



May 5, 2021

## PUBLIC NOTICE

Pursuant to 42 C.F.R. § 441.301, the Oklahoma Health Care Authority (OHCA) is required to give public notice and receive public input on any significant proposed changes to the 1915(c) Home and Community-Based Services (HCBS) waivers.

### **Medically Fragile Waiver Amendment:**

The Oklahoma Health Care Authority (OHCA) is seeking to amend the Medically Fragile Waiver. The purpose of the Medically Fragile Waiver (MFW) is to assist Medicaid members who have been diagnosed with a medically fragile condition who require a Hospital/Skilled Nursing Facility (H/SNF) level of care (LOC) and whose needs could not otherwise be met through another Oklahoma Waiver. A medically fragile condition is defined as a chronic physical condition, which results in prolonged dependency on medical care for which daily skilled (nursing) intervention is medically necessary and is characterized by one or more of the following:

(1) There is a life-threatening condition characterized by reasonably frequent periods of acute exacerbation which requires frequent medical supervision, and/or physician consultation and which in the absence of such supervision or consultation would require hospitalization.

(2) The individual requires frequent time-consuming administration of specialized treatments which are medically necessary.

(3) The individual is dependent on medical technology such that without the technology reasonable level of health could not be maintained. Examples include but are not limited to dependence on ventilators, dialysis machines, enteral or parenteral nutrition support and continuous oxygen.



#### **ADDRESS**

4345 N. Lincoln Blvd.  
Oklahoma City, OK 73105



#### **WEBSITES**

[okhca.org](http://okhca.org)  
[mysoonerCare.org](http://mysoonerCare.org)



#### **PHONE**

Admin: 405-522-7300  
Helpline: 800-987-7767



**Kevin Corbett** | Chief Executive Officer

**J. Kevin Stitt** | Governor

The goal of this program is to provide services which allow Medicaid eligible persons whose UCAT assessment scores meet Hospital/Skilled Nursing Facility level of care and one of the characteristics of a medically fragile condition as listed above; the opportunity to remain at home or in the residential setting of their choosing while receiving the necessary care. The Medically Fragile program offers an alternative to institutional placement to receive Medicaid-funded care. The waiver also offers self-direction opportunities for a specified group of services such as Advanced Supportive/Restorative, Personal Care and Respite as service delivery options.

## **Proposed Medically Fragile Waiver Amendment**

**Waiver Unit Name Change** - The proposed revision will remove all references to Quality Assurance and Community Living (QA/CLS) in Appendix A-J and replace with the new unit name of Long-Term Services and Supports (LTSS) for clean-up and to provide clarity when referring to the OHCA unit who manages the Medical Fragile waiver program.

**Private Duty Nursing and Skilled Nursing** - The proposed revision is to add language to the service definitions in Appendix C/1-C/3 and the service plan development section in Appendix D-1-d (b); "Services listed in the plan of care which are within the scope of the State's Nurse Practice Act and are ordered by a licensed medical physician, osteopathic physician, physician assistant or advanced practice nurse and are provided by a registered professional nurse, or licensed practical or vocational nurse under the supervision of a registered nurse, licensed to practice in the State. Skilled Nursing services provided in the member's home or other community setting are services requiring the specialized skills of a licensed nurse." To will align with current practice.

Language from Appendix D-1-d (b) currently listed in the approved waiver is added to the service definitions for Private Duty Nursing and Skilled Nursing in Appendix C/1-C/3. "The service plan is based on the member's service needs identified by the Uniform Comprehensive Assessment Tool III and the Home Health Certification and Treatment Plan when the member's medical condition and level of care necessitates Private Duty Nursing." To will align with current practice. Also, the reference to (Form 485) is being removed.



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**Minor Language Clean-Up** – The proposed changes will make minor grammatical and punctuation corrections throughout the waiver that were overlooked in the initial waiver renewal submission in 2018. This will promote clarity for providers, advocates, members, and families when referencing information in the waiver.

The 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 proposed waiver changes.

The above amendment will be effective upon approval by the Centers for Medicare and Medicaid Services (CMS) or October 1, 2021, whichever is earliest.

Please submit all comments by close of business June 4, 2021. Comments may be submitted in writing to the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd. Oklahoma City, Oklahoma 73105. Attention: Health Policy 1915(c) Waivers.

To request a free hard copy of the waivers, please call 1-888-287-2443 or send your request to the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd. Oklahoma City, Oklahoma 73105. Attention: Health Policy 1915(c) Waivers.



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