



**Tribal Consultation Meeting Agenda**  
**11 am, November 1, 2022**  
**Online Microsoft Teams Meeting**

1. Welcome: Kathrine McCoy, Senior Coordinator of Tribal Government Relations
2. Proposed Rule, State Plan, Waiver, and Rate Amendments
  - Increase FPL for Pregnant Women and Extend Postpartum Coverage
  - Ukrainian Humanitarian Parolees
  - Early and Periodic Screening, Diagnostic and Treatment (EPSDT) Visit and Sick Visit on the Same Day
  - Cost Sharing Updates
  - Post-PHE Supplemental Payments for Long-Term Care Facilities
3. Other Business and Project Updates
  - Autism Foundation of Oklahoma: Training Opportunities and Sensory Kits
    - Chandee Kott, Project Coordinator
  - PHE Unwinding
  - Tribal Partner Traction Plan – Dana Miller and Patrick Schlect
  - Reminders – Kathrine McCoy
    - 16<sup>th</sup> Annual Tribal Consultation Meeting (in-person)
    - Community Health Promotion Events
4. Adjourn—Next Tribal Consultation Scheduled for 11 am, January 3, 2023.

**Proposed Rule, State Plan, and Waiver Amendments**

**Increase FPL for Pregnant Women and Extend Postpartum Coverage** — The Oklahoma Health Care Authority (OHCA) will seek federal and state authority to expand Medicaid eligibility for pregnant women by increasing the federal poverty level (FPL) percentage from 133% FPL to 185% FPL, or 210% once converted to MAGI and applying the applicable MAGI disregards. Additionally, OHCA will seek federal and state authority to extend Medicaid postpartum coverage from 60 days to 12 months. This new coverage option is afforded by the American Rescue Plan Act of 2021.

**Anticipated Tribal Impact:** Direct; positive impact, ITUs and AI/AN members



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**Proposed SPA Timeline:**

60-day Tribal Consultation Period: October 25, 2022 – December 24, 2022  
Public Comment Period: November 1, 2022 – November 30, 2022  
Requested Effective Date: January 1, 2023

**Proposed Rule Timeline:**

60-day Tribal Consultation Period: October 25, 2022 – December 24, 2022  
Public Comment Period: November 1, 2022 – November 16, 2022  
Medical Advisory Committee: January 12, 2023  
OHCA Board Meeting: January 18, 2023  
Emergency Rule Requested Effective Date: Upon Governor’s signature or the 45th day post submission of the rules to the Governor (January 1, 2023)

**Ukrainian Humanitarian Parolees** — Policy will be updated to comply with Public Law 117-128, which entitles certain Ukrainian nationals who enter the United States, during a designated time period, to receive SoonerCare services provided all other eligibility factors are met. Ukrainian humanitarian parolees are eligible for the same benefits available to refugees admitted under Section 207 of the Immigration and Nationality Act, except for the program of initial resettlement.

**Anticipated Tribal Impact:** Indirect; could impact ITUs that provide services to non-AI/ANs

**Proposed Rule Timeline:**

60-day Tribal Consultation Period: October 25, 2022 – December 24, 2022  
Public Comment Period: November 1, 2022 – November 15, 2022  
Medical Advisory Committee: January 12, 2023  
OHCA Board Meeting: January 18, 2023  
Emergency Rule Requested Effective Date: Upon Governor’s signature or the 45<sup>th</sup> day post submission of the rules to the Governor (February 4, 2023)

**Early and Periodic Screening, Diagnostic and Treatment (EPSDT) Visit and Sick Visit on the Same Day** – Policy will be revised to allow reimbursement for an Early and Periodic Screening, Diagnostic and Treatment (EPSDT) visit and a sick visit that occur on the same date of service, when it is deemed medically appropriate. The revisions will outline the requirements that must be met including, but not limited to, separate documentation/note to justify additional condition(s), information on the appropriate use of Modifier 25, a provider’s ability to only



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claim the additional time required above and beyond the completion of the EPSDT screening, and clarification that any health problem that is encountered in the EPSDT screening and does not require significant additional work will be included in the EPSDT visit and should not be billed separately.

**Anticipated Tribal Impact:** None; ITUs bill on an encounter basis; therefore, an additional medical visit will not apply

**Proposed Rule Timeline:**

60-day Tribal Consultation Period: October 25, 2022 – December 24, 2022

Public Comment Period: November 1, 2022 – November 16, 2022

Medical Advisory Committee: January 12, 2023

OHCA Board Meeting: January 18, 2023

Emergency Rule Requested Effective Date: Contingent upon Governor's approval or the 45<sup>th</sup> day post submission of the rules to the Governor (March 6, 2023)

**Cost Sharing Updates** – OHCA will submit a state plan amendment (SPA) to align with current cost sharing practices for certain services including State Plan Personal Care Services, physical therapy/occupational therapy/speech therapy (PT/OT/ST), alternative treatment for pain management, and prosthetics and orthotics. This request also seeks to remove cost sharing for vaccine administration during physician visits; the Inflation Reduction Act (IRA) of 2022 prohibits Medicaid programs from imposing cost-sharing for vaccines.

**Anticipated Tribal Impact:** None; AI/ANs are exempted from co-payments

**Proposed SPA Timeline:**

60-day Tribal Consultation Period: October 25, 2022 – December 24, 2022

Public Comment Period: November 23, 2022 – December 23, 2022

Requested Effective Date: 1/1/2023

**Post-PHE Supplemental Payments for Long-Term Care Facilities** - OHCA will seek CMS approval of a state plan amendment (SPA) to authorize supplemental payments to Long-Term Care (LTC) facilities and Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IID). Currently, lump sum payments are made to facilities that comply with CMS' Nursing Home Visitation Guidelines and OHCA program requirements. These supplemental payments were previously approved by CMS as a disaster relief flexibility for



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the duration of the public health emergency (PHE) period. A temporary, non-disaster relief SPA is now being sought to extend the initial disaster-relief request through 6/30/2023.

**Anticipated Tribal Impact:** None; there are currently no ITU LTC facilities contracted with OHCA

**Proposed SPA Timeline:**

60-day Tribal Consultation Period: October 25, 2022 – December 24, 2022

Public Comment Period: November 23, 2022 – December 23, 2022

Requested Effective Date: 1/13/2023\*

*\*(one day after the current PHE declaration is set to expire)*



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