



Ellen M. Buettner | Chief Executive Officer

J. Kevin Stitt | Governor

I/T/U Public Notice 2024-04

July 17, 2024

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 Home and Community Based Services waiver changes. Milestones for these proposed changes must occur in between the regularly scheduled Tribal Consultation meetings, as such this notice is intended to solicit feedback from Tribal Partners in lieu of an ad-hoc Tribal Consultation Meeting.

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,

Traylor Rains
State Medicaid Director



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Proposed Rule, State Plan, and Waiver Amendments

POLICY UPDATES:

To further the agency's commitment to meaningful consultation with Tribal partners, all proposed policy revisions will be provided at the start of the consultation when they are available. An I/T/U public notice advised of the below proposed rule, state plan, and waiver revisions will be issued at least 60 days prior to their submission, but no less than 14 days (limited to abnormal circumstances). The agency strives to keep Tribal partners abreast of any exigent circumstances that may arise and cause timeframes to be updated or shortened.

In addition, the agency's website houses a policy changes blog that is dedicated to Native American Consultation. This [blog page](#) allows for comments/questions from providers and members to be submitted to the Agency and become part of the official record. All comments received are considered during the policy making process. The policy updates that are presented during this Tribal Consultation meeting will be officially posted for I/T/U provider and member review during the consultation period. To ensure that you stay informed of proposed policy changes, please sign up for the [web alert](#) option. These alerts will be sent out to all subscribers whenever any new proposed policy changes are posted for public comment.

- **Homeward Bound Waiver Amendment** – The Oklahoma Department of Human Services (OHS) is seeking to amend the Homeward Bound Waiver. The Homeward Bound Waiver serves individuals with intellectual disabilities who have been certified by the United States District Court for the Northern District of Oklahoma as a member of the Plaintiff Class in Homeward Bound et al., Case No. 85-C-437-e. The specific changes include an update of the estimated cost of the waiver for years 4-5 due to legislatively approved OHS rate increases.

The rates for the Habilitation Training Specialist, Homemaker, Intensive Personal Supports, Agency Companion, Daily Living Supports, Group Home, Adult Day Health, Prevocational, Respite, Supported Employment, Nursing, Extended Duty Nursing, Remote Supports, Respite Daily, Specialized Foster Care, and Transportation (Adaptive) Services will increase by a range of 10% to 25%.

Anticipated Tribal Impact: Indirect-Provider; Indirect-Member

Proposed Policy Change Timeline:

30-day Expedited Tribal Consultation Period: July 17 – August 15, 2024

Public Comment Period: July 17 – August 15, 2024

Requested Effective Date: October 1, 2024

- **Community Waiver Amendment** — The Oklahoma Department of Human Services (OHS) is seeking an amendment to the Community Waiver. The Community Waiver serves



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individuals with intellectual disabilities ages 3 through 17. The specific changes being proposed include an updated estimate cost for waiver years 3-5, as well as an increase in the individual cost limit due to legislatively approved OHS rate increases.

The rates for the Habilitation Training Specialist, Prevocational, Respite, Supported Employment and Respite Daily Services will increase by a range of 10% to 25%.

Anticipated Tribal Impact: Indirect-Provider; Indirect-Member

Proposed Policy Change Timeline:

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- **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 IHSW-C serves individuals with intellectual disabilities ages 3 through 17. The specific changes being proposed include an updated estimate cost for waiver years 3-5, as well as an increase in the individual cost limit due to legislatively approved OHS rate increases.

The rates for the Habilitation Training Specialist, Prevocational, Respite, Supported Employment and Respite Daily Services will increase by a range of 10% to 25%.

Anticipated Tribal Impact: Indirect-Provider; Indirect-Member

Proposed Policy Change Timeline:

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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 IHSW-A serves individuals with intellectual disabilities age 18 and over. The specific changes being proposed include an updated estimate of cost for waiver years 3-5 due to legislatively approved OHS rate increases, as well as an increase in the individual cost limit due to legislatively appropriated OHS rate increases.

The rates for the Habilitation Training Specialist, Homemaker, Adult Day, Prevocational, Respite, Supported Employment, Remote Supports, Respite Daily, and Transportation (Adaptive) Services will increase by a range of 10% to 25%.

Anticipated Tribal Impact: Indirect-Provider; Indirect-Member



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- **ADvantage Waiver Amendment** — The Oklahoma Department of Human Services (OHS) is seeking an amendment to the ADvantage Waiver. The ADvantage Waiver serves members 19-64 with a physical disability and/or members 65 and older who are Medicaid eligible and who meet nursing facility level of care to remain at home or in the residential setting of their choosing while receiving the necessary care.

The rates for the Personal Care, Adult Day Health, Self-Direction, Skilled Nursing, Respite, Case Management and Remote Supports Services will increase by a range of 10% to 25%.

Anticipated Tribal Impact: Indirect-Provider; Indirect-Member

Proposed Policy Change Timeline:

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Public Comment Period: July 17 – August 15, 2024

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- **Medically Fragile Waiver Amendment** — The Oklahoma Health Care Authority (OHCA) is seeking an amendment to the Medically Fragile Waiver. The Medically Fragile Waiver serves members 19 years of age and older, receiving services in a home and community setting, who have been diagnosed with a medically fragile condition that require a Hospital/Skilled Nursing Facility level of care and whose needs could not otherwise be met through another Oklahoma Waiver.

The rates for the Personal Care, Self-Direction, Skilled Nursing, Respite, Case Management and Private Duty Nursing Services will increase by a range of 10% to 25%.

Anticipated Tribal Impact: Indirect-Provider; Indirect-Member

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- **Oklahoma's Living Choice/Money Follows the Person** - The Oklahoma Health Care Authority (OHCA) is seeking to update the direct care service rates to align with the 1915(c) Home and Community Based Waiver programs. The program promotes community-based services instead of institutional services for individuals 19 and older. The Living Choice program serves persons with disabilities and long term illnesses who transition from a nursing facility.

The rates for the Personal Care, Adult Day Health, Self-Direction, Skilled Nursing, Respite, Case Management and Private Duty Nursing Services will increase by a range of 10% to 25%.

Anticipated Tribal Impact: Indirect-Provider; Indirect-Member

Proposed Policy Change Timeline:

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- **Rate Revision for State Plan Personal Care (SPPC) Nurse Assessment/Evaluation Visit** — Oklahoma Human Services is seeking to amend the reimbursement rate for the SPPC nurse assessment/evaluation visit (T1001), to provide a reimbursement rate that correlates with the corresponding reimbursement rate of \$107.25 for ADvantage Waiver and other 1915(c) HCBS waivers and Oklahoma's Living Choice/Monet Follows the Person program.

Anticipated Tribal Impact: Indirect-Provider; Indirect-Member

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