



Kevin Corbett | Chief Executive Officer

J. Kevin Stitt | Governor

I/T/U Public Notice 2020-07

August 19, 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 September 1st, 2020 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



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Proposed Rule, State Plan, and Waiver Amendments

Therapy Assistants and Clinical Fellows — The OHCA originally presented policy changes to add provider qualifications, coverage, and reimbursement for services provided by therapy assistants and speech language pathology clinical fellows during the March 3, 2020 Tribal consultation. Due to public comment received, the OHCA has made revisions to its policy request. OHCA will continue to seek adding provider qualifications, coverage, and reimbursement for services performed by physical therapy assistants, occupational therapy assistants, speech language pathology assistants (SLPAs), and speech language pathology clinical fellows. However, as compared to the original request to reimburse all assistants and clinical fellows at 85% of the rate of the fully licensed practitioner, the OHCA will seek to reimburse provisionally licensed speech language pathology clinical fellows at 100% of the fully licensed therapist rate and reimburse assistants (OT, PT, ST) at 85% of the fully licensed therapist rate. Additionally, the requested effective date of this proposal changed from 1/1/2021 to 2/1/2021.

SoonerPlan Termination — Effective July 1, 2021, the SoonerPlan program will terminate as adults served by SoonerPlan will transition to the new adult Medicaid expansion population and will be eligible to receive comprehensive SoonerCare services.

SUPPORT Act Drug Utilization Review (DUR) Standard — The proposed revisions update the standard for retrospective drug utilization reviews in accordance with Section 1004(b) of the SUPPORT Act, HR 6 including the standards of “excessive utilization” and “inappropriate or medically unnecessary care or prescribing or billing practices that indicate abuse or excessive utilization.”

Insure Oklahoma Changes — The OHCA will revise policies, including but not limited to, the 1115(a) demonstration waiver and agency rules, to reflect changes to the Insure Oklahoma (IO) program. Effective July 1, 2021, all IO Individual Plan (IP) members, and IO Employer-Sponsored Insurance (ESI) members with incomes at or below 133% of the federal poverty level (FPL), will transition to and be provided services by the SoonerCare program under the expansion adult option. Additionally, revisions will clarify that IO ESI members’ FPL threshold is 134%-200%.



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Bariatric Surgery Revisions — The proposed revisions will update bariatric surgery requirements and guidelines to reflect current business practice.

Additional revisions will involve fixing grammatical and/or formatting errors, as well as, revoking obsolete sections.

Dental Managed Care Organization — To improve Oklahoma’s health outcomes and increase access to care, the OHCA will seek proposals from qualified dental managed care organizations (DMO) to facilitate the delivery of dental services to eligible and enrolled members of Oklahoma’s Medicaid program, commonly known as SoonerCare. The agency will also obtain authority to operate DMOs and will revise and add federal and state policy including: 1915 waiver requests, Title XIX and XXI state plan amendments, and state rules.

Disaster Relief COVID-19 Mobile Testing Authority — In response to the COVID-19 public health emergency, the OHCA provided notice of the second submitted disaster relief Title XIX state plan amendment to the Centers for Medicare and Medicaid Services (CMS). Effective March 1st, 2020, the agency will allow for testing to diagnose or detect COVID-19 and COVID-19 antibodies within non-office settings, such as mobile test sites. The agency also provided notice of the request to allow for self-collected test systems that the FDA has authorized for home use; however, since submission to CMS, the agency has decided only to move forward with the request to allow for mobile testing sites only. The proposed request will be in effect until the termination of the public health emergency.

Child Support Cooperation Exemption for Recipients of Indian Health Services — Policy revisions are needed to note a difference in the Medicaid agency’s process for medical child support referrals due to changes in federal regulations at 42 CFR 433.152 and 45 CFR 303.11. Policy revisions are needed to reflect the provisions within the federal regulation which notes that the Medicaid agency may not refer a case to the state child support agency for medical support enforcement when the Medicaid referral is based solely upon health care services provided through an Indian Health Program. System changes will be implemented to ensure compliance with agency and federal regulations.



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Residential SUD Services — The proposed amendment will add coverage and reimbursement of residential substance use disorder (SUD) services for individuals (under age 64) residing in a facility with 16 beds or less to the Oklahoma state plan and rules. This item requests an expedited 30-day tribal consultation comment period.

The Oklahoma Department of Human Services (DHS) Development Disabilities — To comply with federal regulations, DDS will implement a provider rate increase for current job coaching services for individuals. Additionally, DDS will make changes to their group job coaching services and group enhanced job coaching services based on new group sizes for participants. The services are available to waiver recipients on the Medicaid In-Home Supports Waiver for Adults, Homeward Bound Waiver and Community Based Waiver. These changes will be necessary to support individuals who work in competitive integrated settings; and allow DHS to better empower and support Oklahomans with developmental disabilities.

Certified Community Behavioral Health (CCBH) Services – The OHCA originally presented policy changes to replace the current process by which new rates for CCBHs are established during the July 1 tribal consultation. OHCA continues to seek the previously presented changes in addition to an adjustment to the provider-specific standard rate to facilitate the expanded use of new mobile technology and crisis stabilization services to transform the CCBH delivery system. A payment adjustment of \$50 per member per month (PMPM) added to the trended provider-specific standard rate will be paid to providers whose standard CCBH rate is less than 95% of the average of all urban and rural CCBH provider-specific standard rates and is effective 12 months following the determination of the final rate. These revisions and subsequent changes are requested on behalf of the Oklahoma Department of Mental Health and Substance Abuse Services. **This item requests an expedited 14-day tribal consultation comment period.**



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