



Ellen M. Buettner | Chief Executive Officer

J. Kevin Stitt | Governor

I/T/U Public Notice 2023-09

December 22, 2023

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 **January 2nd, 2024, 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,

Traylor Rains
State Medicaid Director



ADDRESS

4345 N. Lincoln Blvd.
Oklahoma City, OK 73105



WEBSITES

oklahoma.gov/ohca
mysoonerCare.org



PHONE

Admin: 405-522-7300
Helpline: 800-987-7767



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Proposed Rule, State Plan, and Waiver Amendments

POLICY UPDATES:

To further the agency's commitment to meaningful consultation with Tribal partners, all proposed policy revisions will be provided at the start of the consultation when they are available. An I/T/U public notice advised of the below proposed rule, state plan, and waiver revisions will be issued at least 60 days prior to their submission, but no less than 14 days (limited to abnormal circumstances). The agency strives to keep Tribal partners abreast of any exigent circumstances that may arise and cause timeframes to be updated or shortened.

In addition, the agency's website houses a policy changes blog that is dedicated to Native American Consultation. This [blog page](#) allows for comments/questions from providers and members to be submitted to the Agency and become part of the official record. All comments received are considered during the policy making process. The policy updates that are presented during this Tribal Consultation meeting will be officially posted for I/T/U provider and member review during the consultation period. To ensure that you stay informed of proposed policy changes, please sign up for the [web alert](#) option. These alerts will be sent out to all subscribers whenever any new proposed policy changes are posted for public comment.

- **Private Duty Nursing (PDN) Coverage Limitations Change** – The Oklahoma Health Care Authority proposes emergency policy revisions to provide families and PDN agencies with the flexibility to staff cases according to the family's need and the member's level of care. Revisions will clarify the criteria for virtual visits when a member is assessed for PDN services. Other policy revisions will change the designated care hours from "per day" to "per week". Language will be amended to reflect maximum hours authorized from 16 hours per day to 112 hours per week. Revisions will also add that a member's medical necessity can be determined by an OHCA physician's appointed designee.

Anticipated Tribal Impact: Member – Direct; Provider – N/A

Proposed Policy Change Timeline:

Tribal Consultation Period: January 2, 2024 – March 2, 2024

Public Comment Period: January 2, 2024 – January 17, 2024

Medical Advisory Committee: March 7, 2024

Board Meeting: March 20, 2024

Effective Date: Upon Governor's Approval (May 2024)

- **Collaborative Care Model Reimbursement** – As directed by Senate Bill 444, the Oklahoma Health Care Authority proposes emergency policy revisions to implement a "Collaborate Care Model" which provides reimbursement for behavioral health and substance use disorder services delivered in a primary care setting. The proposed rule revisions will add "behavioral



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health integration” as a covered physician’s service. The agency is developing medical guidelines that address documentation and limits to ensure proper utilization and billing.

Anticipated Tribal Impact: Member – Indirect; Provider – Direct

Proposed Policy Change Timeline:

Tribal Consultation Period: January 2, 2024 – March 2, 2024

Public Comment Period: January 2, 2024 – January 17, 2024

Medical Advisory Committee: March 7, 2024

Board Meeting: March 20, 2024

Effective Date: Upon Governor's Approval (May 2024)

- **Revoke Potentially Preventable Readmissions (PPR) State Plan Pages** – The Oklahoma Health Care Authority seeks to revoke the Potentially Preventable Readmissions (PPR) policy due to low utilization and administrative burden to the agency. With the transition to managed care, the contracted entities may choose to implement similar programs of their own.

Anticipated Tribal Impact: N/A

Proposed Policy Change Timeline:

Tribal Consultation Period: January 2, 2024 – March 2, 2024

Public Comment Period: January 2, 2024 – January 17, 2024

Effective Date: January 1, 2024

- **Hospital-Administered Opioid Antagonist Reimbursement** – As directed by Senate Bill 712, Oklahoma Health Care Authority will seek federal and state approval to allow the Agency to separately reimburse for opioid antagonists provided to members in an emergency department with symptoms of an opioid overdose, opioid disorder, or any other adverse opioid event related to opioid use.

Anticipated Tribal Impact: Member – Direct; Provider – Direct

Proposed Policy Change Timeline:

Tribal Consultation Period: January 2, 2024 – March 2, 2024

Public Comment Period: January 2, 2024 – January 17, 2024

Medical Advisory Committee: March 7, 2024

Board Meeting: March 20, 2024

SPA Effective Date: January 1, 2024

Administrative Rule Effective Date: Upon Governor's Approval (May 2024)

- **Living Choice Timeline Clarification** – The Oklahoma Health Care Authority proposes emergency policy revisions to clarify that time a member spends within a skilled nursing facility will be considered when assessing eligibility requirements for Living Choice program



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applicants. Current policy requires a member to live in a qualifying facility for at least 60 days before applying for Living Choice, but excludes time spent in a skilled nursing facility (SNF) from this 60-day period. This change also aligns OHCA policy with current federal requirements.

Anticipated Tribal Impact: Member – Direct; Provider – N/A

Proposed Policy Change Timeline:

15-Day Expedited Tribal Consultation Period: December 22, 2023 – January 6, 2024

Medical Advisory Committee: January 4, 2024

Board Meeting: January 17, 2024

Effective Date: Upon Governor's Approval



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