



STATE OF OKLAHOMA  
OKLAHOMA HEALTH CARE AUTHORITY

I/T/U Public Notice 2020-02

Feb. 13, 2020

**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 on March 3, 2020 at 11 a.m. in the Oklahoma Health Care Authority's (OHCA) Charles Ed McFall Boardroom located at 4345 N Lincoln, Oklahoma City, OK., 73105. 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 to keep you apprised of all proposed changes.

Enclosed are summaries of the current proposed rules, 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, proposed changes must obtain budget authorization and approval by the OHCA Board, and when applicable, federal approval and Governor approval must be obtained.

Additionally, the OHCA posts all proposed changes on the Agency's [Policy Change Blog](#) and the [Native American Consultation Page](#). These public website pages are 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,

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Dana Miller  
Director, Tribal Government Relations

**Proposed Rule, State Plan, and Waiver Amendments**

**Oklahoma Department of Human Services (OKDHS) Recommended Changes to Policy and Waiver Amendments – Durable Medical Equipment and Supplies (DME)** — The OHCA will submit amendments to five 1915(c) waivers to align with the proposed DME, supplies and appliances State Plan Amendment (SPA). The waivers being amended are operated by the OKDHS and include the ADvantage, Community, Homeward Bound, In-Home Supports for Children, and In-Home Supports for Adults waivers. The proposed amendments will clarify the coverage description in Appendix C, Specialized Medical Equipment and Supplies, as well as, the reimbursement methodology in Appendix I-2:a, Rate Setting Methodology. Furthermore, revisions will also be made to the waiver programs' policy to reflect these changes.

**Therapy Assistants** — The proposed policy changes will add physical therapy assistants, occupational therapy assistants, speech language pathology assistants (SLPAs), and speech language pathology clinical fellows as eligible providers that can render services to SoonerCare members. Additionally, the proposed revisions will outline provider qualifications and other requirements for provision of these therapy services. Finally, revisions will be made to clarify that these providers will be reimbursed at a percentage of the rate paid to fully licensed therapists.

**Healthy Adult Opportunity (HAO) Waiver** — The OHCA will be seeking 1115(a)(2) waiver authority, through the HAO waiver application, to create new health care coverage approaches and options for adults defined as the “new adult group” per Section 435.119 of Title 42 of the Code of Federal Regulations. The waiver application will include, but not be limited to, the following topics: a description of eligible populations; processes for eligibility under the demonstration; the benefit package for the applicable population(s); applicable premiums and cost sharing; delivery system and payment methods; financing; state specific elements/requirements; implementation of a fair hearing process; and information regarding evaluations. **(30-day expedited consultation, comments are due to OHCA by April 2, 2020).**

**Continuation of Services Pending Appeals** — The proposed new rule will describe under what conditions Medicaid benefits will continue or be reinstated pending an appeal to comply with Section 431.230 of Title 42 of the Code of Federal Regulations. Additionally, the proposed new rule will describe the application, obligations, and implications for the appellant when Medicaid benefits are continued or reinstated pending an appeal.