



Kevin Corbett | Chief Executive Officer

J. Kevin Stitt | Governor

I/T/U Public Notice 2020-05

April 24, 2020

RE: Oklahoma Health Care Authority Proposed COVID-19 Disaster Relief State Plan and Waiver Amendments

Dear Tribal Representative:

The purpose of this letter is to give you notice of proposed COVID-19 disaster relief policy requests that were submitted to CMS on April 24, 2020.

In response to the public health emergency declared by the President of the United States on March 13, 2020, the Secretary of the U.S. Department of Health and Human Services invoked his authority to waive or modify certain requirements of titles XVIII, XIX, and XXI of the Social Security Act to assist states in responding to the COVID-19 national emergency. CMS is allowing states to request flexibilities which revise policies related to eligibility, enrollment, benefits, premiums, cost sharing, and payments outlined in their Medicaid state plans as well as Section 1115 demonstrations. The flexibilities ensure sufficient health care items and services are available to meet the needs of Medicaid members and to ensure health care providers who furnish such services in good faith, but are unable to comply with one or more of such requirements as a result of the COVID-19 pandemic, may be reimbursed for services absent any determination of fraud or abuse.

OHCA requested the following COVID-19 related policy changes with an effective date of March 1, 2020:

- Waive customary state plan amendment submission requirements, public notice requirements and modification of tribal consultation timelines that would otherwise be applicable to state plan and waiver amendment submissions.
- Adopt a 12-month continuous eligibility for children under age 19, regardless of changes in circumstance.
- Suspend copayments associated with COVID-19 testing, diagnostic and treatment.
- Change the drug benefit 34-day supply prescription quantity limit to allow for a 90-day supply and expand prior authorization for medications by automatic renewal without clinical review, or time/quantity extensions.



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- Allow independently-contracted psychologists to serve SoonerCare adults only for crisis intervention services. (These providers are currently only able to provide the service to children under the EPSDT benefit).
- Increase in therapeutic leave days for nursing facilities and intermediate care facilities for individuals with intellectual disabilities from seven days NF and 60 days ICF/IID to 10 days NF and ICF-IID 70 days and waive the provisions that payments for therapeutic leave days cannot exceed a maximum of 14 consecutive days per absence for ICF/IIDs.
- Suspend premiums for members within the Insure Oklahoma Individual Plan.
- Allow IO IP members to self-attest as being unemployed in order to verify program eligibility.
- Designate the Oklahoma Department of Human Services, in addition to long-term care facilities and skilled nursing facilities, to determine presumptive eligibility for individuals eligible to receive long-term care services.
- Waive penalties for the potentially preventable readmissions program.
- Establish an accelerated payment methodology for rural health providers.
- Increase the overtime rate-of-pay from \$32 per hour to \$40 per hour for private duty nursing services.

The proposed requests above will be in effect until the termination of the public health emergency.

The OHCA values consultation with tribal governments and will strive to provide your representatives up-to-date information regarding the requests submitted to CMS.

Additionally, this item will be discussed in the upcoming face-to-face tribal consultation on May 5, 2020.

Sincerely,

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Dana Miller
Director, Tribal Government Relations



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