

Secretary of State
NOTICE OF PROPOSED RULEMAKING*
A Statement of Need and Fiscal Impact accompanies this form.

Department of Human Services	407	
Agency and Division	Administrative Rules Chapter Number	
Jennifer Bittel	250 Winter St NE, Salem, OR 97301	(503) 947-5250
Rules Coordinator	Address	Telephone

RULE CAPTION

Department of Human Services' Cooperative Relationship with the Oregon Health Authority

RULEMAKING ACTION

ADOPT: 407-043-0020

REPEAL: 407-043-0020(T)

Stat. Auth.: ORS 409.050

Other Auth.: HB 2009, enacted in 2009 OR Laws, chapter 595, sections 19-25

Stats. Implemented: ORS 413.032

RULE SUMMARY

HB 2009 (2009) created the Oregon Health Authority and transferred to the Authority the Department of Human Services' (Department) divisions with respect to health and health care. The Department proposes to adopt these operational and programmatic rules to assure continuity as a part of the operational transfer from functions previously performed by the Department as a result of HB 2009 (2009). Adoption of this rule will repeal the temporary rule in effect since July 1, 2011.

Among the functions transferred to the Authority is the medical assistance program. This rule provides for continuity in the relationship between the Department and the Authority when working together in the administration of the medical assistance program and that the Department and the Authority shall work cooperatively in the administration of the medical assistance program, including making determinations of eligibility and service need for medical assistance. This rule also explains that the Authority designated the Department as the operating agency for home and community-based waiver services and as an Organized Health Care Delivery System.

Proposed rules are available on the DHS Website: <http://www.oregon.gov/DHS/admin/dwssrules/index.shtml>. For hardcopy requests, call: (503) 947-5250.

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.

December 22, 2011; 5:00pm

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


Signature

Jennifer Bittel, Rules Coordinator
Printed name

11/9/11
Date

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

STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Department of Human Services

407

Agency and Division

Administrative Rules Chapter Number

In the Matter of: **The proposed adoption of OAR 407-043-0020.**

Rule Caption:

Department of Human Services' Cooperative Relationship with the Oregon Health Authority

Statutory Authority: **ORS 409.050**

Other Authority: **HB 2009, enacted in 2009 OR Laws, chapter 595, sections 19-25**

Stats. Implemented: **ORS 413.032**

Need for the Rule(s):

HB 2009 (2009) created the Oregon Health Authority and transferred to the Authority the Department of Human Services' (Department) divisions with respect to health and health care. The Department proposes to adopt these operational and programmatic rules to assure continuity as a part of the operational transfer from functions previously performed by the Department as a result of HB 2009 (2009). Adoption of this rule will repeal the temporary rule in effect since July 1, 2011.

Among the functions transferred to the Authority is the medical assistance program. This rule provides for continuity in the relationship between the Department and the Authority when working together in the administration of the medical assistance program and that the Department and the Authority shall work cooperatively in the administration of the medical assistance program, including making determinations of eligibility and service need for medical assistance. This rule also explains that the Authority designated the Department as the operating agency for home and community-based waiver services and as an Organized Health Care Delivery System.

Documents Relied Upon, and where they are available: **None.**

Fiscal and Economic Impact:

There is no fiscal impact on the Department, the Authority, other state agencies, units of local government, the public or businesses, including small businesses. This rule explains the shared service and cooperative relationship between the Department and the Authority relating to the transfer of functions and programmatic changes as a result of the creation of the Authority.

Statement of Cost of Compliance:

- 1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)): **None**
- 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, record keeping and other administrative activities required for compliance, including costs of professional services: **None**
 - c. Equipment, supplies, labor and increased administration required for compliance: **None**

How were small businesses involved in the development of this rule?

Small businesses were not involved in the development of this rule because they are not impacted by this rule.

Administrative Rule Advisory Committee consulted? If not, why?: **No**

HB 2009 created the Oregon Health Authority and transferred to the Authority the Department of Human Services' divisions with respect to health and health care. The Authority is adopting its own operational and programmatic rules as a part of the operation transfer from functions previously performed by the Department as a result of HB 2009(2009). This rule explains the relationship between the two agencies related to shared services and programmatic transfers.


Signature

Jennifer Bittel, Rules Coordinator

Printed name

11/9/11

Date

**CHAPTER 407
DEPARTMENT OF HUMAN SERVICES**

**DIVISION 43
OREGON HEALTH AUTHORITY**

407-043-0020

Cooperative Relationship with Oregon Health Authority

- (1) The Department of Human Services (Department) will cooperate and collaborate with Oregon Health Authority (Authority) in order to effectively coordinate services to individuals, families and communities and realize operational efficiencies in the administration of services that can be shared between them (“shared services”).
- (2) In any Department rules, policies, or procedures that refer to the programs, functions, and duties that were formerly part of the Department that were transferred to the Authority, such reference shall be considered a reference to the Authority.
- (3) The Department acknowledges that the Authority is the state Medicaid agency and the state Children’s Health Insurance Program agency, authorized by state statute to administer the medical assistance program. The Authority is also responsible for facilitating outreach and enrollment efforts to connect eligible individuals with all available publicly funded health programs.
 - (a) The Department and the Authority recognize that there are many points of interconnection between their programs and the individuals who receive services through these programs. In addition, there are areas of natural connection between the Department and the Authority based upon the former structure of the Department.
 - (b) The Department shall continue to work cooperatively with the Authority in the administration of the medical assistance program, including determinations of eligibility and service need for medical assistance. The Authority has designated the Department as the operating agency for the home and community-based waivers and as an Organized Health Care Delivery System.
 - (c) The Department and the Authority are authorized by state law to delegate to each other any duties, functions, and powers that they deem necessary for the efficient and effective operation of their respective functions. The Department and the Authority will work together to adopt rules to assure that medical assistance eligibility requirements, procedures, and determinations are consistent across both agencies. The Authority has authorized the Department to determine medical eligibility for medical assistance. Where that responsibility

is given to the Department under ORS Chapter 411, the Department has delegated to the Authority the duties, functions and powers to make medical eligibility determinations in accordance with OAR 410-120-0006.

- (d) Where statute establishes duties and functions of the Department or the Authority in relation to medical assistance as a public assistance program, the Department and the Authority will cooperate in the effective administration of the program.