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**TEMPORARY ADMINISTRATIVE ORDER**  
INCLUDING STATEMENT OF NEED & JUSTIFICATION

**DMAP 42-2020**

CHAPTER 410  
OREGON HEALTH AUTHORITY  
HEALTH SYSTEMS DIVISION: MEDICAL ASSISTANCE PROGRAMS

**FILED**  
08/25/2020 11:09 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE  
& LEGISLATIVE COUNSEL

FILING CAPTION: Suspend OAR 410-123-1245 The "Incentive" for Oral Health Prevention Fee-for-Service Program

EFFECTIVE DATE: 09/30/2020 THROUGH 03/28/2021

AGENCY APPROVED DATE: 08/25/2020

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Filed By:

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**NEED FOR THE RULE(S):**

The repeal of OAR 410-123-1245 The "Incentive" for Oral Health Prevention Fee-for-Service Program is necessary due to termination of the project. Due to low utilization of services, lack of increase in new providers and the COVID-19 pandemic adverse effects on the dental community and delivery system, the project did not yield the desired effects.

**JUSTIFICATION OF TEMPORARY FILING:**

Due to the amount of time it took to acquire the needed data to determine whether or not to terminate the project, there was not enough lead time for a permanent rule filing process. The budget for the project ended 6/30/2020 and the claims lag for payout took payments out to September 2020, thus the 9/30/2020 suspend effective date.

**DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:**

Secretary of State OAR 410-123-1245

SUSPEND: 410-123-1245

RULE TITLE: The "Incentive" for Oral Health Prevention Fee-for-Service Program

RULE SUMMARY: OAR 410-123-1245 The "Incentive" for Oral Health Prevention Fee-for-Service Program outlines the parameters of the Dental Incentive Program for fee-for-service dental providers. This program had a budget with a completion date of June 30, 2020, with the claims lag used in calculating supplemental payments allowing for payments to be made through September 2020. Because this program did not yield the desired effects, due to low utilization of services, lack of increase in new providers and the COVID-19 pandemic adverse effects on the dental community and delivery system, it was decided to not renew the program, thus the repeal of the rule.

**RULE TEXT:**

(1) Beginning January 1, 2019, qualifying fee-for-service dental and Indian/Tribal/Urban (I/T/U) providers are eligible to participate in the performance supplemental Medicaid payments program through The "Incentive" for Oral Health Prevention Fee-for-Service Program. Supplemental payments are achieved through the provision of preventive services to new Medicaid dental clients.

- (2) "Qualifying Dental Provider" means a dentist, I/T/U health clinic, or dentist working for an I/T/U health clinic, currently or newly enrolled as a Medicaid provider in an individual office, facility, institution, corporate entity, or other organization that supplies health services or items, also termed a rendering provider; or who bills, obligates, and receives reimbursement on behalf of the rendering provider of services, also termed a billing provider (BP).
- (3) "New Medicaid Dental Client" means any adult or child client enrolled in the Medicaid program and has not received dental services through Medicaid resources in the prior two years.
- (4) New and existing qualifying dental providers shall be eligible for performance supplemental payments.
- (5) Access Tier 1: Qualifying dental billing providers accepting a minimum of five new Medicaid clients, and who render at least one preventive service to those clients, between January 1, 2019, and June 30, 2020, shall receive a supplemental payment of \$200 for the one preventive dental service rendered to each of the five clients for a total of \$1,000 as an enhanced payment.
- (6) Access Tier 2: Qualifying dental billing providers accepting an additional 20 new Medicaid clients, for a total of 25 new clients, and who render at least one preventive service to those clients, between January 1, 2019, through June 30, 2020, shall receive a supplemental payment of \$50 for the one preventive dental benefit rendered to each of the additional twenty new clients for a total of an additional \$1000.
- (7) Dental billing providers qualifying for the supplemental performance payment in Access Tiers 1 and 2 shall be identified through an internal Authority reporting process. No supplemental reporting is required by the provider. The Authority claims data captures new clients by Medicaid ID with the dates of service for preventive services after January 1, 2019.
- (8) Quality Tier 3: Qualifying dental billing provider locations defined and meeting a set benchmark of preventive service utilization for the practice, specified in (8)(a), are eligible for a supplemental payment of \$1,000:
- (a) The Authority shall set the Tier 3 benchmarks as follows:
- (A) For existing providers, all preventive services claims shall be pulled for CY 2017. The benchmark claims data count is the average number of claims per month for CY 2017;
- (B) For new providers, the baseline is set at the first month of preventive service utilization;
- (C) If the calculated baseline for existing or new providers is less than three, the baseline is set to three.
- (b) Tier 3 calculations:
- (A) All preventive service claims shall be pulled for the reporting month;
- (B) All billing providers with a 10 percent increase in preventive service claims in the reporting month compared to the benchmark claims data count shall qualify for a supplemental incentive payment. The provider location may qualify for more than one supplemental payment for Tier 3.
- (9) Supplemental Payment Dispersal: An internal Authority report identifying those providers who qualify for the Tier 3 supplemental payment is run after the first Monday of the month, three months after the end of the month in which services occurred. This delay accounts for the lag in claims reporting time. Incentive payments are issued within 30 days of the report out. (For example, for January services, the report is run after the first Monday in May, and payments shall be issued by early June.) Payments are made to billing providers, as identified by Medicaid ID.

STATUTORY/OTHER AUTHORITY: ORS 413.042

STATUTES/OTHER IMPLEMENTED: ORS 414.065