



Kevin Corbett | Chief Executive Officer

J. Kevin Stitt | Governor

I/T/U Public Notice 2022-05
June 27th, 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 **July 5th, 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

4345 N. Lincoln Blvd.
Oklahoma City, OK 73105



WEBSITES

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Proposed Rule, State Plan, and Waiver Amendments

Mobile Dental Services – Currently, policy only allows mobile or portable dental providers to render services to just children, and the services are limited to just screenings, fluoride varnish and sealants. The proposed rule changes would expand the services that mobile dental providers render; and allow the mobile dental services to be authorized for both children and adults. Due to a dental provider shortage in numerous areas of Oklahoma, many SoonerCare members are unable to access dental care so these changes will help with that barrier.

Anticipated Tribal Impact: direct; ITUs with mobile dental units will now bill for adults, and AI/AN adults will have increased access to dental services

Proposed Rule Timeline:

60-day Tribal Consultation Period: June 23, 2022 – August 22, 2022

15-Day Public Comment Period: July 14, 2022 – July 29, 2022

Medical Advisory Committee: September 8, 2022

OHCA Board Meeting: September 21, 2022

Proposed Effective Date: Upon Governor's approval or the 45th day post submission of the rules to the Governor (November 7, 2022)

Staff Ratios and Staff Licensing Requirements for Out-of-State Psychiatric Providers – The proposed rule changes will allow out-of-state inpatient psychiatric providers to utilize the staffing ratios and staff licensing requirements of the state in which the facility/provider is located.

Anticipated Tribal Impact: none; there are no ITU out-of-state providers

Proposed Rule Timeline:

60-day Tribal Consultation Period: June 23, 2022 – August 22, 2022

15-Day Public Comment Period: July 14, 2022 – July 29, 2022

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Advanced Practice Registered Nurses (APRN) and Physician Assistants (PA) Rendering Physician-Required Psychiatric Services – The proposed rule changes will allow APRNs with psychiatric certifications and PAs to provide psychiatric services. Presently, psychiatric service provision is only allowed by psychiatrists to members in inpatient settings. The psychiatric services provided by APRNs and PAs will now also include psychiatric evaluations and weekly individual treatment hours.

Anticipated Tribal Impact: possible direct; if an ITU is providing this service in an inpatient setting

Proposed Rule Timeline:

60-day Tribal Consultation Period: June 23, 2022 – August 22, 2022

15-Day Public Comment Period: July 14, 2022 – July 29, 2022

Medical Advisory Committee: September 8, 2022

OHCA Board Meeting: September 21, 2022

Proposed Effective Date: Upon Governor's approval or the 45th day post submission of the rules to the Governor (November 7, 2022)

Coverage for Donor Breast Milk – This benefit will be added as a new service and will be covered under the Medical Suppliers section of policy. These rules will outline medical necessity, provider qualifications, coverage, and reimbursement for donor breast milk. Further proposed revisions to the Enteral Nutrition section of policy will remove human breast milk as a non-covered item and add a definition for donor breast milk.

Anticipated Tribal Impact: none; policy is specific to the milk bank DME supplier

Proposed Rule Timeline:

60-day Tribal Consultation Period: June 23, 2022 – August 22, 2022

Emergency Rule Public Comment Period: July 6, 2022 – July 20, 2022

Medical Advisory Committee: September 8, 2022

OHCA Board Meeting: September 21, 2022

Emergency Rule Requested Effective Date: Upon Governor's signature or the 45th day post submission of the rules to the Governor (November 7, 2022)



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Covering Former Foster Care Youth from Another State — Changes in federal law require SoonerCare to grant program coverage to individuals in the former foster care youth eligibility group who were enrolled in Medicaid when they aged out of foster care in another state on January 1, 2023, or later, and who now reside in Oklahoma and are not enrolled in another mandatory eligibility category. Prior to the federal law changes, SoonerCare was only required to grant eligibility in the former foster care youth category to individuals who were enrolled in Medicaid when they aged out of foster care in Oklahoma.

Anticipated Tribal Impact: direct; AI/ANs in this group will now be eligible for coverage

Proposed State Plan Amendment (SPA) and Rule Timeline:

60-day Tribal Consultation Period: June 23, 2022 – August 22, 2022

SPA Public Comment Period: July 6, 2022 – August 5, 2022

Emergency Rule Public Comment Period: July 6, 2022 – July 20, 2022

Medical Advisory Committee: September 8, 2022

OHCA Board Meeting: September 21, 2022

Emergency Rule Requested Effective Date: Upon Governor's signature or the 45th day post submission of the rules to the Governor (November 7, 2022)



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