



**Kevin Corbett** | Chief Executive Officer

**J. Kevin Stitt** | Governor

I/T/U Public Notice 2022-08

October 21, 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 **November 1<sup>st</sup>, 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**

okhca.org  
mysoonerCare.org



**PHONE**

Admin: 405-522-7300  
Helpline: 800-987-7767



Kevin Corbett | Chief Executive Officer

J. Kevin Stitt | Governor

## **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

**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



**ADDRESS**

4345 N. Lincoln Blvd.  
Oklahoma City, OK 73105



**WEBSITES**

okhca.org  
mysoonerCare.org



**PHONE**

Admin: 405-522-7300  
Helpline: 800-987-7767



**Kevin Corbett** | Chief Executive Officer

**J. Kevin Stitt** | Governor

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 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



**ADDRESS**

4345 N. Lincoln Blvd.  
Oklahoma City, OK 73105



**WEBSITES**

okhca.org  
mysoonerCare.org



**PHONE**

Admin: 405-522-7300  
Helpline: 800-987-7767



**Kevin Corbett** | Chief Executive Officer

**J. Kevin Stitt** | Governor

**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 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)*



**ADDRESS**

4345 N. Lincoln Blvd.  
Oklahoma City, OK 73105



**WEBSITES**

okhca.org  
mysoonerCare.org



**PHONE**

Admin: 405-522-7300  
Helpline: 800-987-7767