

Oklahoma Health Care Authority

It is very important that you provide your comments regarding the proposed rule change by the comment due date. Comments are directed to the [Oklahoma Health Care Authority \(OHCA\) Proposed Changes Blog](#).

OHCA COMMENT DUE DATE: February 17, 2017

The proposed policy is a Permanent Rule. The proposed policy was presented at the November 1, 2016 Tribal Consultation and is scheduled to be presented to the Medical Advisory Committee on March 9, 2017 and the OHCA Board of Directors on March 23, 2017.

Reference: APA WF 16-24A

SUMMARY:

Developmental Disabilities Services - The proposed revisions to the Developmental Disabilities Services policy implement changes recommended during the annual Oklahoma Department of Human Services (DHS) Developmental Disabilities Services (DDS) rule review process. Proposed revisions include cleanup to mirror current business practices.

LEGAL AUTHORITY

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes (56 O.S. § 162); 42 CFR 441.301, 441.710, 441.715, 441.720, and 441.740.

RULE IMPACT STATEMENT:

STATE OF OKLAHOMA OKLAHOMA HEALTH CARE AUTHORITY

TO: Tywanda Cox
Health Policy

FROM: Carmen Johnson
Health Policy

SUBJECT: Rule Impact Statement
APA WF # 16-24A

A. Brief description of the purpose of the rule:

The proposed revisions to the Developmental Disabilities Services policy implement changes recommended during the annual Oklahoma Department of Human Services (DHS) Developmental Disabilities Services (DDS) rule review process. Proposed revisions include clean-up to remove outdated policy to better align with current business practices. The amendments support DDS goals of improving the quality of life for vulnerable Oklahomans by increasing people's abilities to lead safer, healthier, and more independent, productive lives. The proposed amendments comply with federal requirements. The proposed amendments update and clarify DDS rules per federal and state laws. The proposed amendments provide clear guidance to DDS partners and staff as well as position DDS to adhere to "best practice" standards. Finally, policy is amended to correct the policy reference for agency companion services limits.

- 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 classes of persons affected by the proposed amendments are individuals receiving services from DDS, who will bear no cost associated with the implementation of the rule.

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

The specific classes of persons affected by the proposed amendments are individuals receiving services from DDS.

- 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 economic impact on individuals who receive services from DDS.

- 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:

There are no probable costs associated with the enforcement of this rule.

- 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 amendments do not have an impact on any political subdivisions nor require their cooperation in enforcing the rules.

- 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 amendments do not have an adverse effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act.

- 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 proposed amendments do not increase compliance costs. There are no less costly or non-regulatory methods or less intrusive methods.

- 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 amendments bring the rules into compliance with federal and state law, thereby increasing program effectiveness positively impacting the health, safety, and well-being of affected persons.

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

If the proposed amendments are not implemented, the rules will not be in compliance with federal and state law. The proposals are intended to comply with federal and state law, thereby contributing to the health, safety, and well-being of vulnerable Oklahomans.

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

Prepared: November 21, 2016

Modified: January 17, 2017

RULE TEXT

TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE

SUBCHAPTER 5. INDIVIDUAL PROVIDERS AND SPECIALTIES

PART 55. RESPITE CARE

317:30-5-518. Coverage limitations

(a) Payment is not made for daily respite care and specialized foster care or agency companion services (ACS) for the same member on the same date of service.

(b) Respite care:

(1) is not available to members in ~~the Oklahoma Department of Human Services (DHS) custody of the Oklahoma Department of Human Services (OKDHS) and/or~~ in out-of-home placement funded by ~~the OKDHS Children and Family Services Division; DHS Child Welfare Services;~~ and

(2) for members not receiving ACS, is limited to 30 days or 720 hours annually per member, except as approved by the DHS Developmental Disabilities Services—Division director and authorized in the member's Plan of Care; or

(3) for members receiving ACS, is limited ~~in accordance with OAC 317:40-5-8,~~ per Oklahoma Administrative Code 317:40-5-3.