

## **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))*

This proposed rule is intended to implement the Paid Family Caregiver program, in accordance with senate bill 56, and to streamline the prior authorization process for Private Duty Nursing services.

Legal authority: The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; the Oklahoma Health Care Authority Board; Section 5013.2 of Title 63 of Oklahoma Statutes.

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

The OHCA proposes policy revisions to implement the Paid Family Caregiver (PFC) program, as authorized by Senate Bill 56 and codified at 63 O.S. § 5013.2. This new program is intended for children approved for Private Duty Nursing (PDN) who require care beyond personal care services, but which can be safely provided by a trained family caregiver. The caregiver must meet OHCA-established criteria and be employed and trained by a PDN agency. Additional revisions clarify PDN policy, streamline the prior authorization process for both PDN and PFC services and require service documentation at treatment plan recertification.

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

**Classification:** ☒ Nonmajor

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

Total implementation and compliance costs for 5 years is estimated to be budget neutral. Costs associated with the potential increase in staffing are expected to be offset by the lower hourly rate for some of the staff hours, along with the potential decrease in inpatient stays.

**Total annual implementation and compliance costs:**

Total annual costs are estimated to be budget neutral.

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

Estimates were calculated by our Population Care Management and Finance teams.

**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 changes are most likely to impact the families of members who have been approved for private duty nursing services and private duty nursing agencies who will be employing the complex caregivers.

**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 changes are most likely to benefit the families of children who are authorized to receive private duty nursing, as well as the private duty nursing agencies who are employing the complex caregivers.

**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 rule will result in increased income for the caregivers participating in the Paid Family Caregiver program.

This may also result in increased revenue to private duty nursing agencies, through new Medicaid billing opportunities.

The development of this proposed rule predates the requirement to track these measurements, so these costs have not been quantified.

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

The total cost for SFY 2026 and 2027 is estimated to be budget neutral.

Benefits to OHCA include reduced administrative burden in prior authorization review for members who are unlikely have a change within a 6 month period.

**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))

The proposed rule changes will not have an economic impact on any political subdivision or require their cooperation in implementing or enforcing the rule changes.

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

The agency does not anticipate that the proposed rule changes will have an adverse effect on small businesses. The proposed rule will likely have a positive impact on the private duty nursing agencies.

**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))

The agency has taken measures to determine that there are no other legal methods to achieve the purpose of the proposed rule. Measures included a formal public comment period and tribal consultation.

**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 proposed rule should help to ensure adequate care is provided to members needing private duty nursing services, resulting in a positive effect on public health and safety.

**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, the agency will not be in compliance with senate bill 56, which mandates that the agency promulgate rules to establish this program. Failure to implement this program may also result in a lack of access to care for qualifying children due to statewide nursing shortages. The agency does not anticipate any other detrimental effects if the proposed rule is not implemented.

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

The proposed rule aligns with, but does not duplicate, federal regulations for home health services at 42 CFR 440.70

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

The agency is mandated by senate bill 56 to promulgate rules to implement this service. The alternative to adopting the proposed rule includes making no rule change which would put the agency out of compliance with state statute.

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

OHCA has spent approximately 450 hours developing the proposed rule.

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

Prepared: September 24, 2025

Modified date: October 7, 2025

Modified date: November 12, 2025

Modified date: December 18, 2025