

OKLAHOMA HEALTH CARE AUTHORITY
SPECIAL BOARD MEETING
June 25, 2009 at 1:00 PM
Held at Oklahoma Health Care Authority
4545 N. Lincoln Blvd., Suite 124
Oklahoma City, OK

AGENDA

Items to be presented by Chairman McFall

1. Call To Order/Determination of Quorum - Chairman McFall
2. Approval of May 14, 2009 Board Minutes

Items to be presented by Mike Fogarty, Chief Executive Officer

3. Discussion Item - Presentation of All Star Employees for the following months:

April, 2009 - Laura Holiday, Legal Operations

May, 2009 - Jean Sims, SoonerCare Provider Services Support

Items to be presented by Mike Fogarty, Chief Executive Officer

4. Discussion Item - Chief Executive Officer's Report
 - a) Financial Update - Carrie Evans, C.F.O.
 - b) Medicaid Director's Update - Lynn Mitchell, M.D.
 - c) Legislative Update - Nico Gomez, Deputy Chief Executive Officer

Item to be presented by Chairman McFall

5. Discussion Item - Reports to the Board by Board Committees

Audit/Finance Committee - Member Miller

Rules Committee - Vice-Chairman Armstrong

Item to be presented by Juarez McCann, Chief Budget Officer

6. Action Item - Consideration and Approval of the State Fiscal Year 2010 Budget Work Program

Item to be presented by Nancy Nesser, PharmD. JD, Pharmacy Director

7. Consideration and Vote Regarding Recommendations Made by the Drug Utilization Review Board Under 63 Oklahoma Statutes 5030.3.
 - a) Recommendation Regarding Conflicts of Interest Panel Concerning Recommendations of the Drug Utilization Review Board, Howard Pallotta, General Counsel
 - b) Consideration and vote to add Treximet® and Acetasol-HC® to the Scope/Utilization-based prior authorization program under OAC 317: 30-5-77.2 (e).

Items to be presented by Cindy Roberts, Deputy Chief Executive Officer and Director of Policy, Planning and Integrity

8. Recommendation regarding Conflicts of Interest Panel regarding rules, Howard Pallotta, General Counsel
 - a) Action Item - Consideration and Vote Upon Declaration of Emergency Rules A through F as listed on the Rules Agenda

Item to be presented by Beth VanHorn, Director of Legal Operations

9. Recommendation Regarding Conflicts of Interest Panel Regarding Contracts, Howard Pallotta, General Counsel
 - a) Consideration and Vote to authorize expenditure of funds to contract for enhanced and extended MMIS Services

Item to be presented by Chairman McFall

10. Proposed Executive Session as Recommended by the Director of Legal Services and Authorized by the Open Meetings Act, 25 Okla. State. §307(B)(1),(4)&(7)

Status of Pending Suits and Claims

- | | | |
|-----|---|--|
| 1. | Woodlawn Manor v. OHCA | CJ-04-8834 (Oklahoma) |
| 2. | Sherrill's Respiratory v. OHCA | CV-07-624 (McCurtain) |
| 3. | Acosta v. OHCA | CJ-07-9264 (Oklahoma) |
| 4. | Price v. Wolford | CIV-07-1076
(Western District) |
| 5. | Edwards v. Ardent Health Services | CJ-07-1109 (Tulsa)
(currently in S.Ct.) |
| 6. | Schnoebelen v. OKDHS | CJ-08-7 (Woodward) |
| 7. | Zelle v. OKDHS | CJ-08-08 (Woodward) |
| 8. | Daily v. OKDHS | CJ-08-85 (Dewey)
(currently in S.Ct.) |
| 9. | McAlary v. OKDHS | CJ-08-21 (Dewey) |
| 10. | Moss v. Wittmer | CJ-08-506 (Creek)
(currently in S.Ct.) |
| 11. | Covalt v. OKDHS | CJ-08-85 (Grant) |
| 12. | Staudt v. OHCA | CJ-08-9540 (Oklahoma) |
| 13. | Hedrick v. OKDHS | CJ-09-26 (Dewey) |
| 14. | Choices Institute, Inc. v. OHCA | CJ-09-229-01 (Garfield) |
| 15. | Wright v. OHCA and Oklahoma Merit Protection Commission | CJ-09-3924 (Oklahoma) |

Item to be presented by Chairman McFall

11. Action Item - Election of Oklahoma Health Care Authority 2009-2010 Board Officers
12. New Business
13. Adjournment

Next Board Meeting
July 9th, 2009 at 1:00PM
Duncan Regional Hospital
1407 Whisenant Drive
Duncan, OK 735333

Rules Agenda

June 25, 2009

I. Items subject to the Administrative Procedures Act (Emergency)

- A. Revising eligibility rules to allow an additional two month period of coverage for Afghans with special immigrant status pursuant to Public Law 111-08. **(Reference APA WF # 09-13)**
- B. Revising Indian Health rules to add Indian Health Service Facilities, Tribally Operated Facilities and Urban Indian Clinics (I/T/U's) as distant site providers for telemedicine, allowing segments of the Native American population in rural areas access to specialty health care services. Revisions also add public health nursing as an allowable service for qualifying Native Americans population on a statewide basis. **(Reference APA WF # 09-16)**
- C. Revising rules for the Developmental Disabilities Services Division (DDSD) Home and Community-Based Services (HCBS) waivers to change incorrect references in policy regarding incident reporting and quality assurance for Agency Companion Services. **(Reference APA WF # 09-21)**
- D. Revising agency rules to include language regarding member and provider appeals processes, specifically concerning the time frames allowed for responses to appeals from the Oklahoma Health Care Authority and the Administrative Law Judge. Additionally, the rule revisions clarify the process for administrative sanction appeals and the process for provider suspension or termination. **(Reference APA WF # 09-24)**
- E. Revising agency rules regarding durable medical equipment (DME) to revoke an outdated DME policy related to oxygen and oxygen equipment and the requirements for prior authorization. **(Reference APA WF # 09-26)**
- F. Revising Insure Oklahoma Individual Plan (IP) rules to clarify the intent of non-covered benefits related to weight loss intervention and treatment including bariatric surgical procedures, other weight loss surgeries and procedures, drugs primarily used for weight loss, and nutrition services prescribed only for the intent of weight loss. These services have never been covered under the IP program. **(Reference APA WF # 09-27)**