



Ellen M. Buettner | Chief Executive Officer

J. Kevin Stitt | Governor

I/T/U Public Notice 2024-01

February 23, 2024

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 **March 5th, 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.

- **Medication Limits:** The Oklahoma Health Care Authority (OHCA) will seek approval of a State Plan amendment and rule revisions to remove the list of medications exempt from the prescription limits policy. The list will be maintained on the OHCA website instead. The State Plan amendment and accompanying rule revision are intended to streamline the process of adding new exemptions. New exemptions will be approved by a committee including representatives from Pharmacy and Finance before being posted online.

Anticipated Tribal Impact: N/A

Proposed Policy Timeline:

Tribal Consultation Period: February 23, 2024 – April 23, 2024

Tribal Consultation: March 5, 2024

Public Comment Period: February 23, 2024 – March 24, 2024

Proposed SPA Effective Date: April 1, 2024, Contingent upon CMS Approval

Proposed Rule Effective Date: Upon Governor's approval

- **CHIP Vaccine SPA:** All states that elect to cover children, including the *from-conception-to-end-of-pregnancy* population (previously referred to as the "unborn"), and/or pregnant individuals under the CHIP state plan are required to submit a SPA to attest that coverage and payment is provided for approved vaccines recommended by the Advisory Committee on Immunization Practices (ACIP) and their administration, without cost sharing. These vaccines are already covered, and this amendment is for assurance purposes only.



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Anticipated Tribal Impact: N/A

Proposed Policy Timeline:

60-day Tribal Consultation Period: February 23, 2024 – April 23, 2024

Tribal Consultation: March 5, 2024

Public Comment Period: February 23, 2024 – March 24, 2024

Proposed Effective Date: October 1, 2023; contingent upon CMS approval

- **Electronic Visit Verification (EVV) for Home Health:** The 21st Century Cures Act declares that states must require the use of an electronic visit verification system for personal care services and home health services that require an in-home visit by a provider. The agency is already compliant, and language is already in place for personal care services. This State Plan Amendment is to include an assurance that this requirement is met for home health services.

Anticipated Tribal Impact: N/A

Proposed Policy Timeline:

15-day Expedited Tribal Consultation Period: February 23, 2024 – March 9, 2024

Tribal Consultation: March 5, 2024

Public Comment Period: February 23, 2024 – March 9, 2024

Proposed Effective Date: January 1, 2024; contingent upon CMS approval

- **1915(c) HCBS Waiver Program Amendments –**

Homeward Bound Waiver Amendment:

The Oklahoma Department of Human Services is seeking to amend the Homeward Bound Waiver. The Homeward Bound Waiver serves individuals with Intellectual Disabilities who have been certified by the United States District Court for the Northern District of Oklahoma as a member of the Plaintiff Class in Homeward Bound et al., Case No. 85-C-437-e. The specific changes include allowing participant direction of transportation services and self-directed goods and services to members of the Homeward Bound waiver. Other changes include allowing the use of Remote Supports service in a group home and permitting waiver payments for the home profile development and annual reviews for the Agency Companion and Specialized Foster Care services. In addition, the supported employment service has been updated to specify that self-employment and work-at-home opportunities are available.

Community Waiver Amendment:

The Oklahoma Department of Human Services is seeking to amend the Community Waiver. The Community Waiver serves individuals with Intellectual Disabilities beginning at age three. The specific changes include permitting Global Developmental Delay as a qualifying diagnosis for children under the age of 6 years of age, as psychologists can no longer diagnose a child under 6 with an intellectual disability. We are also proposing to allow legally responsible individuals to provide paid Habilitation Training Specialist services to members of the Community Waiver and to allow participant direction of prevocational services,



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transportation services, and self-directed goods and services. Other changes include increasing the number of members who can access the Extensive Residential Supports service, and allowing the use of Remote Supports service in a group home. In addition, permitting waiver payments for the home profile development and annual reviews for the Agency Companion and Specialized Foster Care services are requested. Finally, the supported employment service has been updated to specify that self-employment and work-at-home opportunities are available.

In-Home Supports Waiver for Children:

The Oklahoma Department of Human Services is seeking an amendment to the In-Home Supports Waiver for Children (IHSW-C). The IHSW-C serves individuals with intellectual disabilities ages 3 through 17. The specific changes include permitting Global Developmental Delay as a qualifying diagnosis for children under the age of 6 years of age, as psychologists can no longer diagnose a child under 6 with an intellectual disability. We are also proposing to allow legally responsible individuals to provide paid Habilitation Training Specialist services to members of the In-Home Supports Waiver for Children.

In-Home Supports Waiver for Adults:

The Oklahoma Department of Human Services is seeking an amendment to the In-Home Supports Waiver for Adults (IHSW-A). The IHSW-A serves individuals with intellectual disabilities age 18 and over. The specific changes include allowing legally responsible individuals to provide paid Habilitation Training Specialist services to members of the In-Home Supports Waiver for Adults and to allow participant direction of prevocational services as well as transportation services. In addition, the supported employment service has been updated to specify that self-employment and work-at-home opportunities are available.

ADvantage Waiver Amendment:

The Oklahoma Health Care Authority (OHCA) will seek to amend the 1915(c) HCBS ADvantage Waiver and rules. The amendment will increase the total number of unduplicated ADvantage Members that can be served by the ADvantage Waiver each year the waiver is in operation. The waiver is currently in year 3 of the 5 year waiver cycle. To meet the growing demand for ADvantage Waiver services it's proposed to increase the unduplicated number of Members from 24,375 to 24,975 for waiver year 3 (ending 6/30/24), increase year 4 to 26,002, and increase year 5 to 27,029.

Anticipated Tribal Impact: Yes, Member Direct Impact and Provider Indirect Impact

Proposed Policy Timeline:

30-day Expedited Tribal Consultation Period: March 1, 2024 – April 1, 2024

Tribal Consultation: March 5, 2024

Public Comment Period: March 1, 2024 – April 1, 2024

Proposed Effective Date: July 1, 2024 or upon CMS approval



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