

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 is a Permanent Rule. The proposed policy was presented at the November 5, 2019 Tribal Consultation. Additionally, this proposed change will be presented at a Public Hearing scheduled for January 15, 2020. This proposal is scheduled to be presented to the Medical Advisory Committee on January 9, 2020 and the OHCA Board of Directors on January 22, 2020.

Reference: APA WF 19-22

SUMMARY:

Expedited Appeals — The proposed rule changes outline changes to the way an expedited appeal is requested.

LEGAL AUTHORITY

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) 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: Harvey Reynolds
Federal and State Authorities

SUBJECT: Rule Impact Statement
APA WF # 19-22

A. Brief description of the purpose of the rule:

The proposed rule changes add language to specify that requests for expedited appeal hearings should be sent to the Administrative Law Judge (ALJ) with a copy sent to the Oklahoma Health Care Authority (OHCA). The request shall specify the services requested with the specific basis for why a regular

thirty-day appeal timeframe will seriously jeopardize the life or health of the member requesting an expedited appeal hearing.

- 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:

No classes of persons will be affected by the proposed rule. This rule should not place any cost burden on private or public entities. No information on any cost impacts were received from any entity.

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

No classes of person will benefit from this rule change as the right to an expedited appeal already exists. The proposed rules make minor changes to the process of requesting an expedited appeal.

- 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 economic impact and there are no fee changes associated with the rule change for the above classes of persons or any political subdivision.

- 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 affect on state revenues, including a projected net loss or gain in such revenues if it can be projected by the agency:

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:

The proposed rule changes will not have an economic impact on any political subdivision or require their cooperation in implementing or enforcing the rule changes.

- 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 agency does not anticipate that the proposed rule changes will have an adverse effect on small businesses.

- 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 are no other legal methods to achieve the purpose of the proposed rule. Measures included a formal public comment period and tribal consultation.

- 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 should not have any effect on the public health, safety or environment. The proposed rule is not designed to reduce significant risks to the public health, safety or environment.

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

The agency does not anticipate any detrimental effect on the public health, safety or environment if the proposed rule is not implemented.

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

Prepared date: August 19, 2019

RULE TEXT:

TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY

CHAPTER 2. GRIEVANCE PROCEDURES AND PROCESS

317:2-1-2.5. Expedited appeals

(a) ~~An Appellant may request an expedited hearing request may be granted within three (3) working days of the request for hearing,~~ if the time otherwise permitted for a hearing as described in ~~OAC~~ Oklahoma Administrative Code (OAC) 317:2-1-2(a)(8) could ~~is~~ likely to jeopardize the Appellant's life or health or ability to attain, maintain, or regain maximum function. Any request for expedited consideration should be made to the Administrative Law Judge (ALJ), with a copy to the Oklahoma Health Care Authority (OHCA) Legal division and shall be ruled upon within three (3) working days of the date of the request. The request shall specify the services requested and the specific basis for the Appellant's assertion that a delay will seriously jeopardize the Appellant's life or health.

(b) ~~If OHCA the ALJ determines that the request meets the criteria for an expedited hearing is warranted, it~~ he or she shall:

(1) ~~Initiate the hearing process as described in~~ Schedule the matter for hearing pursuant to OAC 317:2-1-5 at a time and place as may be warranted under the particular facts of the case; and

(2) ~~All matters relating to the hearing must be heard and disposed of~~ Issue a preliminary or final decision as expeditiously as possible, but no later than three (3) working days after OHCA has received the request for an the close of the expedited hearing.

(c) ~~If OHCA the ALJ determines that the request does not meet the criteria for an expedited hearing consideration, it~~ he or she shall:

(1) ~~Initiate the ordinary hearing process~~ Schedule the appeal for hearing within the ordinary timeframe, in accordance with OAC 317:2-1-2(a)(8); and

(2) ~~Notify the Appellant of the denial orally or through an electronic~~ Notify the Appellant of the denial orally or through a written notice as described in OAC 317:35-5-66. If oral notification is provided, OHCA the ALJ will follow up with shall issue a written notice notification within three (3) calendar days of the denial.