



Kevin Corbett | Chief Executive Officer

J. Kevin Stitt | Governor

I/T/U Public Notice 2022-03

April 22, 2022,

RE: Oklahoma Health Care Authority Proposed Rule, State Plan and Waiver Amendments

Dear Tribal Representative:

The purpose of this letter is to notify you of proposed changes that will be reviewed at the tribal consultation meeting on May 3rd, 2022, at 11 a.m. OHCA invites you to attend this meeting via webinar, and we welcome any comments regarding the proposed changes. The agency is committed to active communication with tribal governments during the decision-making and priority-setting process to keep you apprised of all proposed changes.

Enclosed are summaries of the current proposed rules, state plan and waiver amendments for your review. The summaries describe the purpose of each change.

Please note that these are only proposed changes and have not yet taken effect. Before implementation, proposed changes must obtain budget authorization and approval by the OHCA board, and when applicable, federal and governor approval must be obtained.

Additionally, 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 policy changes. To ensure that you stay informed of proposed policy changes, you may sign up for web alerts to be automatically notified when any new proposed policy changes are posted for comment.

OHCA values consultation with tribal governments and will provide your representatives a reasonable amount of time to respond to this notification. If you have any questions or comments about the proposed policy changes, please use the online comment system found on the [Policy Change Blog](#) and/or the [Native American Consultation Page](#).

Sincerely,

Dana Miller
Director, Tribal Government Relations



ADDRESS

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Proposed Rule, State Plan, and Waiver Amendments

(Please note, the 2022 meeting dates for MAC and Board are tentative and subject to change. The MAC and Board will not vote on their future 2022 meeting dates until their respective November 2021 meetings. Additionally, unless otherwise identified as an emergency rule, all rules will be going through the permanent rulemaking process.)

SoonerPlan Termination — Effective one day after the COVID-19 Public Health Emergency ends, the SoonerPlan program will terminate as most adults served by SoonerPlan have transitioned to the adult Medicaid expansion eligibility group to receive comprehensive SoonerCare services.

Anticipated Tribal Impact: direct; AI/ANs eligibility and ITU billing/outreach/enrollment

Proposed State Plan Amendment Tentative Timeline:

14-Day Expedited Tribal Consultation Period: April 18, 2022 – June 17, 2022

Rules: 15-Day Public Comment Period: May 3, 2022 – May 18, 2022

SPA: 30-Day Public Comment Period: May 3, 2022 – June 2, 2022

Medical Advisory Committee: July 14, 2022

OHCA Board Meeting: To be determined

SPA Proposed Effective Date: One day after the COVID-19 Public Health Emergency ends

Rules Proposed Effective Date: Upon Governor's signature

Private Duty Nursing (PDN) Rate Increase — Effective one day after the COVID-19 Public Health Emergency ends, the Oklahoma Health Care Authority (OHCA) will seek approval of a State Plan Amendment to make permanent the temporary disaster-relief rate increase for private duty nursing (PDN) hours that result in the overtime rate of pay for nursing staff. The Agency seeks to maintain the rate increase, from \$32/hour to \$40/hour, for PDN services provided to persons with tracheostomies or who are ventilator dependent.



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Anticipated Tribal Impact: none, ITUs receive the OMB rate for outpatient services

Proposed State Plan Amendment Tentative Timeline:

60-day Tribal Consultation Period: April 19, 2022 – June 18, 2022

Public Comment Period: May 3, 2022 – June 2, 2022

Proposed Effective Date: One day after the COVID-19 Public Health Emergency ends

Nursing Facility Rebasing and Pay-for-Performance Update — For the rate period beginning July 1, 2022, a proposed amendment to the state plan and agency rules will recalculate the Quality of Care (QOC) fee for regular nursing facilities, nursing facilities serving residents with Acquired Immune Deficiency Syndrome (AIDS) and Regular and Acute Intermediate Care Facilities for Individuals with an Intellectual Disability (ICF/IID). Further proposed revisions to the Pay-for-Performance (PFP) language will improve facility accountability by requiring noncompliant facilities to forfeit PFP incentives for any quarter in which they receive a scope and severity tag deficiency of "I" or greater.

Anticipated Tribal Impact: none; ITUs are paid the OMB rate which is all-inclusive

Proposed State Plan Amendment Tentative Timeline:

60-day Tribal Consultation Period: April 19, 2022 – June 18, 2022

Public Comment Period: May 3, 2022 – June 2, 2022

Proposed Effective Date: July 1, 2022

ADvantage Waiver — The Oklahoma Department of Human Services (OHS) is seeking an amendment to the *ADvantage* waiver. The proposed waiver amendment includes:

- An updated estimated cost for waiver years two (2) through five (5) occurring as a result of legislatively mandated rate increases,
- The addition of Assistive Technology services, and
- The addition of Remote Supports services.



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Assistive Technology services include devices, controls and appliances specified in the member's person-centered service plan which enables them to increase their abilities to perform activities of daily living or to perceive, control or communicate with the environment in which they live. Devices may include communication technology that allows members to communicate with their providers via video or audio chat to ensure ongoing maintenance of health and welfare.

Remote Supports involves monitoring of a waiver member by remote staff using audio or video equipment, allowing for live, two-way communication with them in their residence. Remote Supports is not a system to provide surveillance, and HIPAA privacy and security rules apply to all covered service providers. Remote Supports allow for a member to choose the method of service delivery which best suits their needs. This service is less intrusive than requiring the physical presence of another person to meet the needs of the member. Remote supports will promote and enhance the independence and self-reliance of the member.

Anticipated Tribal Impact: none; there are no tribal partners for this waiver

Proposed Timeline

60-day Tribal Consultation Period: May 4, 2022 – July 3, 2022

Tribal Consultation: May 3, 2022

Public Comment Period: May 18, 2022 – June 17, 2022

Proposed Effective Date: October 1, 2022

Homeward Bound Waiver Amendment — The Oklahoma Department of Human Services (OHS) is seeking to amend the Homeward Bound Waiver. The proposed changes will include an update of the estimated cost of the waiver for years 2-5 as a result of OHS rate increases. The rate increases include increasing the non-emergency transportation service from the current rate of \$0.52 per mile to the federal reimbursement rate of \$0.585 per mile, increasing the extended duty care nursing rate from the current rate of \$6.76 per 15-minute unit to \$10 per 15-minute unit and an across the board rate increase for most fixed rate services ranging from 10% to 25%.

Anticipated Tribal Impact: none; there are no tribal partners for this waiver

Proposed Timeline

60-day Tribal Consultation Period: May 4, 2022 – July 3, 2022

Tribal Consultation: May 3, 2022

Public Comment Period: May 18, 2022 – June 17, 2022

Proposed Effective Date: October 1, 2022



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Community Waiver Amendment — The Oklahoma Department of Human Services (OHS) is seeking to amend the Community Waiver. The proposed changes will include an update of the estimated cost of the waiver for years 2-5 as a result of OHS rate increases. The rate increases include increasing the non-emergency transportation service from the current rate of \$0.52 per mile to the federal reimbursement rate of \$0.585 per mile, increasing the extended duty care nursing rate from the current rate of \$6.76 per 15-minute unit to \$10 per 15-minute unit and an across the board rate increase for most fixed rate services ranging from 10% to 25%.

Anticipated Tribal Impact: TGR will complete this

Proposed Timeline

60-day Tribal Consultation Period: May 4, 2022 – July 3, 2022

Tribal Consultation: May 3, 2022

Public Comment Period: May 18, 2022 – June 17, 2022

Proposed Effective Date: October 1, 2022

In-Home Supports Waiver for Children — The Oklahoma Department of Human Services (OHS) is seeking an amendment to the In-Home Supports Waiver for Children (IHSW-C). The proposed changes will include an updated estimate cost for waiver years 1-5, as well as an increase in the individual cost limit as a result of OHS rate increases. Currently, the cost limit is \$15,426.00 per member, per plan of care year. The rate increases include an across-the-board rate increase for most fixed rate services ranging from 10% to 25%. The cost limit being proposed will increase the annual financial limit to a new amount, from range of 10% to 25%, from \$16,969 to \$19,283.00.

Anticipated Tribal Impact: none; there are no tribal partners for this waiver

Proposed Timeline

60-day Tribal Consultation Period: May 4, 2022 – July 3, 2022

Tribal Consultation: May 3, 2022

Public Comment Period: May 18, 2022 – June 17, 2022

Proposed Effective Date: October 1, 2022



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In-Home Supports Waiver for Adults — The Oklahoma Department of Human Services (OHS) is seeking an amendment to the In-Home Supports Waiver for Adults (IHSW-A). The proposed changes will include an updated estimate of cost for waiver years 1-5, as well as an increase in the individual cost limit as a result of OHS rate increases. Currently, the cost limit is \$23,131.00 per member, per plan of care year. The rate increases include increasing the non-emergency transportation service from the current rate of \$0.52 per mile to the federal reimbursement rate of \$0.585 per mile and an across the board rate increase for most fixed rate services ranging from 10% to 25%. The cost limit being proposed will increase the annual financial limit to a new amount, from a range of 10% to 25%, from \$25,445 to \$28,914.00.

Anticipated Tribal Impact: none; there are no tribal partners for this waiver

Proposed Timeline

60-day Tribal Consultation Period: May 4, 2022 – July 3, 2022

Tribal Consultation: May 3, 2022

Public Comment Period: May 18, 2022 – June 17, 2022

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