

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: November 9, 2020

The proposed policy is an Emergency Rule. The proposed policy was presented at the July 7 and September 1, 2020 Tribal Consultation. Additionally, this proposal is scheduled to be presented to the Medical Advisory Committee on November 12, 2020 and the OHCA Board of Directors on November 12, 2020.

Reference: APA WF # 20-15A

SUMMARY:

Residential substance use disorder (SUD) treatment coverage – The proposed revisions will support WF 20-15B, which proposes to establish coverage of residential substance use disorder (SUD) treatment for Medicaid-eligible individuals and removes the eligibility exclusion of members in an institution for mental disease (IMD) under the SoonerCare Choice program. Lastly, the proposed revisions will also remove "family planning" references as the program is terminating due to Medicaid expansion.

LEGAL AUTHORITY

The Oklahoma Health Care Authority Act, Section 5007 of Title 63 of Oklahoma Statutes; the Oklahoma Health Care Authority Board; 42 CFR 440.130(d); Section 1115 of the Social Security Act; Oklahoma State Question 802 of 2019.

RULE IMPACT STATEMENT:

STATE OF OKLAHOMA OKLAHOMA HEALTH CARE AUTHORITY

SUBJECT: Rule Impact Statement
APA WF # 20-15A

A. Brief description of the purpose of the rule:

The proposed revisions will support WF 20-15B, which proposes coverage of residential substance use disorder (SUD) treatment for Medicaid-eligible individuals and removes the eligibility exclusion of members in an institution for mental disease (IMD) under the SoonerCare Choice program. Lastly, the proposed revisions will also remove "family planning" references as the

program is terminating due to Medicaid expansion.

- 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:

SoonerCare members seeking inpatient psychiatric services, who were previously denied due to the IMD exclusion, will most likely be positively affected by the proposed rule changes.

Psychiatric hospital providers will most likely be positively affected by the proposed rule changes.

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

The proposed rule changes will benefit SoonerCare members, ages twenty-one (21) to sixty-four (64), seeking inpatient psychiatric services by enhancing member access to behavioral health services.

The proposed rule changes will benefit psychiatric hospital providers by providing reimbursement for the delivery of inpatient psychiatric services.

- 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 impact of the proposed rule upon any classes of persons or political subdivisions.

- 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:

The estimated budget impact for coverage of services provided under the IMD Waiver authority is \$12,604,149 total/\$6,427,171 state savings (6 months) for SFY2021. The estimated budget impact is \$28,003,402 total/\$12,854,341 state savings for SFY2022. The estimated budget impact reflect savings for the Oklahoma Department of Mental Health and Substance Abuse Services (ODMHSAS) from the movement of state-funded services to Medicaid compensable services.

The estimated budget impact for residential SUD treatment coverage in residential SUD treatment facilities with sixteen (16) beds or less (non-IMDs) is \$523,644 total/\$275,136 state savings (9 months) for SFY2021. The estimated budget impact is \$727,041 total/\$370,736 state savings for SFY2022. The estimated budget impact reflect savings for the Oklahoma Department of Mental Health and Substance Abuse Services (ODMHSAS) from the movement of state-funded services to Medicaid compensable services.

- 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:

There is no economic impact on political subdivisions.

- 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 rule will not have an adverse effect on small business.

- 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 is no less costly or non-regulatory method or less intrusive method for achieving the purpose of the proposed rule.

- 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 have a positive effect on the public health, safety, and environment by expanding access to needed treatment services.

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

OHCA does not believe there is a detrimental effect on the public health and safety if the rule is not passed.

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

Prepared: September 1, 2020
Modified: October 16, 2020

RULE TEXT:

**TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY
CHAPTER 25. SOONERCARE CHOICE**

SUBCHAPTER 7. SOONERCARE

PART 3. ENROLLMENT CRITERIA

317:25-7-13. Enrollment ineligibility

Members in certain categories are excluded from participation in the SoonerCare Choice program. All other members may be enrolled in the SoonerCare Choice program and subject to the provisions of this Subchapter. Members excluded from participation in SoonerCare Choice include:

- (1) Individuals receiving services in a long-term care facility, in an Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID), or through a Home and Community Based Waiver;
- (2) Individuals in the former foster care children's group [see Oklahoma Administrative Code (OAC) 317:35-5-2];
- (3) Individuals in benefit programs with limited scope, such as Tuberculosis, Family Planning, or pregnancy only;
- (4) Non-qualified or ineligible aliens;
- (5) Children in subsidized adoptions;
- (6) Individuals who are dually-eligible for SoonerCare and Medicare; and/or
- ~~(7) Individuals who are in an Institution for Mental Disease (IMD); and/or~~
- ~~(8)~~ (7) Individuals who have other creditable coverage.