



Kevin Corbett | Chief Executive Officer

J. Kevin Stitt | Governor

I/T/U Public Notice 2023-04

May 26, 2023/June 5, 2023

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 **June 6th, 2023, 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,

Tribal Government Relations



ADDRESS

4345 N. Lincoln Blvd.
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Admin: 405-522-7300
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Proposed Rule, State Plan, and Waiver Amendments

POLICY UPDATES:

To further the agency's commitment to meaningful consultation with Tribal partners, all proposed policy revisions will be provided at the start of the consultation when they are available. An I/T/U public notice advised of the below proposed rule, state plan, and waiver revisions will be issued at least 60 days prior to their submission, but no less than 14 days (limited to abnormal circumstances). The agency strives to keep Tribal partners abreast of any exigent circumstances that may arise and cause timeframes to be updated or shortened.

In addition, the agency's website houses a policy changes blog that is dedicated to Native American Consultation. This [blog page](#) allows for comments/questions from providers and members to be submitted to the Agency and become part of the official record. All comments received are considered during the policy making process. The policy updates that are presented during this Tribal Consultation meeting will be officially posted for I/T/U provider and member review during the consultation period. To ensure that you stay informed of proposed policy changes, please sign up for the [web alert](#) option. These alerts will be sent out to all subscribers whenever any new proposed policy changes are posted for public comment.

Biosimilar Reimbursement — The Oklahoma Health Care Authority (OHCA) will seek to align reimbursement for certain biosimilar products with the Medicare Part B fee schedule. The Inflation Reduction Act (2022) included a provision directing Medicare Part B to increase reimbursement for certain biosimilar products from Average Sales Price (ASP) + 6% to ASP + 8%. Based on CMS guidance, OHCA is amending the State Plan and rules to replace specific references to ASP + 6% with language indicating payment will match Medicare Part B's fee schedule.

Anticipated Tribal Impact: None.

Proposed Policy Change Timeline:

60-day Tribal Consultation Period: May 26, 2023 – July 25, 2023

Public Comment Period: May 26, 2023 – June 25, 2023

Tribal Consultation: June 6, 2023

SPA Proposed Effective Date: July 1, 2023

MAC Meeting: Sept. 7, 2023

OHCA Board Meeting: Sept. 20, 2023

Rules Requested Effective Date: Upon Governor's signature or the 45th day post submission of the rules (Nov. 6, 2023)

Supplemental Drug Rebate Agreement — The Oklahoma Health Care Authority (OHCA) will seek approval of a State Plan amendment reflecting the new effective date for the updated pharmacy supplemental rebate agreement. The agreements will be effective on and after January 1, 2024. This is a required annual update.



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Anticipated Tribal Impact: None.

Proposed Policy Change Timeline:

60-day Expedited Tribal Consultation Period: May 26, 2023 – July 25, 2023

Public Comment Period: May 26, 2023 - June 25, 2023

Tribal Consultation: June 6, 2023

SPA Proposed Effective Date: Jan. 1, 2024

ADvantage Waiver Amendment — The Oklahoma Health Care Authority (OHCA) will seek to amend the 1915(c) HCBS ADvantage Waiver and rules. The program's reimbursement rates for remote supports services have not kept pace with commensurate services provided by other Oklahoma 1915(c) HCBS waiver programs. The amendments will increase the reimbursement rate for ADvantage Waiver remote supports services to match corresponding rates of other Oklahoma 1915(c) waivers. The amendments will also allow the maximum number of home-delivered meals per ADvantage member to remain at two meals per day instead of one, past the expiration of the Appendix K emergency waiver. The proposed change also seeks to lower the eligibility age that an individual can enter the program from 21 to 19 years of age.

Anticipated Tribal Impact: Direct; tribal members between 19 and 21 may be eligible for the Program.

Proposed Policy Change Timeline:

60-day Tribal Consultation Period: June 6, 2023 – Aug. 5, 2023

Public Comment Period: June 6, 2023 – July 5, 2023

MAC Meeting: Sept. 7, 2023

SPARC: Sept. 11, 2023

OHCA Board Meeting: Dec. 7, 2023

Proposed Effective Date: Oct. 1, 2023



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