

**TITLE 317: OKLAHOMA HEALTH CARE AUTHORITY
CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE
SUBCHAPTER 3. GENERAL PROVIDER POLICIES
PART 3. GENERAL MEDICAL PROGRAM INFORMATION**

317:30-3-39. Home and Community Based Services Waivers

(a) The Oklahoma Health Care Authority operates or oversees the operation of several Home and Community Based Services waivers. The waivers allow individuals with physical or intellectual disabilities, requiring institutional level of care, the opportunity to reside at home or in a community based setting, while receiving institutional level of care services. Brief summaries of the Waivers are set forth in OAC 317:30-3-40 and OAC 317:30-3-41. Detailed information about each Waiver is available at the following policy locations:

(1) Home and Community Based Services Waivers for People with Intellectual Disabilities (Mental Retardation) and Related Conditions can be found at OAC 317:40-1-1 et seq.

(2) Home and Community Based Services Waivers for People with Physical Disabilities:

(A) ADvantage Waiver information is available per OAC 317:30-5-760 et seq.

(B) Medically Fragile Waiver information is available per OAC 317:50-1-1 et seq.

(C) My Life, My Choice Waiver information is available per OAC 317:50-3-1 et seq.

(D) Sooner Seniors Waiver information is available per OAC 317:50-5-1 et seq.

(b) Pursuant to Section 2004 of Title 56 of the Oklahoma Statutes and contingent upon federal approval, all contracted providers of home-based Waiver services are assessed an amount equal to 5.5 percent of annual gross revenue earned through the provision of SoonerCare services. The payments are placed in the Home-Based Quality Assurance Assessment Fund and used by the OHCA for payment of eligible SoonerCare Home and Community Based Waiver services.

317:30-3-40. Home and Community-Based Services Waivers for persons with intellectual disabilities (mental retardation) or certain persons with related conditions

(a) Introduction to HCBS Waivers for Persons with intellectual disabilities. The Medicaid Home and Community-Based Services (HCBS) Waiver programs are authorized in accordance with Section 1915(c) of the Social Security Act.

(1) Oklahoma Department of Human Services (OKDHS) Developmental Disabilities Services Division (DDSD) operates HCBS Waiver programs for persons with intellectual disabilities (mental retardation) and certain persons with related conditions. Oklahoma Health Care Authority (OHCA), as the State's single Medicaid agency, retains and exercises administrative authority

over all HCBS Waiver programs. ~~Oklahoma Medicaid is referred to hereinafter as SoonerCare.~~

(2) Each waiver allows for the provision of specific Medicaid SoonerCare-compensable services that assist members to reside in the community and avoid institutionalization.

(3) Waiver services:

(A) complement and supplement services available to members through SoonerCare or other federal, state, or local public programs, as well as informal supports provided by families and communities;

(B) can only be provided to persons who are SoonerCare eligible, outside of a nursing facility, hospital, or institution; and

(C) are not intended to replace other services and supports available to members.

(4) Any waiver service must be:

(A) appropriate to the member's needs; and

(B) included in the member's Individual Plan (IP).

(i) The IP:

(I) is developed annually by the member's Personal Support Team, per OAC 340:100-5-52; and

(II) contains detailed descriptions of services provided, documentation of amount and frequency of services, and types of providers to provide services.

(ii) Services are authorized in accordance with OAC 340:100-3-33 and 340:100-3-33.1.

(5) DDS D furnishes targeted case management to members as a Medicaid State Plan service under Section 1915(g)(1) of the Social Security Act in accordance with OAC 317:30-5-1010 through 317:30-5-1012.

(b) **Eligible providers.** All providers must have a current provider agreement with OHCA to provide HCBS for persons with mental retardation or related conditions.

(1) All providers, except pharmacy, specialized medical supplies and durable medical equipment providers must be reviewed by OKDHS DDS D. The review process verifies:

(A) the provider meets the licensure, certification or other standards as specified in the approved HCBS Waiver documents; and

(B) organizations that do not require licensure wishing to provide HCBS services meet program standards, are financially stable and use sound business management practices.

(2) Providers who do not meet the standards in the review process will not be approved for a provider agreement.

(3) Provider agreements with providers that fail to meet programmatic or financial requirements may not be renewed.

(c) **Coverage.** All services must be included in the member's IP. Arrangements for services must be made with the member's case manager.

317:30-3-41. Advantage program waiver services Home and Community Based Services Waivers for persons with physical disabilities

(a) **Advantage Waiver.** The ~~Advantage~~ ADvantage Waiver Program is a Medicaid Home and Community Based Services (HCBS) Waiver used to finance noninstitutional long-term care services through Oklahoma's Medicaid SoonerCare program for elderly and disabled individuals in specific waiver areas. To receive ~~Advantage~~ ADvantage Program services, individuals must meet the nursing facility level of care criteria, be age 65 years or older, or age 21 or older if disabled. ~~Advantage~~ ADvantage Program ~~recipients~~ members must be Medicaid SoonerCare eligible and reside in the designated service area. The number of ~~recipients of Advantage services~~ members in the ADvantage Waiver is limited.

~~(b) Home and Community Based services provided through the Advantage Waiver are:~~

- ~~(1) Case Management;~~
- ~~(2) Homemaker/Chore;~~
- ~~(3) Respite;~~
- ~~(4) Adult Day Health Care;~~
- ~~(5) Environmental Modifications;~~
- ~~(6) Specialized Medical Equipment and Supplies;~~
- ~~(7) Supportive/Restorative Assistance;~~
- ~~(8) Advanced Supportive/Restorative Assistance;~~
- ~~(9) Skilled Nursing; and~~
- ~~(10) Home Delivered Meals.~~

~~(b) **Medically Fragile Waiver.** The Medically Fragile Waiver Program is a Medicaid Home and Community Based Services (HCBS) Waiver used to finance non-institutional long-term care services through Oklahoma's SoonerCare program for medically fragile individuals. To receive Medically Fragile Program services, individuals must be at least 19 years of age, be SoonerCare eligible, and meet the OHCA skilled nursing facility (SNF) or hospital level of care (LOC) criteria. Eligibility does not guarantee placement in the program as Waiver membership is limited.~~

~~(c) **My Life, My Choice Waiver.** The My Life, My Choice Waiver Program is a Medicaid Home and Community Based Services (HCBS) Waiver used to finance non-institutional long-term care services through Oklahoma's SoonerCare program for a targeted group of physically disabled individuals. The Waiver allows the OHCA to offer certain Home and Community Based services to an annually capped number of persons who without such services would be institutionalized. To be considered for My Life, My Choice Waiver Program services, individuals must be 20 to 64 years of age, be physically disabled and have transitioned to a home and community based setting through the Living Choice Program.~~

~~(d) **Sooner Seniors Waiver.** The Sooner Seniors Waiver Program is a Medicaid Home and Community Based Services (HCBS) Waiver used to~~

finance non-institutional long-term care services through Oklahoma's SoonerCare program for a targeted group of elderly individuals. The Waiver allows the OHCA to offer certain Home and Community Based services to an annually capped number of persons who without such services would be institutionalized. To be considered for Sooner Seniors Waiver Program services, individuals must be 65 years of age or older, have a clinically documented, progressive degenerative disease process that responds to treatment and requires Sooner Seniors Waiver services to maintain the treatment regimen. Individuals who qualify for the Sooner Seniors Waiver must have transitioned to a home and community based setting through the Living Choice Program.