



Kevin Corbett | Chief Executive Officer

J. Kevin Stitt | Governor

I/T/U Public Notice 2021-07

April 20th, 2021

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

Dear Tribal Representative:

The purpose of this letter is to notify you of proposed changes that will be reviewed at the tribal consultation meeting on May 4th, 2021 at 11 a.m. OHCA invites you to attend this meeting via webinar, 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 and governor approval must be obtained.

Additionally, 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.

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



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Proposed Rule, State Plan, and Waiver Amendments

Nursing Facility Annual Rebasing of Rates — For the rate period beginning July 1, 2021, a proposed amendment to the State Plan will recalculate the Quality-of-Care (QOC) fee for regular nursing facilities, nursing facilities serving residents with Acquired Immune Deficiency Syndrome (AIDS), and acute and regular Intermediate Care Facilities for Individuals with an Intellectual Disability (ICF/IIDs). Further, the amendment will increase the add-on rates to facilities serving Medicaid beneficiaries who require ventilators.

Alternative Benefit Plan (ABP) for Expansion Adults Benefits Update — The Oklahoma Health Care Authority (OHCA) seeks to remove section 1945 health homes as well as add hospice services to the Adult Expansion ABP benefits provided to those eligible under the Expansion Adult eligibility group as per 42 CFR 435.119. Subject to funding availability, the OHCA is also proposing to add certain dental benefits including but not limited to examinations, medically necessary oral pathology, images, and anesthesia for adults receiving benefits through the ABP.

Ordering Providers for Home Health Services — In addition to physicians, the OHCA will allow nurse practitioners, clinical nurse specialists, or physician assistants, working in accordance with State law, to order home health services, inclusive of medical supplies, equipment, and appliances, to comply with federal regulation. To allow for a permanent amendment, beyond the end of the public health emergency, a SPA will be submitted to supersede the disaster relief request submitted to the Centers for Medicare and Medicaid Services (CMS) on February 19, 2021. ***This item requests an expedited 30-day tribal consultation comment period.***



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Third Party Liability Payment of Claims — A Title XIX State Plan Amendment (SPA) will be submitted to CMS to notate that the OHCA requires providers to bill liable third parties when services covered under the plan are furnished to a member on whose behalf child support enforcement is being carried out. This change is needed to align with current policy and practice as the OHCA is the payer of last resort. ***This item requests an expedited 30-day tribal consultation comment period.***

Adult Expansion Alternative Benefits Plan (ABP) Update — The OHCA will revise the original content describing long-term care coverage available to Expansion Adults within the ABP by including the correct name of the service, the appropriate State Plan reference, and any applicable service amount limitation. ***This item requests an expedited 14-day tribal consultation comment period.***

Payments from Trusts for Clothing Expenses not counted as Income — The proposed revisions update policy regarding trust accounts and countable income for aged, blind, and disabled (ABD) members. In accordance with amended Supplemental Security Income (SSI) rules, payments from the trust to the member or to a third party for the purpose of providing for the member's clothing needs are not countable income in determining eligibility, thus requiring an update to OHCA rules.

COVID-19 Disaster Relief State Plan Amendments (DRSPA) — In response to the COVID-19 public health emergency (PHE), the OHCA submitted the following DRSPA requests to the Centers for Medicare & Medicaid Services (CMS):

COVID-19 Vaccine Rate Increase — On March 15, 2021, CMS increased the Medicare payment rate for the administration of the COVID-19 vaccine. Effective for services furnished on or after March 15, 2021, the OHCA will reimburse eligible providers the new Medicare payment rate of \$40 for each administration of the COVID-19 vaccine. The all-inclusive payment rate for COVID-19 vaccines administered within tribal/IHS facilities is not changing. The DRSPA request will be in effect from the date of CMS approval until the termination of the PHE.



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COVID-19 Supplemental Payment for Nursing Facilities — The OHCA will allow a temporary supplemental payment for long-term care facilities and Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IID) to support increased costs due to COVID-19. The effective date for the supplemental payments will be retroactive to July 1, 2020 and will end on June 30, 2021. If the PHE is extended past June 30, 2021 supplemental payments will continue to be made to eligible facilities.

Medically Fragile Waiver - The proposed revisions to the Medically Fragile Waiver will add new language to the existing Private Duty Nursing and Skilled Nursing service definitions to allow osteopathic physicians, nurse practitioners, clinical nurse specialists, or physician assistants, working in accordance with State law, to order home health services. Additionally, the waiver amendment includes minor grammatical and punctuation corrections with references to Quality Assurance and Community Living Services (QA/CLS) changed to Long Term Services and Supports (LTSS).



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