



**Kevin Corbett** | Chief Executive Officer

**J. Kevin Stitt** | Governor

I/T/U Public Notice 2021-02

February 18<sup>th</sup>, 2020

**RE: Oklahoma Health Care Authority Proposed Rule, State Plan and Waiver Amendments**

Dear Tribal Representative:

The purpose of this letter is to notify you of proposed changes that will be reviewed at the tribal consultation meeting on March 2nd, 2021 at 11 a.m. OHCA invites you to attend this meeting via webinar, and we welcome any comments regarding the proposed changes. The agency is committed to active communication with tribal governments during the decision-making and priority-setting process to keep you apprised of all proposed changes.

Enclosed are summaries of the current proposed rules, state plan and waiver amendments for your review. The summaries describe the purpose of each change.

Please note that these are only proposed changes and have not yet taken effect. Before implementation, proposed changes must obtain budget authorization and approval by the OHCA board, and when applicable, federal and governor approval must be obtained.

Additionally, OHCA posts all proposed changes on the agency's [Policy Change Blog](#) and the [Native American Consultation Page](#). These public website pages are designed to give all constituents and stakeholders an opportunity to review and make comments regarding upcoming policy changes. To ensure that you stay informed of proposed policy changes, you may sign up for web alerts to be automatically notified when any new proposed policy changes are posted for comment.

OHCA values consultation with tribal governments and will provide your representatives a reasonable amount of time to respond to this notification. If you have any questions or comments about the proposed policy changes, please use the online comment system found on the [Policy Change Blog](#) and/or the [Native American Consultation Page](#).

Sincerely,

Dana Miller  
Director, Tribal Government Relations



**ADDRESS**

4345 N. Lincoln Blvd.  
Oklahoma City, OK 73105



**WEBSITES**

okhca.org  
mysoonerCare.org



**PHONE**

Admin: 405-522-7300  
Helpline: 800-987-7767



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## **Proposed Rule, State Plan, and Waiver Amendments**

**Supplemental Rebate Agreement for Prescription Drugs Update** — The proposed amendment to the Oklahoma State Plan will revise the State’s Supplemental Rebate Agreement (SRA) to include prescription drug claims submitted by managed care organizations (MCO) and prepaid ambulatory health plans (PAHP) in the supplemental rebate process. ***This item requests an expedited 30-day tribal consultation comment period.***

**Remove Reasonable Limits on Amounts for Necessary Medical or Remedial Care Not Covered under Medicaid** — The proposed revisions will remove the rules that allow reasonable limitations to be considered before a medical expense, not covered under SoonerCare, can be deducted from an individual's post-eligibility income when determining the vendor payment for SoonerCare services in a long-term care facility. The rules, being removed, were previously approved but not yet implemented and may be reconsidered after the public health emergency (PHE) declaration expires.

**Home Health Ordering Provider Disaster Relief Request** — In response to the COVID-19 public health emergency (PHE), the OHCA submitted a disaster relief State Plan Amendment (DRSPA) request to the Centers for Medicare & Medicaid Services (CMS) to allow nurse practitioners, clinical nurse specialists, or physician assistants, working in accordance with State law to order home health services as per the Coronavirus Aid, Relief, and Economic Security (CARES) Act. The DRSPA request has a retroactive proposed effective date of March 27, 2020 and will be in effect from the date of CMS approval until the termination of the PHE.

**Hospice Services** — The State is seeking to add hospice benefits for the expansion population and adults enrolled in a managed care organization (MCO). Currently, hospice is only provided to children under age 21.

**Adult Expansion Alternative Benefits Plan (ABP) Update** — The Oklahoma Health Care Authority (OHCA) seeks to remove the 24-day limitation for inpatient physician services, add medication assisted treatment (MAT) services, and add residential substance abuse disorder (SUD) treatment services to the Adult Expansion ABP.



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**State Plan Personal Care Services** — The proposed revisions will remove a member's legal guardian as a service provider of State Plan personal care services. This proposed change reflects guidance received from the Centers for Medicare and Medicaid Services (CMS). Further revisions better define State Plan personal care services, align rules with current business practices, and correct formatting and grammatical errors.

**Medicaid Expansion**—The proposed revisions will expand Medicaid eligibility for individuals, age nineteen (19) and under age sixty-five (65), with incomes at or below 133% of the federal poverty level (FPL) by creating a "new adult group" as per Section 435.119 of Title 42 of the Code of Federal Regulations. Additionally, proposed changes will remove references to the Insure Oklahoma (IO) Individual Plan (IP) program as the program is being terminated. The adults currently being served by IO IP will transition to the new adult Medicaid expansion population and will be eligible to receive more comprehensive services. Further, adults currently receive a limited prosthetics and orthotics benefit. Policy will be revised to reflect a more comprehensive coverage of prosthetics and orthotics available to expansion adults. Finally, revisions will align and better clarify policy with current practice and correct grammatical errors.



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