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I certify that the attached copies are true, full and correct copies of the TEMPORARY Rule(s) adopted on 07/01/2015 by the
Department of Human Services, Child Welfare Programs 413

Agency and Division Administrative Rules Chapter Number
Kris Skaro (503) 945-6067

Rules Coordinator Telephone
500 Summer St. NE, E-48, Salem, OR 97301

Address
To become effective 08/26/2015 through 02/21/2016.

RULE CAPTION

Adopting and incorporating by reference the July 1, 2015, Behavior Rehabilitation Services (BRS) Rates Table

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

ADOPT:

AMEND:

413-090-0085

SUSPEND:

Statutory Authority:

ORS 409.050, 411.060, 411.070, 411.116, 418.005

Other Authority:

None.

Statutes Implemented:

ORS 409.010, 419.050, 411.060, 411.070, 411.116, 411.141, 418.005, 418.015, 418.027, 418.285, 418.312, 418.315, 418.490, 418.495

RULE SUMMARY

OAR 413-090-0085 is being amended to incorporate by reference and adopt as Exhibit 1 the BRS Rates Table dated July 1, 2015, which lists the rates at which the Department compensates BRS contractors, in accordance with OAR 410-170-0110. The updated table changes rates, depending on type of service and placement model, as follows:

- The service rate per billable care day is increased from a range of \$90.34 to \$134.33 to a range of \$96.10 to \$142.02.
- The placement-related activities rate per billable care day is increased from a range of \$47.19 to \$51.99 to a range of \$49.48 to \$54.35.
- The total daily rate per billable care day is increased from a range of \$137.53 to \$186.32 to a range of \$145.58 to \$196.37.
- The absent day rate is increased from a range of \$68.76 to \$93.16 to a range of \$72.79 to \$98.19.

Kris Skaro

Rules Coordinator Name

kris.a.skaro@state.or.us

Email Address

Secretary of State
STATEMENT OF NEED AND JUSTIFICATION
A Certificate and Order for Filing Temporary Administrative Rules
accompanies this form

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Department of Human Services, Child Welfare Programs
Agency and Division

413
Administrative Rules Chapter Number

Adopting and incorporating by reference the July 1, 2015, Behavior Rehabilitation Services (BRS) Rates Table

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:

Temporary amendment of OAR 413-090-0085

Statutory Authority:

ORS 409.050, 411.060, 411.070, 411.116, 418.005

Other Authority:

None.

Statutes Implemented:

ORS 409.010, 419.050, 411.060, 411.070, 411.116, 411.141, 418.005, 418.015, 418.027, 418.285, 418.312, 418.315, 418.490, 418.495

Need for the Temporary Rule(s):

OAR 413-090-0085 needs to be amended because the BRS Rates Table that is currently incorporated by reference as Exhibit 1 in OAR 413-090-0085 does not reflect the current rates paid to BRS providers. The Oregon Health Authority adopted the new rates in the BRS Rates Table dated July 1, 2015, in OAR 410-170-0110 to reflect increased rates negotiated and guaranteed by the Authority. This amendment incorporates that table by reference to ensure the Child Welfare BRS rules accurately reflect the rates paid to BRS providers.

Documents Relied Upon, and where they are available:

BRS Rates Table, dated July 1, 2015, available at http://www.dhs.state.or.us/policy/childwelfare/manual_1/division_90.pdf

Justification of Temporary Rule(s):

The Department finds that failure to act promptly by amending OAR 413-090-0085 will result in serious prejudice to the public interest, the Department, and BRS contractors who are compensated at rates provided in the BRS Rates Table. The Department needs to proceed by temporary rule because the public, the Department, and BRS contractors will immediately benefit because the rule will accurately reflect the increased rates paid to BRS providers as of July 1, 2015, that have been negotiated and guaranteed by the Oregon Health Authority.

Kris Skaro

kris.a.skaro@state.or.us

Printed Name

Email Address

Behavior Rehabilitation Services Program

413-090-0085

Billing and Payment for Services and Placement-Related Activities

~~(Adopted 01/01/14)~~ [Temporary Effective 08/26/15 – 02/21/16](#)

- (1) *Billable care day* (see OAR [410-170-0020](#)):
 - (a) The *BRS contractor* (see OAR [410-170-0020](#)) is compensated for a *billable care day services* (see OAR [410-170-0020](#)) and *placement-related activities* (see OAR [410-170-0020](#)) rates on a fee-for-service basis in accordance with OAR [410-170-01210](#).
 - (b) The *BRS contractor* may include an overnight *transitional visit* by the *BRS client* (see OAR [410-170-0020](#)) to another placement in its *billable care days*. The *BRS contractor* must:
 - (A) Receive prior approval for the *transitional visit* from the Department;
 - (B) Ensure that the *transitional visit* is in support of the MSP (see OAR [410-170-0020](#)) goals related to transition;
 - (C) Pay the hosting placement at the established *absent day* rate for the sending *BRS provider* (see OAR [410-170-0020](#)); and
 - (D) Ensure the hosting placement will not seek any reimbursement from the Department for the care of the visiting *BRS client*.
- (2) *Absent Days*:
 - (a) The *BRS contractor* is compensated for an *absent day* at the *absent day* rate in order to hold a *BRS program* placement for a *BRS client* with the prior approval of the *BRS client's caseworker* (see OAR [410-170-0020](#)).
 - (b) Notwithstanding OAR [410-170-0110](#)(4), the *BRS contractor* may request prior approval from the *BRS client's caseworker* to be reimbursed for more than 8 but no more than 14 calendar days of home visits in a month for a *BRS client*. However, any additional days of home visits approved under this rule will be paid at the *absent day* rate.
- (3) The *BRS contractor* may only be reimbursed for the *BRS type of care* (see OAR [410-170-0020](#)) authorized in the contract with the Department.
- (4) *Invoice Form*:

- (a) The *BRS contractor* must submit to the Department a monthly invoice in a format acceptable to the Department, on or after the first day of the month following the month in which *services* and *placement-related activities* were provided to the *BRS client*. The monthly invoice must specify the number of *billable care days* and absent days for each *BRS client* in that month.
- (b) The *BRS contractor* must provide upon request, in a format approved by the Department, written documentation of each BRS client's location for each day claimed as a *billable care day* and an *absent day*.

(5) *Billable care day* and *absent day* rates ~~are provided for BRS services provided on or after July 1, 2015, are~~ in the "BRS Rates Table", dated ~~January 1, 2014, July 1, 2015,~~ which is adopted as Exhibit 1 and incorporated by reference into this rule. A printed copy may be obtained from the Department.

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.116, 418.005

Stats. Implemented: ORS 409.010, 411.060, 411.070, 411.116, 411.141, 418.005, 418.015, 418.027, 418.285, 418.312, 418.315, 418.490, 418.495

Exhibit 1 – BRS Rate Table

OAR 413-090-0085

BRS Type of Care	Placement Model	Service Rate per Billable Care Day	Placement Related Activities Rate per Billable Care Day	Total Daily Rate per Billable Care Day	Absent Day Rate
Shelter Assessment and Evaluation;	Residential Care Model	<u>\$90.34</u>	<u>\$47.19</u>	<u>\$137.53</u>	<u>\$68.76</u>
		<u>\$96.10</u>	<u>\$49.48</u>	<u>\$145.58</u>	<u>\$72.79</u>
Intensive Community Care; Independent Living Service; Community Step-Down; and Independent Living Program	Therapeutic Foster Care Model	<u>\$90.34</u>	<u>\$47.19</u>	<u>\$137.53</u>	<u>\$68.76</u>
		<u>\$96.10</u>	<u>\$49.48</u>	<u>\$145.58</u>	<u>\$72.79</u>
Therapeutic Foster Care; BRS Proctor; and Multidimensional Treatment Foster Care	Therapeutic Foster Care Model	<u>\$102.01</u>	<u>\$50.01</u>	<u>\$152.02</u>	<u>\$76.01</u>
		<u>\$105.74</u>	<u>\$50.30</u>	<u>\$156.04</u>	<u>\$78.02</u>
BRS Proctor Day Treatment	Therapeutic Foster Care Model	<u>\$103.57</u>	<u>\$49.89</u>	<u>\$153.46</u>	<u>\$76.73</u>
		<u>\$107.42</u>	<u>\$50.19</u>	<u>\$157.61</u>	<u>\$78.81</u>
Enhanced Therapeutic Foster Care	Therapeutic Foster Care Model	<u>\$118.03</u>	<u>\$49.57</u>	<u>\$167.60</u>	<u>\$83.80</u>
		<u>\$122.63</u>	<u>\$49.85</u>	<u>\$172.48</u>	<u>\$86.24</u>
BRS Basic Residential; Rehabilitation Services	Residential Care Model	<u>\$108.86</u>	<u>\$49.94</u>	<u>\$158.80</u>	<u>\$79.40</u>
		<u>\$115.04</u>	<u>\$52.20</u>	<u>\$167.24</u>	<u>\$83.62</u>
Intensive Rehabilitation Services; BRS Residential; BRS Enhanced; and Short-Term Stabilization Program	Residential Care Model	<u>\$134.33</u>	<u>\$51.99</u>	<u>\$186.32</u>	<u>\$93.16</u>
		<u>\$142.02</u>	<u>\$54.35</u>	<u>\$196.37</u>	<u>\$98.19</u>

Effective ~~January 1, 2014~~ July 1, 2015