



STATE OF OKLAHOMA  
OKLAHOMA HEALTH CARE AUTHORITY

I/T/U Public Notice 2017-08

November 2, 2017

**RE: Termination of the In-Home Supports Waiver for Adults, ADvantage Waiver, and the State Plan Personal Care Program**

Dear Tribal Representative,

The State is seeking to invoke the expedited (14 days) consultation as authorized under the state plan on behalf of the Oklahoma Department of Human Services (DHS) regarding the termination of the In-Home Supports Waiver for Adults (IHSW-A), the ADvantage waiver, and the State Plan Personal Care (SPPC) Program. In October 2017, DHS was required to submit a revised budget to the Oklahoma Office of Management and Enterprise Services to fulfill Oklahoma's constitutional requirement to maintain a balanced budget for State Fiscal Year 2018 following the loss of \$69 million from their operating budget. This is the amount of appropriations DHS would have received from the cigarette fee that was ruled unconstitutional by the Oklahoma Supreme Court. When the cigarette fee was struck down, additional reductions became necessary.

**Effective December 1, 2017, DHS is terminating the IHSW-A and the ADvantage waiver.**

Due to unresolved revenue appropriation discussions, DHS submitted notice for the termination of the IHSW-A and ADvantage waiver to the Oklahoma Health Care Authority (OHCA) on October 30, 2017. Subsequently, on October 31, 2017 public notices were forwarded to county offices and members regarding termination of the program. The waiver amendments were then forwarded to the Centers for Medicare and Medicaid Services (CMS) and posted to the OHCA public website for public comment on November 1, 2017. Due to the critical nature of the current budget climate and requirements outlined in state statute that requires all state agencies to file a balanced budget, the OHCA was unable to provide notice to you, our tribal representative, prior to the submission of the waiver amendments.

The IHSW-A serves individuals with intellectual disabilities age 18 and over. Upon termination of the waiver, current service recipients' names will be added to the statewide waiver request list for Developmental Disability Service (DDS) waiver services with his or her original application date.

The ADvantage waiver serves the frail and elderly adults with physical disabilities age 21 and over who do not have intellectual disabilities or cognitive impairment.

**Effective January 1, 2018, DHS is terminating the SPPC Program.**

In addition, DHS submitted notice for the termination of the SPPC Program on November 2, 2017. The State Plan Amendment will be submitted with a proposed effective date of January 1, 2018 to CMS for review and consideration.

The SPPC serves individuals of all ages with physical disabilities or physical and mental disabilities who require assistance with Activities of Daily Living or Instrumental Activities of Daily Living. Since elimination of the SPPC program affects everyone receiving services, there is no right to appeal this action.

The proposed changes will be reviewed at the tribal consultation meeting on November 7th, 2017 at 11 a.m. in the OHCA Board Room at the OHCA's office, located at 4345 N Lincoln, Oklahoma City, OK. The OHCA invites you to attend this meeting, and we welcome any comments you may have. The agency is committed to active communication with Tribal Governments during the decision-making and priority-setting process and therefore keeps you apprised of all proposed changes.

Please note, that these are only proposed changes and have not yet taken effect. Before implementation, new changes must obtain budget authorization, the OHCA Board approval, and when applicable, federal approval and the governor's approval.

Additionally, the OHCA posts all proposed changes on the agency's [Policy Change Blog](#) and the [Native American Consultation Page](#). This public website is designed to give all constituents and stakeholders an opportunity to review and make comments regarding upcoming changes. To ensure that you stay apprised of proposed changes, you may sign up for web alerts for the page to be automatically notified when any new proposed changes are posted for comment.

If you have any questions or comments about the proposed changes, please use the online comment system found on the [Policy Change Blog](#) and/or the [Native American Consultation Page](#).

Sincerely,

A handwritten signature in black ink, appearing to read "Dana Miller". The signature is fluid and cursive, with a prominent initial "D" and "M".

Dana Miller  
Director, Tribal Government Relations