

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: October 26, 2017

The proposed policy is an Emergency Rule. The proposed policy was presented at the September 5, 2017 Tribal Consultation. This proposal is scheduled to be presented to the Medical Advisory Committee on November 16, 2017 and the OHCA Board of Directors on December 14, 2017.

Reference: APA WF 17-10B

SUMMARY:

Move Notification Sections to Correct Area of Policy – The proposed revisions to the notification sections of policy move sections to a more appropriate area of policy.

LEGAL AUTHORITY

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes

RULE IMPACT STATEMENT:

STATE OF OKLAHOMA OKLAHOMA HEALTH CARE AUTHORITY

TO: Tywanda Cox
Federal and State Policy

FROM: Harvey Reynolds
Federal and State Authorities

SUBJECT: Rule Impact Statement
APA WF # 17-10B

A. Brief description of the purpose of the rule:

In order to avoid violation of state and/or federal law, the proposed notification policy revisions moves two sections from the "SoonerCare for Pregnant Women and Families with Children" section to the "Eligibility and Countable Income" section of policy because the notification policy applies to all SoonerCare programs. Federal regulations require the

agency to communicate with members through the members' choice of electronic format or regular mail.

- 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 class of persons most affected by the proposed rule will most likely be members who receive notices of eligibility from SoonerCare.

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

The class of persons who will benefit from the proposed rule will be members who receive notices of eligibility from SoonerCare.

- 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:

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:

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

- 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 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: July 10, 2017

RULE TEXT

TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 35. MEDICAL ASSISTANCE FOR ADULTS AND CHILDREN-ELIGIBILITY

SUBCHAPTER 6. SOONERCARE FOR PREGNANT WOMEN AND FAMILIES WITH CHILDREN

PART 7. CERTIFICATION, REDETERMINATION AND NOTIFICATION

317:35-6-62. Notification of eligibility [RENUMBERED TO 317:35-5-65]

~~When eligibility for SoonerCare is established, the appropriate notice is computer generated to the applicant. When the computer file is updated for changes, notices are generated only if there is a change in the eligibility of any household member.~~

317:35-6-62.1. Electronic Notices [RENUMBERED TO 317:35-5-66]

~~(a) The agency allows SoonerCare members the choice to receive SoonerCare notices and information through electronic formats.~~

~~(1) SoonerCare members who elect to receive electronic notices will have this election confirmed by regular mail.~~

~~(2) SoonerCare members will be able to change this election by regular mail, telephone, or through the SoonerCare application.~~

~~(b) The agency will ensure all notices it generates will be posted to the member's individual account within one business day.~~

~~(1) The agency will send an email or other electronic communication alerting SoonerCare members that a notice has been posted to their member account.~~

~~(2) The agency will not include the member's confidential information in the email or electronic communication alert.~~

~~(3) The agency will send a notice by mail within three business days of a failed email or electronic alert that was undeliverable to the member.~~

~~(4) At the member's request, all notices that are posted to the member's account may also be provided through mail.~~

~~(c) Electronic notices that are posted to the member's account which require the member to take certain action, submit additional documentation, or contain eligibility, appeal, or~~

~~SoonerCare benefits information are considered the same as if the notice was sent by mail to the member.~~

SUBCHAPTER 5. ELIGIBILITY AND COUNTABLE INCOME

PART 7. APPLICATION, AND ELIGIBILITY DETERMINATION AND NOTIFICATION PROCEDURES

317:35-5-65. Notification of eligibility

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