

**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))**

These proposed rules are intended to clarify Developmental Disabilities Services (DDS) policy as it pertains to skilled nursing, assistive technology, transportation, employment, and self-directed service provisions. Additionally, these rules will add a new section on assistive and enabling technology, increase annual transportation limits, and clarify service definition and rate structures for self-directed 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 these policy revisions to update Developmental Disabilities Services (DDS) policy related to skilled nursing, assistive technology, transportation, employment, and self-directed service provisions. Minor updates clarify that Oklahoma Human Services DDS registered nurses may be involved in waiver skilled nursing services. Additional revisions add a new section on assistive and enabling technology, increase annual transportation limits, and clarify service definitions and rate structures for employment and self-directed services. Overall updates improve alignment with current practice, strengthen consistency across DDS program rules, and expand flexibility for members receiving Home and Community-Based Services (HCBS) waivers.

**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.

**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)):**

As total annual costs are estimated to be budget neutral, no methodology for cost calculation was used.

**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 members and the services they receive while providers will be impacted by the clarification and updates of services and policy.

**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 likely to benefit members and their access to services and provider clarity and consistency with DDS rules.

**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)):**

A comprehensive economic impact analysis and associated cost methodology were not utilized as the proposed rule is estimated to be budget neutral.

**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. There are no anticipated implementation costs to OHCA or other agencies.

**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.

**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 is expected to support public health and safety by providing members with access to updated services who might otherwise experience adverse health outcomes or delays in care. Additional benefits to public health and safety are present with the ability of registered nurses to be involved in waiver skilled nursing services.

**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, members will not have access to updated services. Additionally, providers will continue to rely on out-of-date information and registered nurses will not be involved in skilled nursing services potentially causing delays in care or other related adverse impacts.

**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 DDS required activities at 42 CFR 440.180

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

The agency considered maintaining the status quo but these rules were the best approach to addressing concerns about the services members are provided. Additionally, this rule allows OHCA the ability to enforce specific criteria that members and providers must meet.

**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 80 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: November 18, 2025