



March 3, 2022

To: Brooke Hall, Senior Health Policy Analyst, DCBS

Fr: NAMI Oregon

Re: HB 3046 draft rules

NAMI Oregon offers the following comments regarding the draft rules for HB 3046 presented for discussion at the Rules Advisory Committee on April 19, 2022.

Generally speaking, NAMI Oregon is pleased with the draft as it relates to implementing Section 8 in HB 3046 around level of placement decisions. We offer two suggestions that we believe enhance the draft.

1) Just as the Division intends to reference in rules a specific version of the Diagnostic and Statistical Manual of Mental Disorders (DSM), we strongly urge the Division to specify the level of placement criteria from the pertinent nonprofit professional associations. At minimum, this creates a clear safe harbor for plans.

We suggest language that we proposed in our written comments dated March 3, 2022, that creates such a safe harbor:

*For purposes of utilization review determinations concerning level of placement, continued stay, and transfer or discharge, the following instruments shall be considered compliant:*

- *For a primary substance use disorder diagnosis in adolescents and adults, the ASAM Criteria by the American Society of Addiction Medicine.*
- *For a primary mental health diagnosis in adults nineteen (19) years of age and older, Level of Care Utilization System (LOCUS) by the American Association for Community Psychiatry.*
- *For a primary mental health diagnosis in children six (6) to eighteen (18) years of age, Child and Adolescent Level of Care/Service Intensity Utilization System (merged CALOCUS-CASII) by the American Association for Community Psychiatry and the American Academy of Child and Adolescent Psychiatry.*
- *For a primary mental health diagnosis in children five (5) years of age and younger, Early Child Service Intensity Instrument (ECSII) by the American Academy of Child and Adolescent Psychiatry.*

2) If the Division doesn't intend to pre-review criteria "that does not involve level of care placement decisions" per Section 8, Paragraph 5(a)(C), we strongly urge the Division to clarify an appeals process if a plan doesn't make such criteria publicly available or hides behind a spurious claim of copyright protection.

Thank you for this opportunity to provide comments.