



Kevin Corbett | Chief Executive Officer

J. Kevin Stitt | Governor

I/T/U Public Notice 2022-04

May 30, 2022,

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 June 8, 2022, 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,

Dana Miller
Director, Tribal Government Relations



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Proposed Rule, State Plan, and Waiver Amendments

Rate Increases for Outpatient Behavioral Health Agency Services — The Oklahoma Department of Mental Health and Substance Abuse Services (ODMHSAS) proposes to increase rates for select outpatient behavioral health agency services that are currently reimbursed less through SoonerCare than through ODMHSAS state funds or that have not seen increases in recent years. Services include: individual and family therapy, individual Assertive Community Treatment, individual and group community recovery support, group psychosocial rehabilitation/illness management and recovery, and screening and referral. Increases range from 7.5% to 100%, and a new rate for complex screening and referral is proposed. The rate revisions will take effect July 1, 2022, contingent upon CMS approval.

Anticipated Tribal Impact: none; ITUs do not contract as agencies

Proposed SPA timeline:

Expedited 30-day Tribal Consultation Period: May 27, 2022 – June 26, 2022

Tribal Consultation: June 8, 2022

15-day Public Comment Period: June 10, 2022 – June 25, 2022

Proposed Effective Date: July 1, 2022

Rate Increase for Residential Level of Care Substance Use Disorder Services – The Oklahoma Department of Mental Health and Substance Abuse Services (ODMHSAS) proposes to increase rates for residential level of care substance use disorder services. ODMHSAS recommends increasing the current reimbursement rates based on analysis of other states' rates for similar services, and these increases align with proposed rates for these services when reimbursed through ODMHSAS state funds. Services include: halfway house services for adults and adolescents; residential treatment services for adults, adolescents, and adults with co-occurring disorders; intensive residential treatment services for adults and adolescents; and medically supervised withdrawal management services for adults and adolescents. Increases range from 12.5%-65%. The rate revisions will take effect July 1, 2022, contingent upon CMS approval.

Anticipated Tribal Impact: none; ITUs are reimbursed at the OMB rate

Proposed SPA timeline:

Expedited 30-day Tribal Consultation Period: May 27, 2022 – June 26, 2022

Tribal Consultation: June 8, 2022

15-day Public Comment Period: June 10, 2022 – June 25, 2022

Proposed Effective Date: July 1, 2022



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Rate Increase for Independently Contracted Psychologists – The Oklahoma Department of Mental Health and Substance Abuse Services (ODMHSAS) proposes to increase select rates for independently contracted psychologists. ODMHSAS recommends increasing the current reimbursement rates that fall below 80% of the CY 2021 Medicare Physician Fee Schedule to equal 80% of the CY 2021 Medicare Physician Fee Schedule rates. Services include individual and family therapy, assessment, interpretation of results of evaluations, and interactive complexity add-on. The rate revisions will take effect July 1, 2022, contingent upon CMS approval.

Anticipated Tribal Impact: none; ITU providers are grouped into the facility contract

Proposed SPA timeline:

Expedited 30-day Tribal Consultation Period: May 27, 2022 – June 26, 2022

Tribal Consultation: June 8, 2022

15-day Public Comment Period: June 10, 2022 – June 25, 2022

Proposed Effective Date: July 1, 2022

Medically Fragile Waiver — The Oklahoma Health Care Authority (OHCA) Long Term Services and Supports (LTSS) unit is seeking an amendment to the Medically Fragile waiver. The Medically Fragile Waiver serves individuals 19 years of age and older diagnosed with a medically fragile condition who meet skilled nursing or hospital level of care. A medically fragile condition is defined as a chronic physical condition, which results in prolonged dependency on medical care for which daily skilled (nursing) intervention is medically necessary.

The proposed waiver amendment includes:

- An update to the estimated cost for waiver year five (5) because of a 25% legislatively approved rate increase for the waiver providers. This does not include:
 1. Durable Medical Equipment (DME); covered under State Plan.
 2. Architectural/Environmental Modifications; priced on an individual rate following a uniform process approved by the Medicaid Agency.

Anticipated Tribal Impact: none; there are no ITUs contracts under this waiver

Proposed Timeline:

60-day Tribal Consultation Period: May 27, 2022 – July 26, 2022

Tribal Consultation: June 8, 2022

Public Comment Period: July 1, 2022 – July 31, 2022

Proposed Effective Date: December 1, 2022



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Living Choice-Money Follows the Person — The Oklahoma Health Care Authority (OHCA) Long Term Services and Supports (LTSS) unit is seeking an amendment to the Living Choice-Money Follows the Person program. The program promotes community-based services instead of institutional services for individuals 19 and older. The Living Choice program serves persons with disabilities and long term illnesses who transition from a nursing facility.

The proposed amendment includes:

- An update to the estimated cost for program participation because of a 25% legislatively approved rate increase for Living Choice providers. This does not include:
 - Durable Medical Equipment (DME); covered under State Plan.
 - Architectural/Environmental Modifications; priced on an individual rate following a uniform process approved by the Medicaid Agency.
- **Anticipated Tribal Impact:** none; there are no ITUs contracted for this waiver
- **Proposed Timeline**
- **60-day Tribal Consultation Period:** June 8, 2022 – July 31, 2022
- **Tribal Consultation:** June 8, 2022
- **Public Comment Period:** July 1, 2022 – July 31, 2022
- **Proposed Effective Date:** December 1, 2022



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