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**Ellen M. Buettner** | Chief Executive Officer

**J. Kevin Stitt** | Governor

**I/T/U Public Notice 2023-06**

August 25, 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 **September 5th, 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,

Traylor Rains  
State Medicaid Director



**ADDRESS**

4345 N. Lincoln Blvd.  
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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.

- **Behavioral Health Services Acute/Acute II Rate Increases** — The following proposed changes are to help the State remain competitive and ensure the behavioral provider network is supported and able to improve health outcomes. The Oklahoma Department of Mental Health and Substance Abuse Services (ODMHSAS) proposes to increase acute rates for freestanding psychiatric hospitals paid on a per diem. ODMHSAS is also restoring the 15% rate reduction for Acute II facilities, which are State-licensed, private psychiatric hospitals and general hospitals with psychiatric units, and adding a 5% increase to the restored rate. The rate revisions will take effect October 1, 2023, contingent upon CMS approval.

**Tribal Impact:** N/A

### **Proposed Policy Change Timeline:**

15-day Expedited Tribal Consultation Period: August 25, 2023 – September 9, 2023

Public Comment Period: August 25, 2023 – September 9, 2023

Tribal Consultation: September 5, 2023

SPARC: September 11, 2023

Board meeting: September 20, 2023

Effective Date: October 1, 2023



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- **Rate Revision for State Plan Personal Care (SPPC) Nurse Assessment/Evaluation Visit** — Oklahoma Human Services is seeking to amend the reimbursement rate for the SPPC nurse assessment/evaluation visit (T1001), to provide a reimbursement rate that correlates with the corresponding reimbursement rate of \$97.50 for ADvantage Waiver and other 1915(c) waivers.

**Tribal Impact:** TBD

**Proposed Policy Change Timeline**

15-day Tribal consultation period: August 25, 2023 to September 9, 2023

Public comment period: August 25, 2023 to September 9, 2023

SPARC: September 11, 2023

Board meeting: September 20, 2023

Effective date: October 1, 2023

- **Eligibility for Reproductive Health & Family Planning Services (SoonerPlan)** — At the request of the Oklahoma State Department of Health, the Agency will seek authority to raise the FPL threshold from 133% to 205% for the Family Planning category. This change is intended to expand access to reproductive health services for individuals age 19 and older that do not qualify for these services through other SoonerCare programs and are otherwise uninsured or underinsured.

**Tribal Impact:** Yes

**Proposed Policy Change Timeline**

60-day Tribal Consultation Period: August 25, 2023 to October 24, 2023

Public Comment Period: August 25, 2023 to October 4, 2023

Tribal Consultation: September 5, 2023

Effective Date: January 1, 2024

- **Adult Day Health Services Revisions** — Oklahoma Human Services (OHS) proposes a policy change to increase the maximum number of units of day health services that can be provided in a day from six (6) to eight (8) hours. This will allow individuals who are eligible to receive 1915(c) Home and Community-Based waiver services to maintain the level of support they were receiving through the Aging state-funded services. This policy revision will maintain the level of support for individuals that move from the Developmental Disabilities Services (DDS) waitlist to waiver services. Additionally, policy revisions will change the name of the service from "Adult Day Services" to "Adult Day Health Services".

**Tribal Impact:** Yes

**Proposed Policy Change Timeline**

60-day Tribal Consultation Period: August 25, 2023 to October 24, 2023



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Public Comment Period: September 25, 2023 to September 9, 2023  
Medical Advisory Committee: November 2, 2023  
OHCA Board Meeting: December 7, 2023  
Effective Date: Upon Governor's approval

- **Psychological Evaluations and Level of Care Evaluations for TEFRA (Tax Equity and Fiscal Responsibility Act of 1982) Eligibility** — Policy revisions will add additional provider types to conduct psychological evaluations for TEFRA applicants, shortening wait times for the required psychological evaluation needed for TEFRA approval. Additional provider types to be added to policy are a certified psychometrist, psychological technician of a psychologist, and a licensed behavioral health professional. Additionally, policy will be revised to reflect a new business process of conducting level of care reevaluations biennially rather than annually for individuals meeting Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID) level of care. Annual level of care evaluations will still be required to determine if an applicant meets the nursing facility or acute hospital level of care.

**Tribal Impact:** Yes

**Proposed Policy Change Timeline**

60-day Tribal consultation period: August 25, 2023 to October 24, 2023  
Public comment period: August 25, 2023 to September 25, 2023  
Medical Advisory Committee: November 2, 2023  
Board meeting: December 7, 2023  
Effective date: Upon Governor's approval



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