

Rule Impact Statement (2025)

A. Purpose of the proposed rule and legal authority (75 OS § 253(B)(2)(b)(1), 75 OS 303(D)(2)(a))

The proposed revisions to the ADvantage Waiver policy align with federally approved waiver amendments, lower the minimum eligibility age from 21 to 19, clarify procedures for home-delivered meals, and remove redundant or outdated language to improve clarity and consistency.

Legal authority: The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; and Section 1915(c) of the Social Security Act.

B. Brief description of the proposed rule (75 OS 253(B)(2)(b)(3))

The Oklahoma Health Care Authority proposes revisions to the ADvantage Waiver policy to align with the waiver amendments approved on October 16, 2024, with a retroactive effective date of October 1, 2023. Key changes include lowering the minimum age for program eligibility from twenty-one (21) to nineteen (19) years, clarifying procedures for obtaining member or representative signatures for home-delivered meals, and removing redundant expanded criteria language now addressed under the Level of Care medical eligibility determination section. Additional revisions reformat policy for clarity, remove outdated language, and improve consistency in describing ADvantage program capacity.

C. Classification of proposed rule (75 OS 253(B)(2)(b)(2))

Classification: Major Nonmajor

Justification: (Include estimate of total implementation and compliance costs over 5 years and basis for estimate. If $\geq \$1,000,000$ → classified as major.)

Total annual implementation and compliance costs:

Methodology used to calculate costs (75 OS 253(B)(2)(b)(7)):

Budget impact is expected to be budget neutral. The proposed changes primarily align existing policy with CMS-approved ADvantage Waiver amendments, clarify existing procedures, and remove outdated or redundant language. No significant new administrative, system, or compliance costs are anticipated for OHCA, providers, managed care entities, or members.

D. Description of affected classes of persons most likely to be impacted by the proposed rule (75 OS 253(B)(2)(b)(4), 75 OS 303(D)(2)(b))

The proposed rule affects SoonerCare members who seek or receive services through the ADvantage Waiver, particularly individuals aged nineteen (19) and twenty (20) who become eligible under the revised minimum age requirement, ADvantage Waiver service providers, and OHCA administrative staff, responsible for eligibility determination, policy interpretation, and program oversight.

Affected parties may experience minor administrative impacts related to updated eligibility criteria and clarified documentation procedures. No new fees, reporting requirements, or service limitations are imposed.

E. Description of classes who will benefit from the proposed rule (75 OS 253(B)(2)(b)(5), 75 OS 303(D)(2)(c))

The proposed rule will benefit the following classes by providing added clarity, **SoonerCare members, Members and their representatives, Providers**, by receiving clearer, more consistent policy language that reduces uncertainty and supports compliance, and **OHCA**, by ensuring policy alignment with CMS-approved waiver amendments and improving administrative clarity.

**F. Comprehensive economic impact analysis (75 OS 253(B)(2)(b)(6), 75 OS 303(D)(2)(d))
Methodology used to calculated costs (75 OS 253(B)(2)(b)(7)):**

The proposed rule is expected to have minimal economic impact. No new fees are created or modified by this rule. The rule is expected to be budget neutral and consistent with previously approved waiver expenditures.

G. Probable costs and benefits to OHCA and other agencies (75 OS 253(B)(2)(b)(6), 75 OS 303(D)(2)(e))

OHCA anticipates minimal implementation costs related to policy updates, internal coordination, and routine program oversight, all of which will be absorbed within existing administrative resources and funded through current Medicaid administrative funding. No additional costs or responsibilities are anticipated for other state agencies. The primary benefit to OHCA is continued compliance with CMS-approved ADvantage Waiver terms, reduced risk of audit findings, and improved policy clarity. Net fiscal impact to the state is expected to be budget neutral.

H. Economic impact on political subdivisions and whether their cooperation is required (75 OS 253(B)(2)(b)(8), 75 OS 303(D)(2)(f))

This rule does not have an economic impact on political subdivisions

I. Economic impact on small businesses (75 OS 253(B)(2)(b)(9), 75 OS 303 (D)(2)(g))

Some ADvantage Waiver providers may qualify as small businesses; however, the proposed rule does not impose new or disproportionate compliance burdens. The changes primarily clarify existing requirements and align policy with federally approved waiver amendments.

J. Measures taken to minimize compliance costs and assessment of less costly, less intrusive, or nonregulatory alternatives (75 OS 253(B)(2)(b)(10), 75 OS 303(D)(2)(h))

A formal rule was necessary to implement and codify CMS-approved ADvantage Waiver amendments and ensure consistent, enforceable application across the program. OHCA considered maintaining existing policy language or addressing the changes solely through operational guidance; however, those approaches would not sufficiently reflect approved waiver terms or provide clear, enforceable standards.

K. Effect of the rule on public health, safety, and the environment (75 OS 253(B)(2)(b)(11), 75 OS 303(D)(2)(i))

The rule has no direct impact on public health, safety, or environmental conditions.

L. Detrimental effects if the proposed rule is not implemented (75 OS 253(B)(2)(b)(12), 75 OS 303(D)(2)(j))

If the proposed rule is not implemented, OHCA would remain misaligned with CMS-approved ADvantage Waiver amendments, increasing the risk of noncompliance with federal requirements.

Failure to implement the rule could also increase audit risk and create ongoing confusion for providers and members.

M. Summary of and preliminary comparison to existing or proposed federal regulations (75 OS 303(D)(2)(n))

The proposed rule implements provisions of Section 1915(c) of the Social Security Act and aligns with CMS-approved ADvantage Waiver amendments. The rule is consistent with federal waiver authority and does not impose requirements that exceed federal minimum standards. It serves to operationalize and codify existing federal approvals at the state level.

N. Analysis of alternatives to adopting the proposed rule (75 OS 303(D)(2)(l))

OHCA considered maintaining the status quo and addressing waiver amendments through informal guidance or operational materials. These alternatives were rejected because they

would not provide enforceable, transparent standards and would not adequately reflect CMS-approved waiver terms.

O. Estimates of internal OHCA employee time and other resources used to develop the proposed rule (75 OS 303(D)(2)(m))

OHCA estimates that approximately 80 hours were expended in total.

P. Date statement prepared or modified (75 OS 253(B)(2)(b)(13), 75 OS 303(D)(2)(k))

Prepared date: November 11, 2025

Modified date: December 19, 2025