

OFFICE OF THE SECRETARY OF STATE

LAVONNE GRIFFIN-VALADE
SECRETARY OF STATE

CHERYL MYERS
DEPUTY SECRETARY OF STATE
AND TRIBAL LIAISON



ARCHIVES DIVISION

STEPHANIE CLARK
DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

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

FILED

10/31/2024 11:34 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Adopt Prioritized List of Health Services for the Oregon Health Plan effective January 1, 2025.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 11/21/2024 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

CONTACT: Martha Martinez-Camacho
503-559-0830
hsd.rules@oha.oregon.gov

500 Summer Street NE
Salem, OR 97301

Filed By:
Martha Martinez-Camacho
Rules Coordinator

NEED FOR THE RULE(S)

Updates the rule to adopt the most recent version of the Health Evidence Review Commission (HERC) Prioritized List of Health Services effect January 1, 2025. This will allow the Oregon Health Plan (OHP) benefits to continue to include the most important physical, behavioral and oral health services, including both new treatments and existing treatments for new indications for which the best available evidence, combined with public input, indicates a meaningful impact on health at an individual and population level.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

The pending Prioritized List of Health Services for January 1, 2025 implementation will be available at <https://www.oregon.gov/oha/HPA/DSI-HERC/Pages/Prioritized-List-Pending.aspx> approximately one month before the effective date. The minutes of the Value-based Benefits Subcommittee and HERC for October – November 2024 reflect deliberations leading to the new changes to the Prioritized List can be found 3-4 weeks after the meetings are held at <https://www.oregon.gov/oha/HPA/DSI-HERC/Pages/Meetings-VbBS.aspx> and <https://www.oregon.gov/oha/HPA/DSI-HERC/Pages/Meetings-HERC.aspx>, respectively.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

This rule has a general impact on health services covered by the Oregon Health Plan that is not anticipated to change racial equity in either a positive or negative manner in Oregon.

FISCAL AND ECONOMIC IMPACT:

OHA's Office of Actuarial and Financial Analytics will determine whether the changes reflected in the January 1, 2025 Prioritized List will require additional funding beyond that included in the legislatively approved budget for the 2023-

2025 biennium. If so, OHA will need to request additional funding to the Medicaid budget on account of the changes reflected in the January 1, 2025 Prioritized List. It should be noted that such a request for additional funding has not been necessary in the 30 year history of the Oregon Health Plan.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) None anticipated.

(2)

(a) None anticipated.

(b) None anticipated.

(c) None anticipated.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

None

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

HERC staff performs outreach to providers and advocacy groups with an interest in the topics they discuss. Additionally, all providers are invited to attend HERC-related meetings. All providers, including those from small businesses, are able to provide comments to HERC and its subcommittees and advisory panels. Those comments do lead to changes to the Prioritized List HERC approves.

AMEND: 410-141-3830

RULE SUMMARY: The Oregon Health Plan uses the Prioritized List of Health Services to define the covered benefit package. This change adopts the most current version of the Prioritized List approved by the Health Evidence Review Commission to be effective January 1, 2025.

CHANGES TO RULE:

410-141-3830

Prioritized List of Health Services

(1) The Health Evidence Review Commission (HERC) Prioritized List of Health Services (Prioritized List) is the listing of physical and behavioral health services generated and maintained by HERC. The Authority may apply criteria listed in Statements of Intent and Practice Guidelines (Guideline Notes, Ancillary Guideline Notes, and Diagnostic Guideline Notes) from the Prioritized List to codes and lines not explicitly specified in that guideline note and to services such as diagnostic, ancillary and excluded irrespective of their inclusion on the lines of the Prioritized List. The HERC maintains the most current list on their website:

<https://www.oregon.gov/OHA/HPA/DSI-HERC/Pages/Prioritized-List.aspx>. For a hard copy, contact the Division within the Oregon Health Authority (Authority).¶

(2) This rule, effective January 1, 2024⁵, incorporates by reference the January 1, 2024⁵ Prioritized List, funded through line 469 and including all line items, diagnosis and treatment codes, guideline notes, statements of intent, coding specifications and annotations. This Prioritized List dated January 1, 2024⁵ supersedes the October 1, 2024 Prioritized List for services provided after January 1, 2024⁵, and includes interim modifications reported as

required under ORS 414.690(7) and (8).

Statutory/Other Authority: ORS 414.065, ORS 413.042

Statutes/Other Implemented: ORS 414.065, ORS 414.727