

Oklahoma Health Care Authority

The Oklahoma Health Care Authority (OHCA) values your feedback and input. It is very important that you provide your comments regarding the proposed rule change by the comment due date. Comments can be submitted on the OHCA's [Proposed Changes Blog](#).

OHCA COMMENT DUE DATE: January 15, 2020

The proposed policy changes are currently in effect as Emergency Rules and must be promulgated as Permanent Rules. The proposed policy was presented at Tribal Consultation on September 3, 2019 and to the Medical Advisory Committee on September 5, 2019. Additionally, this proposal will be presented at a Public Hearing on January 15, 2020 and to the OHCA Board of Directors on January 22, 2020.

Reference: APA WF # 19-11

SUMMARY:

Board organization and policy revisions - The proposed revisions will comply with Senate Bill 456, which was signed into law on March 13, 2019, and directed the reorganization of the OHCA Board. The seven-member Board was replaced with a nine-member Board. Further revisions establish that the chair and vice-chair elections are held at the last regular meeting before January 1 of each year. Other revisions are needed to correct outdated language.

LEGAL AUTHORITY

The Oklahoma Health Care Authority Act, Section 5007 of Title 63 of Oklahoma Statutes; and the Oklahoma Health Care Authority Board.

RULE IMPACT STATEMENT:

STATE OF OKLAHOMA OKLAHOMA HEALTH CARE AUTHORITY

TO: Maria Maule
Legal Services

FROM: Vanessa Andrade
Federal and State Authorities

SUBJECT: Rule Impact Statement
APA WF # 19-11

A. Brief description of the purpose of the rule:

The proposed rule changes will comply with Oklahoma Senate Bill

456, which was signed into law on March 13, 2019, and directed the reorganization of the OHCA Board. The seven-member Board was replaced with a nine-member Board appointed by the Governor, Speaker, and President Pro Tempore. Further revisions establish that the chair and vice-chair elections are held at the last regular meeting before January 1 of every year. Other revisions are needed to correct outdated language.

- B. A description of the classes of persons who most likely will be affected by the proposed rule, including classes that will bear the cost of the proposed rule, and any information on cost impacts received by the agency from any private or public entities:

The OHCA Board will be affected by the proposed rule.

- C. A description of the classes of persons who will benefit from the proposed rule:

The proposed rule changes will benefit SoonerCare members and the OHCA because the rules will be brought into compliance with State law and be made consistent with current Board practices.

- D. A description of the probable economic impact of the proposed rule upon the affected classes of persons or political subdivisions, including a listing of all fee changes and, whenever possible, a separate justification for each fee change:

There is no probable impact of the proposed rule upon any classes of persons or political subdivisions.

- E. The probable costs and benefits to the agency and to any other agency of the implementation and enforcement of the proposed rule, the source of revenue to be used for implementation and enforcement of the proposed rule, and any anticipated effect on state revenues, including a projected net loss or gain in such revenues if it can be projected by the agency:

Agency staff has determined that the proposed rule is budget neutral.

- F. A determination of whether implementation of the proposed rule will have an economic impact on any political subdivisions or require their cooperation in implementing or enforcing the rule:

There is no economic impact on political subdivisions.

- G. A determination of whether implementation of the proposed rule will have an adverse effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act:

The proposed rule changes will not have an adverse effect on small business.

- H. An explanation of the measures the agency has taken to minimize compliance costs and a determination of whether there are less costly or non-regulatory methods or less intrusive methods for achieving the purpose of the proposed rule:

The agency has taken measures to determine that there is no less costly or non-regulatory method or less intrusive method for achieving the purpose of the proposed rule.

- I. A determination of the effect of the proposed rule on the public health, safety and environment and, if the proposed rule is designed to reduce significant risks to the public health, safety and environment, an explanation of the nature of the risk and to what extent the proposed rule will reduce the risk:

The proposed rule changes should have no adverse effect on the public health, safety, and environment.

- J. A determination of any detrimental effect on the public health, safety and environment if the proposed rule is not implemented:

OHCA does not believe there is a detrimental effect on the public health and safety if the rule is not passed.

- K. The date the rule impact statement was prepared and if modified, the date modified:

Prepared: June 17, 2019

Modified: December 2, 2019

RULE TEXT:

TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY

CHAPTER 1. ADMINISTRATIVE OPERATIONS

SUBCHAPTER 1. ORGANIZATION AND ADMINISTRATION

317:1-1-4. Organization and meetings

(a) The Authority Board consists of ~~seven~~ ~~(7)~~ nine (9) members. Section 5007 of Title 63 of the Oklahoma Statutes (O.S.) provides for their appointment and service.

(b) A chair and a ~~Vice-Chair~~ vice-chair shall be elected by a majority of the members of the Board. The terms of office of the ~~Chair and Vice-Chair~~ chair and vice-chair shall be one (1) year beginning ~~July~~ January 1 of each year. A member elected to serve as

~~Chair or Vice-Chair~~ chair or vice-chair may be elected to serve more than one (1) term. Elections will be held at the last regular meeting before ~~July~~ January 1. However, in the event the last regular meeting before ~~July~~ January 1 shall be canceled for any reason, the election may be held at a specially-scheduled meeting or, if it is not possible to schedule a special meeting, at the next ~~regularly-scheduled~~ regularly-scheduled meeting. In the event an election ~~can~~ cannot be conducted prior to ~~July~~ January 1 of any year, the ~~Chair and Vice-Chair~~ chair and vice-chair who are in office ~~June 30~~ December 31 shall continue their terms until an election is held.

(c) The chair will preside over meetings and perform other duties as required by the Authority ~~[65:5008(A)]~~.

(d) A majority of the members of the Board shall constitute a quorum for the transaction of business and for taking any official action. Any action or decision of the Board requires an affirmative vote of at least a majority of the members present ~~[63:5007(D)]~~ [63 O.S. § 5007(D)].

(e) All meetings of the Authority Board will be conducted in accordance with the Open Meetings Meeting Act, ~~Sections 301 through 314 of Title 25 of the Oklahoma Statutes~~ 25 O.S. §§ 301 - 314.

317:1-1-6. ~~Cancellation~~ Emergency cancellation of meetings

The ~~Chairman~~ chair, or the vice-chair in the chair's absence, shall have the power to cancel or reschedule any regular or special meeting of the Authority due to anticipated lack of quorum, inclement weather, or other emergency. Notice ~~of cancellation of said meeting~~ thereof shall be ~~posted~~ filed with the Secretary of State and publicly posted as soon as reasonably possible ~~and in the same manner as the agenda~~.

317:1-1-7. Minutes of the Authority

A summary shall be made of all proceedings before the Authority which shall show those members present and absent, all matters considered, all actions taken, and the vote of each member on any motion, and shall be made public, ~~as prescribed in OAC 317:1-1-10(e)~~ on the Authority's website.