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NOTICE OF PROPOSED RULEMAKING

INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 410

OREGON HEALTH AUTHORITY

HEALTH SYSTEMS DIVISION: MEDICAL ASSISTANCE PROGRAMS

FILED: 04/30/2026 10:26 AM

ARCHIVES DIVISION SECRETARY OF STATE

FILING CAPTION: Requires Board Registered Associates work in organizations with a Certificate of Approval to bill Medicaid

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 06/18/2026 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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Filed By:

Brenna Bird
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HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 05/19/2026

TIME: 10:00 AM - 11:00 AM

OFFICER: Juan Rivera

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 1-669-254-5252

CONFERENCE ID: 1612279677

SPECIAL INSTRUCTIONS:

Topic: OHA Behavioral Health and Medicaid - Public Hearing at 10am²

Time: May 19, 2026 10:00 Pacific Time (US and Canada)

[Join ZoomGov Meeting](#)

<https://www.zoomgov.com/j/1612279677?pwd=qgHqz1bF6leNHbf5tLTx7hCjU8BCF.1>

Meeting ID: 161 227 9677

Passcode: 396799

Dial by your location

- +1 669 254 5252 US (San Jose)
- +1 646 828 7666 US (New York)

Meeting ID: 161 227 9677

NEED FOR THE RULE(S):

OHA is making a policy change to both support Medicaid members with the most complex behavioral health conditions and to support the clinics that care for more of those individual. OHA needs to adjust how we provide behavioral health services to ensure new behavioral health professionals who are in the process of earning their license receive appropriate clinical training and support that will prepare them to care for a wide variety of clients with different behavioral health conditions and levels of acuity.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

1. <https://www.oregon.gov/oha/hsd/ohp/pages/bh-licensing.aspx>
2. <https://www.oregon.gov/oha/HSD/OHP/DataReportsDocs/COA-Impact-Assessment.pdf>
3. <https://www.oregon.gov/oha/HSD/OHP/Announcements/Board-Registered-Associates0226.pdf>

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE:

While the certification requirement for Board Registered Associates is intended to improve patient access and quality of care, it may create barriers for individuals from communities most often impacted by historical and contemporary injustices due to access and systemic inequities.

Patients engaging in culturally and linguistically specific needs from Board Registered Associates outside of organizations with a Certificate of Approval may experience a change in service.

Communities experiencing immediate impacts may include LGBTQ+ communities, people with disabilities, Black, Indigenous, Latino/a/x/e communities, immigrant communities, and rural communities.

FISCAL AND ECONOMIC IMPACT:

Community input has highlighted potential loss of revenue to:

Board Registered Associates who are currently in a private practice and will no longer be eligible to bill Medicaid,

Group practices (small businesses) who need to go through the Certificate of Approval process in order to continue to bill Medicaid,

Other providers in the Certificate of Approval process if they are not certified by October 1, 2026.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) Community input has highlighted a potential loss of revenue to:

Board Registered Behavioral Health Associates, who are currently in a private practice, will no longer be eligible to bill Medicaid

Group practices/small businesses who need to go through the Certificate of Approval process in order to continue to bill Medicaid,

Other providers in the Certificate of Approval process if they are not certified by October 1, 2026.

(2) There is a potential loss of revenue to group practices of providers who will need to go through the Certificate of Approval process in order to continue to bill Medicaid.

(a) OHA anticipates the impact to be minimal

(b) None

(c) 9.4% of responses linked the policy to potential cost-cutting or systemic barriers for providers of color, noting that licensing and certification costs are already a burden.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small businesses were invited to and participated in the Rules Advisory Committee meeting. Additionally, small businesses were engaged in the feedback survey shared in 2025 about these changes.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

AMEND: 410-172-0660

RULE SUMMARY: Requires Board Registered Associates to work in organizations with a Certificate of Approval from the Behavioral Health Division to bill Medicaid.

CHANGES TO RULE:

410-172-0660

Rehabilitative Behavioral Health Services ¶¶

(1) Rehabilitative behavioral health services means medical or remedial services recommended by a licensed medical practitioner or other licensed practitioner of the healing arts to reduce impairment to an individual's functioning associated with the symptoms of a mental disorder or substance use disorder and are intended to

restore functioning to the highest degree possible.¶

(2) Remedial rehabilitative behavioral health services shall be recommended by a physician or licensed practitioner of the healing arts as described in parts 4(c-h) and 5(a-d) OAR chapter 410 Medical Assistance Programs, division 120 and within the scope of their practice under state law.¶

(3) Rehabilitative behavioral health services that include medical services shall be recommended by and provided under ongoing oversight of a licensed medical practitioner as described in ~~part~~section 4(a-b) of this rule within the scope of their practice under state law.¶

(4) Rendering providers of rehabilitative behavioral health services shall meet one of the following qualifications:¶

(a) Physician or Physician Associate-licensed in the State of Oregon;¶

(b) Advanced Practice Nurse including Clinical Nurse Specialist and Certified Nurse Practitioner licensed by the Oregon Board of Nursing;¶

(c) Psychologist licensed by the Oregon Board of Psychology;¶

(d) Licensed Professional Counselor or (LPC) or Licensed Marriage and Family Therapist (LMFT) licensed by the Oregon Board of Licensed Professional Counselors and Therapists;¶

(e) Licensed Clinical Social Worker (LCSW) licensed by the Oregon Board of Licensed Social Workers;¶

(f) Licensed Master's Social Worker (LMSW) licensed by the Oregon Board of Licensed Social Workers as described in OAR 877-015-0105;¶

(g) Licensed Psychologist Associate granted independent status as described in OAR 858-010-0039 by the Oregon Boards of Psychology as described in Oregon Laws 2021, chapter 211, section 2;¶

(h) Licensed Occupational Therapist licensed by the Oregon Occupational Therapy Licensing Board;¶

(i) ~~Provider organization~~ e with a Certificate of Approval issued by the Health Systems for outpatient treatment services issued by the Behavioral Health Division (Division BHD) as described in OAR 309-012-0130 through 309-012-0220 chapter 309, division 008.¶

(5) ~~Board~~ Registered Associates and mental health interns providers shall be supervised by a provider as described in section (4)(c-e) of this rule under an active board approved plan of practice and super may be rendering rehabilitative behavioral health services providers if they are:¶

(a) Employed by or contracted with an organization that is licensed by OHA; or¶

(b) Issued a certificate of approval (COA) by OHA's Behavioral Health Division in accordance with OAR chapter 833, division 50 or, for associate clinical social workers, OAR chapter 877, division 20, and meet the qualifications for any one of the following qualification provider types:¶

(a) ~~Psychologist Associate Residents as described in OAR 858-010-0037;~~¶

(b) ~~Licensed Psychologist Associate under continued supervision as described in OAR 858-010-0038;~~¶

(c) ~~Licensed Professional Counselor intern or professional Counselor Associates registered with the Oregon Board of Licensed Professional Counselors and Therapists as described in OAR chapter 833, division 30;~~¶

(b) ~~Marriage and Family Therapist intern Associate registered with the Oregon Board of Licensed Professional Counselors and Therapists as described in OAR 833-050-0011; chapter 833, division 40;~~¶

(c) ~~Certificate of Clinical Social Work Associate issued by the Oregon Board of Licensed Social Workers as described in OAR 877-020-0009; chapter 877, division 20;~~¶

(e) ~~Register~~ Nothing in this section shall be read bachelor of social work issued to require a COA when one of the exceptions identified in section (10) of this rule is met.¶

(6) Mental Health Interns may provide rehabilitative behavioral health services subject to the following conditions:¶

(a) They are under the supervision of a licensed provider identified in section (4) (c-e) of this rule; and¶

(b) They are registered as a Baccalaureate Social Worker by the Oregon Board of Licensed Social Workers as described in OAR 877-015-010 chapter 877, division 015.¶

(7) ~~Providers~~ Providers exempt from licensure or registration per ORS 675.090(1)(f), 675.523(3), or 675.825(3)(c) shall be employed by or contracted with a provider organization certified by the Authority under ORS 430.610 to 430.695 as described in (4)(i) or in a setting exempted under section (10) of this rule and meet one of the following qualifications:¶

(a) Qualified mental health professional as defined in OAR 309-019-0125(8) or a qualified mental health practitioner (QMHP) as defined in OAR chapter 309 Behavioral Health Services, division 019;¶

(b) Qualified mental health associate (QMHA) as defined in OAR 309-019-0125(7) chapter 309 Behavioral Health Services, division 019;¶

(c) Mental health intern (MHI) as defined in OAR 309-019-0105; or¶

(d) ~~Peer Support Specialist as defined in OAR 950-060-0010 chapter 309 Behavioral Health Services, division 019;~~¶

(d) Peer-Support Specialist (PSS), Peer Wellness Specialist and Youth/Family Support Specialist (PWS), Certified Recovery Mentor (CRM) as defined in OAR chapter 950 Equity and Inclusion Division, division 060;¶

(e) Certified alcohol and drug counselors (CADC) certified by the Mental Health & Addiction Certification Board of

Oregon (MHACBO); or

(f) Certified gambling addiction counselors (CGAC).

~~(78) In addition to meeting the provider requirements described in this rule, providers of Assertive Community Treatment (ACT) services shall be certified as a fidelity ACT team by the Division or its designee as described in OAR 309-019-0100~~BHD as described in OAR chapter 309 Behavioral Health Services, division 019.

~~(82) In addition to meeting the provider requirements described in this rule, providers of Supported Employment or Supported Education services shall be certified~~Individual Placement and Supports (IPS) Supported Employment services shall be certified as a fidelity program by the BHD or its designee as described in OAR chapter 309 Behavioral Health Services, division 019.

(10) Notwithstanding any other provisions of this rule, a COA is not required for billing Medicaid when provider described in section (5) works in the following settings:

(a) Clinics recognized by HRSA as federally supported safety-net clinics, including under Health Resource and Services Administration (HRSA), a federal regulatory agency, includes Federally Qualified Health Centers (FQHC) and Rural Health Clinics (RHC).

(b) An Indian Health Care Provider, meaning a health care program operated by the Indian Health Service (IHS) or by an Indian Tribe, Tribal Organization, or Urban Indian Organization (collectively known as an I/T/U) as those terms are defined in section 4 of the Indian Health Care Improvement Act (25 U.S.C. § 1603);

(c) State-certified School-Based Health Centers (SBHCs) as defined in ORS 413.223;

(d) Education Agencies (EA) as defined by the di in OAR 410-133-0040, when:

(A) Services are provided in compliance with School-Based Health Services (SBHS) OARs Chapter 410, Division 133; and

(B) The EA employs a supervisory-level behavioral health provider to provide direct supervision for its designee as described in OAR 309-019-0100 employed board-registered behavioral health associates (see OAR 410-133-0040 for definition of supervisory-level).

(e) Psychologist Residents as described in ORS 675.030(2);

(f) Licensed Psychologist Associate under continued supervision as described in Oregon Laws 2021, chapter 211, section 2.

Statutory/Other Authority: ORS 413.042, 430.640

Statutes/Other Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705, 430.715