



STATE OF OKLAHOMA
OKLAHOMA HEALTH CARE AUTHORITY

I/T/U Public Notice 2018-02

February 20, 2018

RE: Oklahoma Health Care Authority (OHCA) Proposed Rule, State Plan, and Waiver Amendments

Dear Tribal Representative:

The purpose of this letter is to give you notice of proposed changes that will be reviewed at the tribal consultation meeting held on March 6th, 2018 at 11 a.m. in the Oklahoma Health Care Authority (OHCA) Board Room at the OHCA's office, located at 4345 N Lincoln, Oklahoma City, OK. The OHCA invites you to attend this meeting, and we welcome any comments regarding the proposed changes. The agency is committed to active communication with tribal governments during the decision-making and priority-setting process and therefore keeps you apprised of all proposed changes.

Enclosed are summaries of the currently proposed rule, 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, new changes must obtain budget authorization, the OHCA Board approval, and when applicable, federal approval and the governor's approval.

Additionally, the OHCA posts all proposed changes on the agency's [Policy Change Blog](#) and the [Native American Consultation Page](#). This public website is 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.

The 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,

Dana Miller
Director, Tribal Government Relations

Proposed Rule, State Plan, and Waiver Amendments

Recovery Audit Contractor (RAC) Exception — The proposed revision seeks an exemption from the recovery audit contract (RAC) requirement. Federal RAC programs execute audits for the purpose of identifying under/overpayments of Medicaid claims under the state plan. The state has developed an audit process, which performs the tasks of a RAC program. Therefore, the agency is seeking an exemption to the RAC requirement, as it is duplicative of the auditing activities that the state already performs.

Medically Fragile Waiver Renewal — The Oklahoma Health Care Authority is seeking a 5 year renewal of the Medically Fragile Waiver. The Medically Fragile waiver program is a home and community-based alternative to placement in a hospital or skilled nursing unit of a nursing facility. The Medically Fragile waiver serves individuals 19 years of age and older who have a life-threatening condition, require frequent specialized treatment and have a dependency on medical technology. Specific changes to the renewal include, but are not limited to, (1) Modifying performance measures to adhere to CMS guidance from HCB setting regulations, (2) Adding language and performance measures to comply with Electronic Visit Verification regulations, (3) Adding language limiting conflict of interest for service plan development and monitoring with service delivery, and (4) Other changes include general clarification, alignment with state statute and cleanup.

Setting Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS) at the Medicare Rate — In order to comply with federal requirements related to the CURES Act, the OHCA is proposing to set all DMEPOS at 86.57 percent of the Medicare rate, with the exception of stationary and portable oxygen system rates for nursing facilities and reimbursement rates for eyeglasses. Stationary and portable oxygen system rates for nursing facilities will be reimbursed at 73.59 percent of the Medicare rate, due to the prescribed reimbursement methodology within the approved state plan, which reduces the set rate for these items by 15 percent within this setting. Reimbursement rates for eyeglasses will continue to be reimbursed under the methodology approved under the current state plan. The proposed effective date for the change in reimbursement for DMEPOS is set to be implemented on April 1, 2018.