies.
  - (h) Any former statutorily required filings, notices or service of papers, applications, notices or other documents to be mailed, provided to, or served on the agencies shall continue to be mailed, provided to, or served on the agencies and the agencies shall retain responsibility to take any appropriate actions to protect the interests of the state concerning or arising from any filings, notices, or service.
    - (A) Mailing or service of notices or documents on the agencies shall be considered notice to the Oregon Health Authority. For example, any notice sent to the Department of Human Services Estate Administration Unit for purposes of ORS 113.145, 114.525 and 130.370 shall be considered notice to the Oregon Health Authority.
    - (B) Any filings, notices, or service made to the Oregon Health Authority may be transmitted by the Oregon Health Authority to the appropriate agency.
- (2) Any and all remaining duties, functions, or powers of the agencies relating to the duties, functions, and powers transferred to the Oregon Health Authority that are not described in section (1) shall continue in effect or be exercised by the agencies until superseded by operational transfer, either in whole or in part, to the Oregon Health Authority.

Stat. Auth.: 2009 Or. Laws Chapter 595 (House Bill 2009)

Stats. Implemented: 2009 Or. Laws Chapter 595 (House Bill 2009)