

MINUTES OF A REGULARLY SCHEDULED BOARD MEETING  
OF THE OKLAHOMA HEALTH CARE AUTHORITY BOARD  
Held at Oklahoma Health Care Authority  
Oklahoma City, Oklahoma  
April 10, 2008  
1:00PM

Manner and Time of Notice of Meeting: A public notice was placed on the front door of the Oklahoma Health Care Authority on April 8, 2008.

Pursuant to a roll call of the members, a quorum was declared to be present, and Vice Chairman Hoffman called the meeting to order at 1:00pm.

BOARD MEMBERS PRESENT: Member Armstrong, Member Miller,  
Member Langenkamp, Governor  
Anoatubby, Member McFall, and Vice-  
Chairman Hoffman

ABSENT: Chairman Roggow

OTHERS PRESENT Brent Wilborn, OKPCA  
Tres Savage, Capitol News  
Millie Carpenter, DHS  
Sharon Neuwald, DHS  
Angel Riggs, Tulsa World  
Marietta Lynch, OAHCP

**DISCUSSION AND POSSIBLE VOTE ON APPROVAL OF BOARD MINUTES OF THE  
REGULARLY SCHEDULED BOARD MEETING HELD MARCH 13, 2008**

The Board routinely reviews and approves a synopsis of all its meetings. The full-length recordings of the meetings of the Board are retained at the Board Offices and may be reviewed upon written request.

MOTION: Vice-Chairman moved for approval of the March 13, 2008 board minutes as presented. Member McFall seconded.

FOR THE MOTION: Member Armstrong, Member Miller,  
Member Langenkamp, Governor  
Anoatubby, Member McFall, and Vice-  
Chairman Hoffman

ABSENT: Chairman Roggow

**ITEM 3/PRESENTATION OF ALL STAR EMPLOYEE OF THE MONTH FOR FEBRUARY 2008**  
Mike Fogarty, CEO

Mr. Fogarty announced the All Star Employee Program winner and asked Supervisor Connie Steffee to introduce the All Star Employee for February. Ms. Steffee, Manager of Reporting and Statistics, introduced Marilyn Barnard, Senior Research Analyst in Communications. She stated Ms. Barnard is efficient, professional, has a pleasant personality, and has been with the state for 26 years.

**FINANCIAL UPDATE**

Anne Garcia, CFO

Ms. Garcia reported that revenues for OHCA through February, accounting for receivables, were **\$1,987,839,903** or **.4 % under** budget. The expenditures for OHCA, accounting for encumbrances, were **\$1,939,934,689** or **1.2% under** budget. The state dollar budget variance through February is **\$14,189,326 positive**. Ms. Garcia noted that in addition to the SFY08 variance, the agency has **\$10,189,326** in prior year carryover. These funds are being held in reserve for the FY09 budget. The budget variance is primarily attributable to the following (in millions):

<b>Expenditures:</b>	
Medicaid Program Variance	2.6
Administration	6.8
<b>Revenues:</b>	
Taxes and Fees	2.5
Drug Rebate	.4
Overpayments/Settlements	1.9
<b>Total FY 07 Variance</b>	<b>\$ 14.2</b>

**MEDICAID DIRECTOR'S UPDATE/INSURE OKLAHOMA/OEPIC UPDATE**

Lynn Mitchell, M.D., State Medicaid Director

Dr. Mitchell stated that February enrollment numbers are in this month's packet also, so we won't review those again. She highlighted the Insure Oklahoma-OEPIC numbers which are April numbers. Total enrollment in ESI and IP is 9,416 that represent a new enrollment of 1,650 new enrollees. Dr. Mitchell noted that we have a new Uninsured Fast Fact which is a joint effort of the Planning Division and the Public Information Division with the latest numbers on how the uninsured population is shaping up in Oklahoma. She then discussed the 2007 report for the Oklahoma Cares Program. This is the Breast and Cervical Cancer Program that has been in place since 2005. Dr. Mitchell noted that this program continues to meet the needs of women who have found themselves with an abnormal screen. This program is a partnership with the State Department of Health, and the Kaw and Cherokee nations. We are anticipating getting these women into care at a much earlier stage than has occurred in the past. Dr. Mitchell reported on the 2007 drug benefits stats. She discussed the slide presentation in the packet stating that there were \$297 million in prescription expenditures; \$81 million in drug rebates; \$5 million in supplemental rebates; \$4.4 million paid prescription claims; Average monthly prescription clients were 150,000; Average Prescription cost was \$67.54 with a 69.4% generic utilization. She then discussed the top 10 therapeutic categories, and top drugs dispensed. Dr. Mitchell stated that since implementation in December 2007 there have been a total of 37,295 members terminated for lack of citizenship and identity. Anywhere from 36% of those who lost eligibility in March have come back on to the rolls by April 1 all the way up to 54% for those

individuals who lost eligibility in December and January back on those rolls as of April 1. She reported that the NASMD Annual Spring Conference will be held in Oklahoma City this year starting June 15 thru June 17.

#### **LEGISLATIVE UPDATE**

Nico Gomez, Director of Communication Services

Mr. Gomez stated that the Oklahoma Legislature is currently tracking a total of 1,155 active bills. OHCA is currently tracking 63 active bills and 11 carry-over bills. They are broken down as follows:

OHCA Request 02; Direct Impact 22; Appropriations 10; Indirect Bills 19; and Employee Interest 10.

Today, April 10, 2008 is the deadline for Senate measures out of Full Committee. The next deadline is Thursday, April 24 for Third Reading of bills in the Opposite House. Sine Die adjournment is set for May 30<sup>th</sup>. However, SCR 71 was filed Tuesday to allow Sine Die adjournment on May 23<sup>rd</sup> due to Memorial Day.

#### **ITEM 5/MEDICAL HOME PRESENTATION**

Melody Anthony, M.S., Director of Provider Services

Ms. Anthony presented the Objectives; What is SoonerCare Choice Today?; PCP Network; Who can be a PCP Today?; Medical Advisory Task Force Created?; Medical Advisory Taskforce Four Top Priorities; Joint Principles of the Patient-Centered Medical Home; State Legislators Champion Patient-Centered Medical Home; Patient-Centered Medical Home; Proposed Re-aligning Reimbursement; Proposed New SoonerCare Choice Medical Home Reimbursement; Draft Case Management Components; Proposed Excellence Payments; Proposed Transitional Payments; Proposed Timeline; Proposed Additional Changes; Other Initiatives and Questions and Comments. For detailed information see Item 5 of the board packet.

**ITEM 6/REPORTS TO THE BOARD BY BOARD COMMITTEES**

Member Miller reported the Audit/Finance Committee did not meet.  
Member Langenkamp reported that the Legislative Committee did meet and had 1 hour discussion regarding current legislation.  
Member Armstrong reported that the Rules Committee did not meet.

**ITEM 7/RECOMMENDATION REGARDING CONFLICTS OF INTEREST PANEL REGARDING RULES**

Howard Pallotta, Director of Legal Services

Mr. Pallotta reported that the Conflicts of Interest Panel met with regard to Rule A and Rule B and found no conflicts.

**ITEM 7a/CONSIDERATION AND VOTE UPON DECLARATION OF EMERGENCY RULE A AND RULE B**

Cindy Roberts, Director of Program Integrity and Planning

Ms. Roberts presented the following rules for consideration of declaration of emergency:

**I. Items subject to the Administrative Procedures Act (Emergency)**

**A. CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE**

Subchapter 5. Individual Providers and Specialties

Part 55. Respite Care

OAC 317:30-5-515. through 30-5-519.[AMENDED]

Chapter 40. Developmental Disabilities Services

Subchapter 5. ~~Client Member~~ Services

Part 1. Agency Companion/Adult Companion ~~Foster-Care Services by Agency~~

OAC 317:40-5-3. [AMENDED]

OAC 317:40-5-9. [AMENDED]

**(Reference APA WF # 08-03 A & B)**

**FINDING OF EMERGENCY:** The Agency finds that a compelling public interest exists which necessitates promulgation of emergency rules and requests emergency approval of rule revisions to facilitate consistency with the Home and Community-Based Services Waivers, approved by the Centers for Medicare and Medicaid Services (CMS) effective July 1, 2007, and Medicaid provider requirements. The proposed rules provide additional service options for persons with mental retardation and certain persons with related conditions to receive necessary services and supports.

**MOTION:**

Member Miller moved for a declaration of emergency regarding Rule A as presented. Governor Anoatubby seconded.

**FOR THE MOTION:**

Member Armstrong, Member Miller, Member Langenkamp, Governor Anoatubby, Member McFall, and Vice-Chairman Hoffman

ABSENT:

Chairman Roggow

**B. CHAPTER 45. INSURE OKLAHOMA/OKLAHOMA EMPLOYER AND EMPLOYEE PARTNERSHIP FOR INSURANCE COVERAGE**

Subchapter 1. General Provisions

OAC 317:45-1-3. [AMENDED]

(Reference APA WF # 08-09)

**FINDING OF EMERGENCY:** The Agency finds that a compelling public interest exists which necessitates promulgation of emergency rules and requests emergency approval of rule revisions to include the Oklahoma Municipal Assurance Group (OMAG) as an approved carrier for Insure Oklahoma/O-EPIC. Since OMAG is not presently an approved carrier, an adverse action could potentially occur where healthy members or groups currently under OMAG begin to switch to approved carriers in order to aid in subsidizing health care premiums for qualified individuals. Revisions are needed to prevent this member migration from occurring and help ensure stabilization among the carrier groups.

MOTION:

Member McFall moved for a declaration of emergency for Rule B as presented. Member Langenkamp seconded.

FOR THE MOTION:

Member Armstrong, Member Miller, Member Langenkamp, Governor Anoatubby, Member McFall, and Vice-Chairman Hoffman

ABSENT:

Chairman Roggow

**ITEM 7b/CONSIDERATION AND VOTE UPON DECLARATION OF SUBSTANTIVE RULE CHANGES FOR RULE A AND RULE B**

Cindy Roberts, Director of Program Integrity and Planning

Ms. Roberts presented the following rules for consideration of substantive changes:

**A. CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE**

Subchapter 5. Individual Providers and Specialties

Part 55. Respite Care

OAC 317:30-5-515. through 30-5-519.[AMENDED]

Chapter 40. Developmental Disabilities Services

Subchapter 5. ~~Client~~ Member Services

Part 1. Agency Companion/Adult Companion ~~Foster~~ Care Services ~~by Agency~~

OAC 317:40-5-3. [AMENDED]

OAC 317:40-5-9. [AMENDED]

(Reference APA WF # 08-03 A & B)

**SUMMARY:** Rules for the Developmental Disabilities Services Division (DDSD) Home and Community-Based Services (HCBS) Waivers are revised to provide current provisions for respite care for persons with mental retardation and certain persons with related conditions. Respite care options and limits are clarified;

specifically, DDSO SoonerCare members will not be eligible for respite care when in OKDHS custody and out-of-home placement funded by OKDHS Children and Family Services Division. Agency companion service rules are amended to add another level of support for individuals who require additional professional level support to remain in an agency companion setting due to pervasive behavioral or emotional challenges. Other revisions delineate agency companion services salary options, which include the contractor and employer models, and use of specific OKDHS forms.

MOTION: Member Miller moved for approval of Rule A as presented. Member Langenkamp seconded.

FOR THE MOTION: Member Armstrong, Member Miller, Member Langenkamp, Governor Anoatubby, Member McFall, and Vice-Chairman Hoffman

ABSENT: Chairman Roggow

**B. CHAPTER 45. INSURE OKLAHOMA/OKLAHOMA EMPLOYER AND EMPLOYEE PARTNERSHIP FOR INSURANCE COVERAGE**

Subchapter 1. General Provisions

OAC 317:45-1-3. [AMENDED]

(Reference APA WF # 08-09)

**SUMMARY:** Agency rules are revised to include the Oklahoma Municipal Assurance Group (OMAG) as an approved carrier in the Insure Oklahoma/O-EPIC carrier definition. Because of the different authority under which OMAG operates, the group has not been included as an approved carrier for Insure Oklahoma/O-EPIC purposes. The OMAG is similar in operation to the Multiple Employer Welfare Arrangement (MEWA) which is presently defined in Insure Oklahoma/O-EPIC policy as an approved carrier. Because OMAG is not currently an approved carrier, an adverse action could potentially occur where healthy members or groups currently under OMAG begin to switch to approved carriers in order to aid in subsidizing health care premiums for qualified individuals. By including OMAG as an approved carrier, excessive member migration will be prevented from occurring thereby helping to ensure stabilization among the carrier groups.

MOTION: Member McFall moved for approval of Rule B as presented. Governor Anoatubby seconded.

FOR THE MOTION: Member Armstrong, Member Miller, Member Langenkamp, Governor Anoatubby, Member McFall, and Vice-Chairman Hoffman

ABSENT: Chairman Roggow

**ITEM 8/DISCUSSION ITEM - PROPOSED EXECUTIVE SESSION AS RECOMMENDED BY  
THE DIRECTOR OF LEGAL SERVICES AND AUTHORIZED BY THE OPEN MEETINGS ACT,  
25 OKLA. STATE. §307(B)(1),(4)&(7)**

Howard Pallotta, Director of Legal Services

MOTION:

Member Armstrong moved for an executive session. Member McFall seconded.

FOR THE MOTION:

Member Armstrong, Member Miller, Member Langenkamp, Governor Anoatubby, Member McFall, and Vice-Chairman Hoffman

ABSENT:

Chairman Roggow

**NEW BUSINESS**

Vice-Chairman Hoffman stated that the June Meeting will be held in Oklahoma City instead of Poteau.

**ADJOURNMENT**

MOTION:

Member McFall moved for adjournment. Governor Anoatubby seconded.

FOR THE MOTION:

Member Armstrong, Member Miller, Member Langenkamp, Governor Anoatubby, Member McFall, and Vice-Chairman Hoffman

ABSENT:

Chairman Roggow