

Secretary of State
STATEMENT OF NEED AND FISCAL IMPACT
A Notice of Proposed Rulemaking accompanies this form.

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ARCHIVES DIVISION
SECRETARY OF STATE

Oregon Health Authority, Public Health Division

333

Agency and Division

Administrative Rules Chapter Number

Dental Pilot Projects

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

In the Matter of:

Permanently amending administrative rules in chapter 333, division 10 pertaining to Dental Pilot Projects.

Statutory Authority:

2011 OL Ch. 716

Other Authority:

Statutes Implemented:

2011 OL Ch. 716

Need for the Rule(s):

The Oregon Health Authority (OHA), Public Health Division, Oral Health Program is proposing to permanently amend administrative rules in chapter 333, division 10 pertaining to Dental Pilot Projects.

1. OAR 333-010-0405, "Definitions" is being amended to add and clarify the definition of evaluator. This proposed change is a definition to clarify the term which appears in other sections of the administrative rules for dental pilot projects.

Proposed changes to definitions: Changing section (7) to define the term "Evaluator." The definition will read "'Evaluator' means an individual who will conduct an evaluation of the pilot project and is unaffiliated with the project and who has no financial or commercial interest in the project's outcome."

The Oregon Health Authority is responsible for processing initial pilot project applications, approving projects and monitoring approved pilot projects. Program staff shall evaluate approved projects and the evaluation shall include but is not limited to reviewing progress reports and conducting site visits. The program is responsible for ascertaining the progress of the project in meeting its stated objectives and in complying with program statutes and regulations. OHA does act in the capacity of an external evaluator. Clarification is needed around this point so that existing approved dental pilot projects and future approved dental pilot projects obtain an evaluator unaffiliated with their project who provides an objective evaluation of the approved dental pilot project.

2. OAR 333-010-0415, "Application Procedure" is being amended to add coordinate care organizations as a type of sponsor eligible to apply to the dental pilot project program.

Coordinated Care Organizations were formally enacted into law after the original administrative rules for the dental pilot projects were written. The Dental Pilot Projects are intended to evaluate the quality of care, access, cost, workforce, and efficacy by teaching new skills to existing categories of dental personnel; developing new categories of dental personnel; accelerating the training of existing categories of dental personnel; or teaching new oral health care roles to previously untrained persons. Coordinated Care Organizations provide coordinated medical, dental and behavioral health care for approximately 25% of Oregonians who are on Medicaid (Oregon Health Plan.) The oral health status of Oregonians is poor and the most vulnerable are those with the least access to services. Coordinated Care Organizations are in a unique position to pilot dental projects as they provide the majority of services to these vulnerable populations.

3. OAR 333-010-0435, "Evaluation and Monitoring" is being amended to add sections requiring the use of an evaluator to conduct the approved dental pilot projects evaluation.

Section (1) will add the language "approved by the Authority."

Subsection (1)(e) will add the language "Identification of an evaluator unaffiliated with the project and with no financial or commercial interest in the outcome of the project that will conduct the pilot project's evaluation."

Section (2) will add the language "approved by the Authority."

Section (7) will be added. This language will appear:

(7) A dental pilot project must re-submit its evaluation and monitoring plan by January 2, 2017 for review and approval by the Authority.

(a) If the Authority determines that an evaluation or monitoring plan does not comply with these rules the Authority must notify the sponsor of any deficiencies and provide a deadline for the sponsor to resubmit the plan.

(b) If a sponsor does not submit an evaluation or monitoring plan that complies with these rules, after being given an opportunity to correct the deficiencies, the sponsor may be subject to suspension or termination in accordance with OAR 333-010-0470.

(c) The Authority shall notify a sponsor of its approval of an evaluation or monitoring plan.

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Documents Relied Upon, and where they are available:

- SB 738 (Oregon Laws 2011, chapter 716): <http://www.leg.state.or.us/11reg/measpdf/sb0700.dir/sb0738.en.pdf>
- Barclay's California Code of Regulations Title 22, Division 7, Chapter 6 - Health Workforce Pilot Project Program. <http://public.health.oregon.gov/PreventionWellness/oralhealth/Pages/index.aspx>

Fiscal and Economic Impact:

The intent of the proposed rules is to provide guidance to Dental Pilot Projects to ensure that resources are used efficiently, patient safety is guarded, and outcomes are reasonably evaluated. There is no direct fiscal or economic impact from the proposed rules to the public. All approved Dental Pilot Projects may incur additional costs as they will be required to obtain the services of an unaffiliated evaluator to conduct the project evaluation.

OHA-Public Health Division, Oral Health Program has determined that no additional supplies, labor or administrative oversight will be required for compliance with the proposed amendments.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

There is no direct effect on local government and the public. The scope of the Dental Pilot Projects that the proposed rules pertain to are not being implemented by state agencies, local government or the public.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small business and types of businesses and industries with small businesses subject to the rule:

There is no direct effect on small businesses during the thirteen year pilot projects phase. The Dental Pilot Projects cease authorization on January 2, 2025 per SB 606 (Oregon Laws 2015, chapter 842) enacted in 2015.

The scope of the Dental Pilot Projects that the proposed rules pertain to are not being implemented by small businesses. Educational institutions, dental care organizations, and other larger organizations are addressed. The Dental Pilot Projects were created in collaboration between the Oregon Dental Association (ODA) and the Oregon Oral Health Coalition (OrOHC). ODA protects the interests of private practice dentists.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

None - the scope of the Dental Pilot Projects that the proposed rules pertain to are not being implemented by small businesses and as such, there is no projected reporting, recordkeeping or other administrative activities required of small businesses for compliance with the proposed amendments.

c. Equipment, supplies, labor and increased administration required for compliance:

None - the scope of the Dental Pilot Projects that the proposed rules pertain to are not being implemented by small businesses and as such, there is no equipment, supplies, labor or increased administration required of small businesses for compliance with the proposed

amendments.

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

Small businesses were not involved in the development of the rules because the proposed amendments do not apply to small businesses.

Administrative Rule Advisory Committee consulted?:Yes

If not, why?:

<u>11-22-2016 5:00 p.m.</u>	<u>Brittany Sande</u>	<u>brittany.a.sande@state.or.us</u>
Last Day (m/d/yyyy) and Time for public comment	Printed Name	Email Address