



**Tribal Consultation Meeting Agenda**  
**11 am, May 3<sup>rd</sup>, 2022**  
**Online Microsoft Teams Meeting**

1. Welcome - Dana Miller, Director of Tribal Government Relations
2. State Medicaid Director Update - Traylor Rains
3. Proposed Rule, State Plan, Waiver, and Rate Amendments
  - **SoonerPlan Termination**
  - **Private Duty Nursing (PDN) Rate Increase**
  - **Nursing Facility Rebasing and Pay-for-Performance Update**
  - **ADvantage Waiver**
  - **Homeward Bound Waiver Amendment**
  - **Community Waiver Amendment**
  - **In-Home Supports Waiver for Children**
  - **In-Home Supports Waiver for Adults**
4. Other Business and Project Updates
  - **2022 OMB Rate Increase**
  - **OHCA Tribal Partnership Action Plan**
  - **Public Health Emergency extension**
  - **Pharmacy Vaccine Administration Fee – proposed state plan amendment**
5. Adjourn—Next Tribal Consultation Scheduled for 11 am, July 5<sup>th</sup>, 2022



**ADDRESS**

4345 N. Lincoln Blvd.  
Oklahoma City, OK 73105



**WEBSITES**

okhca.org  
mysoonerCare.org



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Admin: 405-522-7300  
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Kevin Corbett | Chief Executive Officer

J. Kevin Stitt | Governor

**Proposed Rule, State Plan, and Waiver Amendments**

*(Please note, the 2022 meeting dates for MAC and Board are tentative and subject to change. The MAC and Board will not vote on their future 2022 meeting dates until their respective November 2021 meetings. Additionally, unless otherwise identified as an emergency rule, all rules will be going through the permanent rulemaking process.)*

**SoonerPlan Termination** — Effective one day after the COVID-19 Public Health Emergency ends, the SoonerPlan program will terminate as most adults served by SoonerPlan have transitioned to the adult Medicaid expansion eligibility group to receive comprehensive SoonerCare services.

Anticipated Tribal Impact: direct; AI/ANs eligibility and ITU billing/outreach/enrollment

Proposed State Plan Amendment Tentative Timeline:

14-Day Expedited Tribal Consultation Period: April 18, 2022 – June 17, 2022

Rules: 15-Day Public Comment Period: May 3, 2022 – May 18, 2022

SPA: 30-Day Public Comment Period: May 3, 2022 – June 2, 2022

Medical Advisory Committee: July 14, 2022

OHCA Board Meeting: To be determined

SPA Proposed Effective Date: One day after the COVID-19 Public Health Emergency ends

Rules Proposed Effective Date: Upon Governor's signature

**Private Duty Nursing (PDN) Rate Increase** — Effective one day after the COVID-19 Public Health Emergency ends, the Oklahoma Health Care Authority (OHCA) will seek approval of a State Plan Amendment to make permanent the temporary disaster-relief rate increase for private duty nursing (PDN) hours that result in the overtime rate of pay for nursing staff. The Agency seeks to maintain the rate increase, from \$32/hour to \$40/hour, for PDN services provided to persons with tracheostomies or who are ventilator dependent.

Anticipated Tribal Impact: none, ITUs receive the OMB rate for outpatient services

Proposed State Plan Amendment Tentative Timeline:

60-day Tribal Consultation Period: April 19, 2022 – June 18, 2022

Public Comment Period: May 3, 2022 – June 2, 2022

Proposed Effective Date: One day after the COVID-19 Public Health Emergency ends



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**Nursing Facility Rebasing and Pay-for-Performance Update** — For the rate period beginning July 1, 2022, a proposed amendment to the state plan and agency rules will recalculate the Quality of Care (QOC) fee for regular nursing facilities, nursing facilities serving residents with Acquired Immune Deficiency Syndrome (AIDS) and Regular and Acute Intermediate Care Facilities for Individuals with an Intellectual Disability (ICF/IID). Further proposed revisions to the Pay-for-Performance (PFP) language will improve facility accountability by requiring noncompliant facilities to forfeit PFP incentives for any quarter in which they receive a scope and severity tag deficiency of "I" or greater.

Anticipated Tribal Impact: none; ITUs are paid the OMB rate which is all-inclusive

Proposed State Plan Amendment Tentative Timeline:

60-day Tribal Consultation Period: April 19, 2022 – June 18, 2022

Public Comment Period: May 3, 2022 – June 2, 2022

Proposed Effective Date: July 1, 2022

**ADvantage Waiver** — The Oklahoma Department of Human Services (OHS) is seeking an amendment to the ADvantage waiver. The proposed waiver amendment includes:

- An updated estimated cost for waiver years two (2) through five (5) occurring as a result of legislatively mandated rate increases,
- The addition of Assistive Technology services, and
- The addition of Remote Supports services.

Assistive Technology services include devices, controls and appliances specified in the member's person-centered service plan which enables them to increase their abilities to perform activities of daily living or to perceive, control or communicate with the environment in which they live. Devices may include communication technology that allows members to communicate with their providers via video or audio chat to ensure ongoing maintenance of health and welfare. Remote Supports involves monitoring of a waiver member by remote staff using audio or video equipment, allowing for live, two-way communication with them in their residence. Remote Supports is not a system to provide surveillance, and HIPAA privacy and security rules apply to all covered service providers. Remote Supports allow for a member to choose the method of service delivery which best suits their needs. This service is less intrusive than requiring the physical presence of another person to meet the needs of the member. Remote supports will promote and enhance the independence and self-reliance of the member.



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Anticipated Tribal Impact: direct impact for AI/AN Advantage waiver members

Proposed Timeline:

60-day Tribal Consultation Period: May 4, 2022 – July 3, 2022

Tribal Consultation: May 3, 2022

Public Comment Period: May 18, 2022 – June 17, 2022

Proposed Effective Date: October 1, 2022

**Homeward Bound Waiver Amendment** — The Oklahoma Department of Human Services (OHS) is seeking to amend the Homeward Bound Waiver. The proposed changes will include an update of the estimated cost of the waiver for years 2-5 as a result of OHS rate increases. The rate increases include increasing the non-emergency transportation service from the current rate of \$0.52 per mile to the federal reimbursement rate of \$0.585 per mile, increasing the extended duty care nursing rate from the current rate of \$6.76 per 15-minute unit to \$10 per 15-minute unit and an across-the-board rate increase for most fixed rate services ranging from 10% to 25%.

Anticipated Tribal Impact: none; there are no tribal providers for this waiver

Proposed Timeline:

60-day Tribal Consultation Period: May 4, 2022 – July 3, 2022

Tribal Consultation: May 3, 2022

Public Comment Period: May 18, 2022 – June 17, 2022

Proposed Effective Date: October 1, 2022

**Community Waiver Amendment** — The Oklahoma Department of Human Services (OHS) is seeking to amend the Community Waiver. The proposed changes will include an update of the estimated cost of the waiver for years 2-5 as a result of OHS rate increases. The rate increases include increasing the non-emergency transportation service from the current rate of \$0.52 per mile to the federal reimbursement rate of \$0.585 per mile, increasing the extended duty care nursing rate from the current rate of \$6.76 per 15-minute unit to \$10 per 15-minute unit and an across-the-board rate increase for most fixed rate services ranging from 10% to 25%.

Anticipated Tribal Impact: none; there are no tribal providers for this waiver

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**In-Home Supports Waiver for Children** — The Oklahoma Department of Human Services (OHS) is seeking an amendment to the In-Home Supports Waiver for Children (IHSW-C). The proposed changes will include an updated estimate cost for waiver years 1-5, as well as an increase in the individual cost limit as a result of OHS rate increases. Currently, the cost limit is \$15,426.00 per member, per plan of care year. The rate increases include an across-the-board rate increase for most fixed rate services ranging from 10% to 25%. The cost limit being proposed will increase the annual financial limit to a new amount, from range of 10% to 25%, from \$16,969 to \$19,283.00.

Anticipated Tribal Impact: none; there are no tribal providers for this waiver

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Proposed Effective Date: October 1, 2022

**In-Home Supports Waiver for Adults** — The Oklahoma Department of Human Services (OHS) is seeking an amendment to the In-Home Supports Waiver for Adults (IHSW-A). The proposed changes will include an updated estimate of cost for waiver years 1-5, as well as an increase in the individual cost limit as a result of OHS rate increases. Currently, the cost limit is \$23,131.00 per member, per plan of care year. The rate increases include increasing the non-emergency transportation service from the current rate of \$0.52 per mile to the federal reimbursement rate of \$0.585 per mile and an across-the-board rate increase for most fixed rate services ranging from 10% to 25%. The cost limit being proposed will increase the annual financial limit to a new amount, from a range of 10% to 25%, from \$25,445 to \$28,914.00.

Anticipated Tribal Impact: none; there are no tribal partners for this waiver

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