



Kevin Corbett | Chief Executive Officer

J. Kevin Stitt | Governor

I/T/U Public Notice 2021-12

July 15, 2021

RE: Oklahoma Health Care Authority Proposed COVID-19 Disaster Relief Request

Dear Tribal Representative:

The purpose of this letter is to give you notice of the proposed COVID-19 disaster relief policy follow-up requests that were submitted to CMS on July 8, 2021.

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 through disaster relief requests:

The Oklahoma Health Care Authority (OHCA) will disregard excess income, resources and a build-up of assets related to COVID-19 for members who are aged and disabled. Any payment made by the federal, state, local, or tribal government to relieve the adverse economic impacts of the COVID-19 pandemic will be disregarded from resources for a period of 12-months post the end of the public health emergency (PHE). Income, assets, and resources include but are not limited to stimulus checks, additional unemployment compensation, tax returns, applicable tax credits, etc. Disaster-relief is requested to protect those individuals from being at-risk of exceeding the resource limit for ABD/long-term care services and supports as well as home and community-based services.

The OHCA also seeks to align the Alternative Benefit Plan (ABP) for expansion adults with the services and flexibilities requested within the previously CMS-



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approved disaster-relief state plan amendments. Expansion adults will have access to crisis intervention services provided by independently contracted psychologists and access to expanded ordering providers for home health services pursuant to the Families First Coronavirus Response Act (FFCRA). Expansion adults are also eligible to receive COVID-19 testing services and treatments, including vaccine administration, specialized equipment, and therapies without cost sharing beginning July 1, 2021 and for the remainder of the public health emergency (PHE). Services provided to expansion adults are reimbursed according to the current State Plan.

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 at the upcoming tribal consultation on September 7, 2021.

Sincerely,

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Dana Miller
Director, Tribal Government Relations



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