



Tribal Consultation Meeting Agenda
11 AM, May 4th
Online Microsoft Teams Meeting

1. Welcome— Dana Miller, Director of Tribal Government Relations
2. Proposed Rule, State Plan, Waiver, and Rate Amendments— Dana Miller,
Director of Tribal Government Relations

Proposed Rule, State Plan, and Waiver Amendments

- Nursing Facility Annual Rebasing of Rates
 - Alternative Benefit Plan (ABP) for Expansion Adults Benefits Update
 - Ordering Providers for Home Health Services
 - Third Party Liability Payment of Claims
 - Adult Expansion Alternative Benefits Plan (ABP) Update
 - Payments from Trusts for Clothing Expenses not Counted as Income
 - COVID-19 Disaster Relief State Plan Amendments (DRSPA)
 - COVID-19 Vaccine Rate Increase
 - COVID-19 Supplemental Payment for Nursing Facilities
 - Medically Fragile Waiver
3. Other Business and Project Updates- Dana Miller, Director of Tribal Government Relations
 - MCO Introductions – Traylor Rains, Deputy State Medicaid Director
 - HIV Task Force – Michelle Dennison-Farris, Healthy Policy Liaison Oklahoma City Indian Clinic
 - Medicaid Expansion Communication – Dana Miller, Director of Tribal Government Relations
 4. Adjourn—Next Tribal Consultation Scheduled for 11 AM, July 6th, 2021



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Proposed Rule, State Plan, and Waiver Amendments

Nursing Facility Annual Rebasement of Rates — For the rate period beginning July 1, 2021, a proposed amendment to the State Plan will recalculate the Quality-of-Care (QOC) fee for regular nursing facilities, nursing facilities serving residents with Acquired Immune Deficiency Syndrome (AIDS), and acute and regular Intermediate Care Facilities for Individuals with an Intellectual Disability (ICF/IIDs). Further, the amendment will increase the add-on rates to facilities serving Medicaid beneficiaries who require ventilators.

Alternative Benefit Plan (ABP) for Expansion Adults Benefits Update — The Oklahoma Health Care Authority (OHCA) seeks to remove section 1945 health homes as well as add hospice services to the Adult Expansion ABP benefits provided to those eligible under the Expansion Adult eligibility group as per 42 CFR 435.119. Subject to funding availability, the OHCA is also proposing to add certain dental benefits including but not limited to examinations, medically necessary oral pathology, images, and anesthesia for adults receiving benefits through the ABP.

Ordering Providers for Home Health Services — In addition to physicians, the OHCA will allow nurse practitioners, clinical nurse specialists, or physician assistants, working in accordance with State law, to order home health services, inclusive of medical supplies, equipment, and appliances, to comply with federal regulation. To allow for a permanent amendment, beyond the end of the public health emergency, a SPA will be submitted to supersede the disaster relief request submitted to the Centers for Medicare and Medicaid Services (CMS) on February 19, 2021. *This item requests an expedited 30-day tribal consultation comment period.*

Third Party Liability Payment of Claims — A Title XIX State Plan Amendment (SPA) will be submitted to CMS to notate that the OHCA requires providers to bill liable third parties when services covered under the plan are furnished to a member on whose behalf child support enforcement is being carried out. This change is needed to align with current policy and practice as the OHCA is the payer of last resort. *This item requests an expedited 30-day tribal consultation comment period.*



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Adult Expansion Alternative Benefits Plan (ABP) Update — The OHCA will revise the original content describing long-term care coverage available to Expansion Adults within the ABP by including the correct name of the service, the appropriate State Plan reference, and any applicable service amount limitation. *This item requests an expedited 14-day tribal consultation comment period.*

Payments from Trusts for Clothing Expenses not counted as Income — The proposed revisions update policy regarding trust accounts and countable income for aged, blind, and disabled (ABD) members. In accordance with amended Supplemental Security Income (SSI) rules, payments from the trust to the member or to a third party for the purpose of providing for the member's clothing needs are not countable income in determining eligibility, thus requiring an update to OHCA rules.

COVID-19 Disaster Relief State Plan Amendments (DRSPA) — In response to the COVID-19 public health emergency (PHE), the OHCA submitted the following DRSPA requests to the Centers for Medicare & Medicaid Services (CMS):

COVID-19 Vaccine Rate Increase — On March 15, 2021, CMS increased the Medicare payment rate for the administration of the COVID-19 vaccine. Effective for services furnished on or after March 15, 2021, the OHCA will reimburse eligible providers the new Medicare payment rate of \$40 for each administration of the COVID-19 vaccine. The all-inclusive payment rate for COVID-19 vaccines administered within tribal/IHS facilities is not changing. The DRSPA request will be in effect from the date of CMS approval until the termination of the PHE.

COVID-19 Supplemental Payment for Nursing Facilities — The OHCA will allow a temporary supplemental payment for long-term care facilities and Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IID) to support increased costs due to COVID-19. The effective date for the supplemental payments will be retroactive to July 1, 2020 and will end on June 30, 2021. If the PHE is extended past June 30, 2021 supplemental payments will continue to be made to eligible facilities.



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Medically Fragile Waiver - The proposed revisions to the Medically Fragile Waiver will add new language to the existing Private Duty Nursing and Skilled Nursing service definitions to allow osteopathic physicians, nurse practitioners, clinical nurse specialists, or physician assistants, working in accordance with State law, to order home health services. Additionally, the waiver amendment includes minor grammatical and punctuation corrections with references to Quality Assurance and Community Living Services (QA/CLS) changed to Long Term Services and Supports (LTSS).



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