

OFFICE OF THE SECRETARY OF STATE  
SHEMIA FAGAN  
SECRETARY OF STATE  
  
CHERYL MYERS  
DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION  
STEPHANIE CLARK  
DIRECTOR  
  
800 SUMMER STREET NE  
SALEM, OR 97310  
503-373-0701

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

**DMAP 42-2021**

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

**FILED**  
09/20/2021 3:06 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE  
& LEGISLATIVE COUNSEL

FILING CAPTION: Updates To The Prioritized List Of Covered Health Services To Improve Access To Telehealth

EFFECTIVE DATE: 10/01/2021 THROUGH 03/29/2022

AGENCY APPROVED DATE: 09/14/2021

CONTACT: Nita Kumar  
503-847-1357  
HSD.Rules@dhsosha.state.or.us

500 Summer St NE  
Salem, OR 97301

Filed By:  
Nita Kumar  
Rules Coordinator

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

The OHP program administrative rules govern the Division's payments for services provided to clients. The Authority is temporarily amending 410-141-3830. This change will reference the Health Evidence Review Commission (HERC)'s approved October 1, 2021 Prioritized List of Health Services, which incorporates interim modifications made to the February 1, 2021 prioritized list. The changes will be effective October 1, 2021.

**JUSTIFICATION OF TEMPORARY FILING:**

The Authority finds that failure to act promptly will result in serious prejudice to the public interest, the Authority, providers, and clients receiving services. This rule needs to be adopted promptly so that the Authority is in compliance with CMS regulations. This temporary rulemaking action will avoid or mitigate the risks mentioned above by incorporating in rule the technical changes and interim modifications as specified in the Prioritized List of Health Services.

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

(1) September 1, 2021 cover letter from HERC to Oregon Legislative leadership reporting interim modifications and technical changes found at: <https://www.oregon.gov/oha/HPA/DSI-HERC/PrioritizedList/10-1-2021-Notice-of-Interim-Modifications.pdf>

(2) HERC Prioritized List of Health Services found at:

Pending List: <https://www.oregon.gov/oha/HPA/DSI-HERC/Pages/Prioritized-List-Pending.aspx>

Current List: <https://www.oregon.gov/oha/HPA/DSI-HERC/Pages/Prioritized-List.aspx>

AMEND: 410-141-3830

RULE TITLE: Prioritized List of Health Services

RULE SUMMARY: The OHP program administrative rules govern the Division's payments for services provided to

clients. The Authority is temporarily amending 410-141-3830. This change will reference Health Evidence Review Commission (HERC)'s approved October 1, 2021 Prioritized List of Health Services, which incorporates interim modifications to the February 1, 2021 prioritized list. The changes will be effective October 1, 2021.

RULE TEXT:

(1) The Health Evidence Review Commission (HERC) Prioritized List of Health Services (Prioritized List) is the listing of physical and behavioral health services with "expanded definitions" of practice guidelines and statements of intent as presented to the Oregon Legislative Assembly. The Prioritized List is generated and maintained by HERC. 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 October 1, 2021, incorporates by reference the October 1, 2021 Prioritized List, funded through line 471 and including all line items, diagnosis and treatment codes, guideline notes, statements of intent, coding specifications and annotations. This Prioritized List dated October 1, 2021 supersedes the February 1, 2021 Prioritized List for services provided after October 1, 2021, 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