

MEDICAID MANDATES FROM THE AFFORDABLE CARE ACT

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Sec. 2302 Concurrent Care for Children

- Removes the prohibition of receiving curative treatment upon the election of the hospice benefit by or on behalf of a Medicaid or CHIP eligible child.
- The ACA does not change the criteria for receiving hospice services; however, prior to enactment of the new law, curative treatment of the terminal illness ceased upon election of the hospice benefit.

OHCA Policy Implications

- 317:30-5-42.16 (*Hospital Based Hospice Providers*)
- 317:30-5-532 (*Non-Hospital Based Hospice Providers*)
- Amended to reflect the changes in law. Families are no longer forced to choose between hospice care and curative treatments for their children.

Sec. 3132 Hospice Reform

- Requires a hospice physician or nurse practitioner to have a face-to-face encounter with the individual to determine continued eligibility for hospice care prior to the 180th day recertification and each subsequent recertification and attest that such visit took place.

OHCA Policy Implications

- 317:30-5-763; 50-1-14; 50-3-14; 50-5-14
- Hospice is a service provided to children in SoonerCare and adults within the ADvantage, Medically Fragile, My Life, My Choice, and Sooner Seniors Home and Community Based Waivers.
- Previously, hospice had no authorization limits.
- Rules were revised to include a re-authorization process after the initial 6 months of hospice care.
- A re-evaluation is now performed and additional hospice care authorized for a period not to exceed 60 days. A re-evaluation will be performed every 60 days until the member no longer requires hospice.

Sec. 4107 Tobacco Cessation Services for Pregnant Women

- Requires coverage of counseling and pharmacotherapy for cessation of tobacco use by pregnant women with no cost sharing obligations imposed upon the member.

OHCA Policy Implications

- OHCA recognized the importance of this benefit several years prior to the ACA and has been reimbursing for smoking cessation counseling for adults and children since 2006.
- Pregnant women have not been assessed copays for these services since the program's inception.
- No changes to the SoonerCare program or rules were needed.