



Overview

Gov. Kevin Stitt issued Executive Order (EO) 2025-16 on July 31, 2025. The Executive Order requires all OHCA-contracted providers to submit a signed attestation disclosing whether they or any related entities engage in abortion-related activities. This requires disclosure of performance of, referral for or affiliation with the performance of abortions (as defined by 63 O.S. 1-730) not permitted under state law, as well as disclosure of being under common ownership or control with an entity engaged in abortion-related activities inconsistent with state law.

For purposes of the attestation required by the EO, providers should attest based on the knowledge the provider or entity has about their activities and the activities of their affiliates at the time it is attested. No further investigation is needed.

Definitions

1. **Abortion** — For purposes of Executive Order 25-16, abortion is defined by 63 O.S. § 1-730. "Abortion" means the use or prescription of any instrument, medicine, drug or any other substance or device to intentionally terminate the pregnancy of a female known to be pregnant with a purpose other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, to remove an ectopic pregnancy, or to remove a dead unborn child who died as the result of a spontaneous miscarriage, accidental trauma or a criminal assault on the pregnant female or her unborn child.
2. **Affiliated with** — means having staff privileges, medical staff membership, employment or contractual relationship, partnership or ownership interest, academic appointment, or other affiliation under which a medical practitioner provides the medical activity on behalf of, or in association with, the health care entity or provider that provides abortion services not permitted under state law, as defined above. *(The EO does not define this term. This definition is used in OHCA's proposed rule change; it is subject to approval by OHCA's Board of Directors and to approval by the governor.)*
3. **Refer for** — means the act of sending a patient to another provider for abortion services not permitted under state law or abortion-related activities inconsistent with state law. *(The EO does not define this term. This definition is used in OHCA's proposed rule change; it is subject to approval by OHCA's Board of Directors and to approval by the governor.)*



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What is considered an unlawful abortion?

Unlawful abortions are those not permitted under Oklahoma state law, including, but not limited to, services that violate 21 O.S. § 861, 63 O.S. § 1-731, 63 O.S. § 1-732, or 63 O.S. § 1-737.

Is an abortion performed to preserve the life of the mother considered lawful?

Pursuant to state law, an abortion performed to preserve the life of the mother is lawful.

What does it mean to “refer for” abortions for the purpose of the attestation?

For the purposes of the attestation, referring for an abortion means making a referral to another provider with the intent that the receiving provider perform an abortion or an abortion-related activity not permitted under state law.

What if a provider does not complete the attestation?

Failure to comply with the requirement to fill out, sign and return the attestation to the Oklahoma Health Care Authority by **5 p.m., Nov. 21, 2025**, will be deemed non-compliance with the EO. Non-compliance will result in denial, exclusion, non-renewal, payment suspension and/or contract termination.

The OHCA Board tabled the administrative rule related to the EO; what does that mean for providers? Do I still have to sign the attestation?

The Executive Order requires OHCA to implement the requirements regardless of whether rule changes have occurred. The language of the attestation will not change even if the administrative rule changes.

The OHCA General Provider Agreement, Article V, Section 5.1, states: “The parties to this Agreement acknowledge and expect that over the term of this Agreement laws may change. Specifically, the parties acknowledge and expect (i) federal Medicaid statutes and regulations, (ii) state Medicaid statutes and rules, (iii) state statutes and



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rules governing practice of health care professions, and (iv) any other laws cited in the Agreement may change. The parties shall be mutually bound by such changes.”

The EO has the force of law. OHCA, contracted entities and providers must all comply with the EO.

How do I complete the attestation?

1. Complete and sign the [attestation form](#). The signature must be either a handwritten (wet) signature or a verified digital signature (e.g., Adobe Sign, DocuSign). Typed names or plain text signatures will not be accepted.
2. Upload the completed and signed form on the [Attestation Submission page](#) by 5 p.m., Nov. 21, 2025.

Why do I have to submit my attestation in two places if I have a contract action in process?

The [Qualtrics submission link](#) notifies our outreach team that it's been. Your pending application/contract file notifies the enrollment analysts that your attestation is part of the provider file and your contract action can be processed.

Please note: This is a temporary process to allow us to process contract actions while the system update is implemented. After the update, attestations will be collected as part of the standard new contract and renewal process in the Provider Portal.

Do all provider types have to submit an attestation even if they don't perform, refer, or are affiliated with providers who perform abortion services?

Yes, all contracted providers must submit an attestation regardless of their service scope.

What if I need to update my attestation?

If a provider has already completed an attestation and needs to make changes due to a rule change or a change in circumstance, the provider must immediately complete a new attestation form.



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How is OHCA reviewing the attestation forms?

Attestation responses will be reviewed on a case-by-case basis. The EO directs OHCA to terminate or decline to renew any contract, memorandum or agreement, with or without cause, of any SoonerCare provider or entity that, in OHCA's sole discretion, is not fully aligned with Oklahoma's public policy objectives.

Is the attestation required for new contracts?

Yes. OHCA will only consider new provider contract applications after an attestation is filled out, signed and returned to OHCA.

As a behavioral health provider, does the EO require me to report patient notes?

No.

What if I still have questions?

If you still have questions or would like additional clarification before completing your attestation, please call our provider engagement team at 1-800-522-0114, option 5 or email providerenrollment@okhca.org. Our team is ready and able to assist you Monday-Friday, 8 a.m. to 5 p.m. Please make sure your phone number, fax number, email address and mailing address are up to date to receive important updates from OHCA.

Please be aware that OHCA cannot offer legal advice to providers or entities.



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