

## **PUBLIC NOTICE**

Pursuant to 42 C.F.R. § 441.301, the Oklahoma Health Care Authority (OHCA) is required to give public notice and receive public input on any significant proposed changes to the 1915(c) Home and Community-Based Services (HCBS) waivers.

### **COMMUNITY WAIVER AMENDMENT:**

The Oklahoma Department of Human Services (OHS) is seeking to amend the Community Waiver. The Community Waiver serves individuals with Intellectual Disabilities beginning at age three. Changes include:

- The medical report and social summary have been removed as required level of care instruments for eligibility;
- The performance measure that measures the number and percent of annual medical reports completed has been removed;
- The requirement for a valid diagnosis of intellectual disability from the Social Security Administration or the Oklahoma Health Care Level of Care Evaluation Unit has been clarified;
- The service definition of Assistive Technology has been updated to match current practices;
- The service definition of the Supported Employment service has been updated to reflect the ability to braid services with the Department of Rehabilitative Services;
- The ability of a spouse to provide participant-directed services has been clarified;
- The state agency where the Office of Client Advocacy has been updated from Oklahoma Human Services to the Oklahoma State Department of Health;
- The live-in caregiver exemption for Electronic Visit Verification (EVV) has been removed;
- The implementation of EVV with Home Health service providers began January 1, 2024 has been added.
- Changes to the Centers for Medicare and Medicaid Services waiver portal were updated as required. These changes include adding case management training requirements for the HCBS settings regulation and person-centered planning; designation of services that can be delivered remotely or via telehealth; the process for ensuring continuity of care for a waiver participant whose service provider was added to the abuse registry; details about the provision of services by a Legally Responsible Individual; state policies concerning payment for waiver services furnished by relatives/legal guardians; details regarding the provision of HCBS in acute care hospitals; how non-residential and residential settings comply with the federal HCBS Settings requirements; details regarding temporary service plans; and State assurances regarding components of the person-centered service plan.

## **HOMEWARD BOUND WAIVER AMENDMENT:**

The Oklahoma Department of Human Services (OHS) 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. Changes include:

- The medical report and social summary have been removed as required level of care instruments for eligibility;
- The performance measure that measures the number and percent of annual medical reports completed has been removed;
- The requirement for a valid diagnosis of intellectual disability from the Social Security Administration or the Oklahoma Health Care Level of Care Evaluation Unit has been clarified;
- The service definition of Assistive Technology has been updated to match current practices;
- The service definition of the Supported Employment service has been updated to reflect the ability to braid services with the Department of Rehabilitative Services;
- The ability of a spouse to provide participant-directed services has been clarified;
- The state agency where the Office of Client Advocacy has been updated from Oklahoma Human Services to the Oklahoma State Department of Health;
- The live-in caregiver exemption for Electronic Visit Verification (EVV) has been removed;
- The implementation of EVV with Home Health service providers began January 1, 2024 has been added.
- Changes to the Centers for Medicare and Medicaid Services waiver portal were updated as required. These changes include adding case management training requirements for the HCBS settings regulation and person-centered planning; designation of services that can be delivered remotely or via telehealth; the process for ensuring continuity of care for a waiver participant whose service provider was added to the abuse registry; details about the provision of services by a Legally Responsible Individual; state policies concerning payment for waiver services furnished by relatives/legal guardians; details regarding the provision of HCBS in acute care hospitals; how non-residential and residential settings comply with the federal HCBS Settings requirements; details regarding temporary service plans; and State assurances regarding components of the person-centered service plan.

### **IN-HOME SUPPORTS WAIVER FOR ADULTS AMENDMENT:**

The Oklahoma Department of Human Services (OHS) 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. Changes include:

- The medical report and social summary have been removed as required level of care instruments for eligibility;
- The requirement for a valid diagnosis of intellectual disability from the Social Security Administration or the Oklahoma Health Care Level of Care Evaluation Unit has been clarified;
- The service definition of Assistive Technology has been updated to match current practices;
- The service definition of the Supported Employment service has been updated to reflect the ability to braid services with the Department of Rehabilitative Services;
- The ability of a spouse to provide participant-directed services has been clarified;
- The state agency where the Office of Client Advocacy has been updated from Oklahoma Human Services to the Oklahoma State Department of Health;
- The live-in caregiver exemption for Electronic Visit Verification (EVV) has been removed;
- The implementation of EVV with Home Health service providers began January 1, 2024 has been added.
- Changes to the Centers for Medicare and Medicaid Services waiver portal were updated as required. These changes include adding case management training requirements for the HCBS settings regulation and person-centered planning; designation of services that can be delivered remotely or via telehealth; the process for ensuring continuity of care for a waiver participant whose service provider was added to the abuse registry; details about the provision of services by a Legally Responsible Individual; state policies concerning payment for waiver services furnished by relatives/legal guardians; details regarding the provision of HCBS in acute care hospitals; how non-residential and residential settings comply with the federal HCBS Settings requirements; details regarding temporary service plans; and State assurances regarding components of the person-centered service plan.

### **IN-HOME SUPPORTS WAIVER FOR CHILDREN AMENDMENT:**

The Oklahoma Department of Human Services (OHS) 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. Changes include:

- The medical report and social summary have been removed as required level of care instruments for eligibility;

- The requirement for a valid diagnosis of intellectual disability from the Social Security Administration or the Oklahoma Health Care Level of Care Evaluation Unit has been clarified;
- The service definition of Assistive Technology has been updated to match current practices;
- The service definition of the Supported Employment service has been updated to reflect the ability to braid services with the Department of Rehabilitative Services;
- The ability of a spouse to provide participant-directed services has been clarified;
- The state agency where the Office of Client Advocacy has been updated from Oklahoma Human Services to the Oklahoma State Department of Health;
- The live-in caregiver exemption for Electronic Visit Verification (EVV) has been removed;
- The implementation of EVV with Home Health service providers began January 1, 2024 has been added.
- Changes to the Centers for Medicare and Medicaid Services waiver portal were updated as required. These changes include adding case management training requirements for the HCBS settings regulation and person-centered planning; designation of services that can be delivered remotely or via telehealth; the process for ensuring continuity of care for a waiver participant whose service provider was added to the abuse registry; details about the provision of services by a Legally Responsible Individual; state policies concerning payment for waiver services furnished by relatives/legal guardians; details regarding the provision of HCBS in acute care hospitals; how non-residential and residential settings comply with the federal HCBS Settings requirements; details regarding temporary service plans; and State assurances regarding components of the person-centered service plan.

The above amendments will be effective upon approval by the Centers for Medicare and Medicaid Services (CMS), or October 1, 2025, whichever is earliest.

Please submit all comments by close of business July 20, 2025. Comments may be submitted in writing to the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd. Oklahoma City, Oklahoma 73105. Attention: Health Policy 1915(c) Waivers.

To request a free hard copy of the waivers, please call 1-888-287-2443 or send your request to the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd. Oklahoma City, Oklahoma 73105. Attention: Health Policy 1915(c) Waivers.