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RULES:

333-004-3010, 333-004-3080, 333-004-3140

AMEND: 333-004-3010

NOTICE FILED DATE: 09/26/2023

RULE SUMMARY: Amend OAR 333-004-3010, Definitions: Amending the definition of the Reproductive Health Equity Act to specify federal funding.

CHANGES TO RULE:

333-004-3010

Definitions

(1) "AbortionCare Clinic" means a clinic operated by an agency certified with the RH Program to receive reimbursement for abortion services provided to enrollees who meet RHEA eligibility criteria.¶

(2) "Abortion services" means any services provided in an outpatient setting to end a pregnancy so that it does not result in a live birth. Services include medication and therapeutic abortion procedures. Contraceptive drugs, devices, and supplies related to follow-up care are also included.¶

(3) "Acquisition cost" means the amount or unit cost of the drugs, devices, or supplies the agency actually pays to the pharmaceutical manufacturer, supplier or distributor after applying any discounts, promotions or other reductions. Shipping and handling may be included in the acquisition cost only if supported by an invoice.¶

(4) "Agency" means an entity certified by the RH Program to operate RHCare clinics, CCare clinics, and/or AbortionCare clinics.¶

(5) "Agency number" or "Project number" means the administrative number assigned by the RH Program to an agency.¶

(6) "Applicant agency" means an entity who is applying to be certified by the RH Program to operate RHCare clinics, CCare clinics, and/or AbortionCare clinics.¶

(7) "Authority" means the Oregon Health Authority.¶

(8) "Authorizing Official" means an individual with legal authority to act on behalf of the agency.¶

(9) "CCare" means Oregon ContraceptiveCare which is a 1115 family planning Medicaid demonstration waiver that expands Medicaid coverage for contraceptive services. CCare provides family planning services to Oregonians not enrolled in the Oregon Health Plan (OHP), with incomes at or below 250 percent of the Federal Poverty Level (FPL). CCare services are limited to those related to preventing unintended pregnancy.¶

- (10) "CCare Clinic" means a clinic operated by an agency certified with the RH Program to receive reimbursement for CCare services provided to enrollees who meet CCare eligibility criteria.¶
- (11) "Center" means the Center for Prevention and Health Promotion, within the Public Health Division of the Authority.¶
- (12) "Certification Requirements for CCare Clinics" means Oregon Reproductive Health Program Certification Requirements for CCare Clinics, Version 2.¶
- (13) "Certification Requirements for AbortionCare Clinics" means Oregon Reproductive Health Program Certification Requirements for AbortionCare Clinics, Version 3.¶
- (14) "Certification Requirements for RHCare Clinics" means Oregon Reproductive Health Program Certification Requirements for RHCare Clinics, Version 3.¶
- (15) "Certification" means the agency has attested to meeting the certification requirements, submitted all required documents, been approved by the RH Program, and has an executed MSA with the RH Program.¶
- (16) "CLIA" means the Clinical Laboratory Improvement Amendments of 1988, which establishes quality standards for all laboratory testing to ensure the accuracy, reliability, and timeliness of patient test results, and allows for certification of clinical laboratories operating in accordance with these federal amendments.¶
- (17) "Client" means any person who has reproductive capacity and is seeking reproductive health, family planning, or abortion services at a RHCare, CCare, or AbortionCare clinic.¶
- (18) "Client-centered" means care that is respectful of, responsive to, and allows individual client preferences, needs, and values to guide all clinical decisions.¶
- (19) "Clinic" means a site within an agency that meets certification requirements and is listed on the agency's MSA.¶
- (20) "Clinic number" or "Site number" means the administrative number assigned by the RH Program to each clinic within an agency.¶
- (21) "Clinic Visit Record" or "CVR" means the form or set of information that is completed for each client visit and serves as the billing mechanism for the RH Access Fund.¶
- (22) "CMS" means the Centers for Medicare and Medicaid Services, located within the federal Department of Health and Human Services.¶
- (23) "Drugs, devices, or supplies" means FDA-approved product(s) provided to a client pursuant to reproductive health services.¶
- (24) "Enrollee" means a client who has completed an RH Access Fund Enrollment Form and been enrolled in the RH Access Fund.¶
- (25) "Family planning services" means clinical, counseling, or education services related to achieving or preventing pregnancy.¶
- (26) "FPL" means the federal poverty level guidelines established each year by the U.S. Department of Health and Human Services.¶
- (27) "GC/CT" means gonorrhea and Chlamydia.¶
- (28) "Health Systems Division" means the Division within the Oregon Health Authority that administers the Oregon Health Plan.¶
- (29) "Medical Services Agreement" or "MSA" means an agreement that sets forth the relationship between the Center and the enrolling agency regarding payment by the Center for reproductive health services, drugs, devices or, supplies.¶
- (30) "Minor" means anyone under the age of 18, per ORS 419B.550.¶
- (31) "Nationally-recognized standard of care" means a diagnostic, screening, or treatment process recognized by a national organization, including but not limited to the American Cancer Society (ACS), American College of Obstetrics and Gynecologists (ACOG), U.S. Preventative Services Task Force (USPSTF), or the U.S. Medical Eligibility Criteria (USMEC).¶
- (32) "NVRA" means the National Voter Registration Act.¶
- (33) "Provider" means a licensed health care professional operating within the appropriate scope of practice according to their license, who works for an agency.¶
- (34) "Reasonable opportunity period" or "ROP" means a 90-day period during which individuals who declare U.S. citizenship or Eligible Immigration Status may receive services under CCare while documentation of such status is gathered and verified, under section 1903(x) of the Social Security Act.¶
- (35) "RHCare clinic" means a clinic operated by an agency certified with the RH Program to provide reproductive health services to all clients and to receive reimbursement for covered reproductive health services provided to all enrollees.¶
- (36) "Reproductive capacity" means able to become pregnant or cause a pregnancy.¶
- (37) "Reproductive Health Access Fund" or "RH Access Fund" means a source of coverage for reproductive health services as defined in OAR 333-004-3070 (RH Access Fund Covered Services by Funding Source) provided to enrollees who complete the RH Access Fund Enrollment Form and are deemed eligible.¶

(38) "Reproductive Health Program" or "RH Program" means the program within the Center for Prevention and Health Promotion of the Oregon Health Authority that certifies RHCare, CCare, and Abortion clinics and administers the RH Access Fund which includes CCare, Title X, and RHEA funds.¶

(39) "Reproductive health services" or "RH services" means preventive services, including family planning, and related drugs, devices, and supplies, to support the healthy reproductive processes, functions and system.¶

(40) "RHEA" means Reproductive Health Equity Act (ORS 414.432) funding, which provides access to reproductive health and abortion services to Oregonians who are able to get pregnant and who would be eligible for federally funded medical assistance if not for 8 U.S.C. 1611 or 1612.¶

(41) "RH GF" means Oregon Reproductive Health Program General Funds which provide preventive reproductive health and related services for individuals with reproductive capacity.¶

(42) "RH Program Coordinator" or "RHC" means an agency staff person assigned to ensure compliance at all clinic sites within each agency and to be the primary liaison between state RH Program staff and the agency.¶

(43) "RH Access Fund Eligibility Database" means the centralized, web-based data system operated by the RH Program to house information about enrollees.¶

(44) "RH Access Fund Enrollment Form" means the form whereby individuals apply for RH Access Fund coverage.¶

(45) "Sanction" means an action against agencies taken by the Authority in cases of fraud, misuse, abuse, or non-compliance of RH Program requirements.¶

(46) "School-Based Health Center" means a health center certified by the School-Based Health Center State Program, as defined in OAR 333-028-0210 (School-Based Health Center Program: Definitions).¶

(47) "Special confidentiality" means that an agency is permitted to bill the RH Program in lieu of billing a private insurer because a client fears that they will suffer harm if the policy holder of the private insurance finds out about the services they are receiving.¶

(48) "Telehealth" means the provision of healthcare remotely by means of telecommunications technology.¶

(49) "Title X" means Title X of the Public Health Service Act, Section 1001 (42 U.S.C. § 300), which is a federal grant administered by the Department of Health and Human Services, Office of Population Affairs intended to ensure access to equitable, affordable, client-centered, quality family planning services for clients, especially low-income clients.

Statutory/Other Authority: ORS 413.042, ORS 414.432, ORS 431.147, ORS 431.149, OL 2022, ch. 45, sec 10

Statutes/Other Implemented: ORS 414.432, ORS 431.147, ORS 413.032, OL 2022, ch. 45, sec 10

AMEND: 333-004-3080

REPEAL: Temporary 333-004-3080 from PH 32-2023

NOTICE FILED DATE: 09/26/2023

RULE SUMMARY: Amend OAR 333-004-3080, RH Access Fund Excluded Services by Funding Source: Updating references to revised OARs in chapter 410

CHANGES TO RULE:

333-004-3080

RH Access Fund Excluded Services by Funding Source

(1) Title X does not cover:¶

(a) Sterilizations for enrollees assigned female at birth;¶

(b) Treatment for STIs not pursuant to a family planning visit;¶

(c) Stand-alone visits for repeat Pap tests not pursuant to a family planning visit;¶

(d) Hysterectomies or abortions;¶

(e) Transportation to or from a clinic appointment;¶

(f) Procedures performed for medical reasons, whether or not the procedure results in preventing or delaying pregnancy or restoring fertility;¶

(g) Human papillomavirus (HPV) vaccinations; or¶

(h) Any other medical service or laboratory test that is not described in OAR 333-004-3070(2) (RH Access Fund Covered Services by Funding Source) and whose primary purpose is other than preventing or achieving pregnancy.¶

(2) CCare does not cover:¶

(a) Sterilizations for enrollees assigned female at birth;¶

(b) Treatment for STIs;¶

(c) Preconception or prenatal care, including pregnancy confirmations;¶

(d) Stand-alone visits for repeat Pap tests;¶

(e) Hysterectomies or abortions;¶

(f) Transportation to or from a clinic appointment;¶

(g) Procedures performed for medical reasons, whether or not the procedure results in preventing or delaying pregnancy or restoring fertility;¶

(h) Human papillomavirus (HPV) vaccinations; or¶

(i) Any other medical service or laboratory test that is not described in OAR 333-004-3070(3) (RH Access Fund Covered Services by Funding Source), and whose primary purpose is other than preventing unintended pregnancy.¶

(3) RHEA does not cover:¶

(a) Treatment for STIs;¶

(b) Stand-alone visits for repeat Pap tests;¶

(c) Hysterectomies;¶

(d) Transportation to or from a clinic appointment;¶

(e) Human papillomavirus (HPV) vaccinations;¶

(f) Any other medical service or laboratory test that is not described in ORS 743A.067;¶

(g) Mammography services. These services are available through the ScreenWise program (OAR 333-010-0120(2)(a) (Covered Services)), and under the benefit package in OAR 410-134-0004 (Healthier Oregon Funding);¶

(h) Abortion services not occurring in clinics certified by the RH Program. These services, ~~for individuals with a household income and size at or below 185 percent of the FPL,~~ are available under the benefit package for this population in OAR 410-120-1210(4)(e) (Medical Assistance Benefit Packages and Delivery System); or¶

(i) ~~Sterilization procedures. These services, for individuals with a household income and size at or below 138 percent of the FPL,~~ 34-0004 (Healthier Oregon Funding); or¶

(i) Sterilization procedures. These services are available under the benefit package for this population in OAR 410-120-1210(4)(e) (Medical Assistance Benefit Packages and Delivery System 34-0004 (Healthier Oregon Funding).

Statutory/Other Authority: ORS 413.042, ORS 414.432, ORS 431.147, ORS 431.149, OL 2022, ch. 45, sec 10

Statutes/Other Implemented: ORS 414.432, ORS 431.147, ORS 413.032, OL 2022, ch. 45, sec 10

AMEND: 333-004-3140

REPEAL: Temporary 333-004-3140 from PH 32-2023

NOTICE FILED DATE: 09/26/2023

RULE SUMMARY: Amend OAR 333-004-3140, Use of Funds: Revising funding source exclusions

CHANGES TO RULE:

333-004-3140

Use of Funds

(1) Final determination of funding source is made by the RH Program based on information recorded in the RH Access Fund eligibility database and claims data submitted by the agency.¶

(2) Use of Title X Funds. Title X funds may only be used for the reimbursement of family planning services and supplies or related preventive services as defined in OAR 333-004-3070(2) (RH Access Fund Covered Services by Funding Source), provided to enrollees as defined in OAR 333-004-3090(1)(a) (Client Eligibility for the RH Access Fund).¶

(3) Use of CCare Funds. CCare funds may only be used for the reimbursement of CCare services, drugs, devices, and supplies as defined in OAR 333-004-3070(3) (RH Access Fund Covered Services by Funding Source) provided to enrollees as defined in OAR 333-004-3090(1)(b) (Client Eligibility for the RH Access Fund). CCare funds may not be used for an enrollee:¶

(a) Who is in the custody of a law enforcement, corrections, or youth detention agency.¶

(b) Who receives or who is eligible for the Citizen/Alien-Waived Emergency Medical benefit package under Title XIX.¶

~~(c) Who is enrolled in another Medicaid program~~ is enrolled in another medical assistance program administered by the Oregon Health Authority (Authority) that provides family planning benefits.¶

(4) Use of RHEA Funds. RHEA funds may only be used for the reimbursement of reproductive health or abortion services as defined in OAR 333-004-3070(4) (RH Access Fund Covered Services by Funding Source), provided to enrollees as defined in OAR 333-004-3090(1)(c) (Client Eligibility for the RH Access Fund). RHEA funds may not be used for an enrollee who is enrolled in a medical assistance program administered by the Authority that provides family planning benefits.¶

(5) Federal funds may not be used for abortion services.¶

(6) To the extent funding is available, the RH Program may provide funding to agencies, on an equitable basis, to assist with covering administrative costs incurred by agencies in adhering to these rules and program requirements.

Statutory/Other Authority: ORS 413.042, ORS 414.432, ORS 431.147, ORS 431.149, OL 2022, ch. 45, sec 10

Statutes/Other Implemented: ORS 414.432, ORS 431.147, ORS 413.032, OL 2022, ch. 45, sec 10