



Ellen M. Buettner | Chief Executive Officer

J. Kevin Stitt | Governor

I/T/U Public Notice 2024-03

June 21, 2024

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 **July 2, 2024, 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,

Traylor Rains
State Medicaid Director



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Proposed Rule, State Plan, and Waiver Amendments

POLICY UPDATES:

To further the agency's commitment to meaningful consultation with Tribal partners, all proposed policy revisions will be provided at the start of the consultation when they are available. An I/T/U public notice advised of the below proposed rule, state plan, and waiver revisions will be issued at least 60 days prior to their submission, but no less than 14 days (limited to abnormal circumstances). The agency strives to keep Tribal partners abreast of any exigent circumstances that may arise and cause timeframes to be updated or shortened.

In addition, the agency's website houses a policy changes blog that is dedicated to Native American Consultation. This [blog page](#) allows for comments/questions from providers and members to be submitted to the Agency and become part of the official record. All comments received are considered during the policy making process. The policy updates that are presented during this Tribal Consultation meeting will be officially posted for I/T/U provider and member review during the consultation period. To ensure that you stay informed of proposed policy changes, please sign up for the [web alert](#) option. These alerts will be sent out to all subscribers whenever any new proposed policy changes are posted for public comment.

- **Coverage of Prescribed Drugs SPA** – The Oklahoma Health Care Authority will seek approval of a policy amendment to address special circumstances arising from drug shortages. The Food and Drug Administration (FDA) allows temporary importation of non-FDA approved drugs to mitigate the effects of shortages and to ensure continued access to medication. For imported, medically necessary drugs to be covered, a shortage must be identified by the FDA, or the American Society of Health-System Pharmacists (ASHP) and the imported drug must be authorized for import by the FDA. Imported drugs will be reimbursed according to existing payment methodology for covered outpatient drugs and will be subject to the same requirements and limitations, such as prior authorization.

Anticipated Tribal Impact: Indirect-Provider; Indirect-Member

Proposed State Plan Amendment Timeline:

60-day Tribal Consultation Period: June 21 – August 20, 2024

Public Comment Period: June 21 – July 21, 2024

SPA Effective Date: August 1, 2024; contingent upon CMS Approval

- **Medically Fragile Waiver Program Amendment** — The Oklahoma Health Care Authority (OHCA) is seeking to amend the 1915(c) HCBS Medically Fragile Waiver. In this amendment, the Oklahoma Healthcare Authority will shift the responsibility of conducting the waiver operational and administrative functions. Oklahoma Human Services (OHS) will become the waiver operational entity effective October 1, 2024, or upon CMS approval. Finally, administrative rules will be amended to reflect the new operating agency.



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Anticipated Tribal Impact: None

Proposed Timeline:

30-day Tribal Consultation Period: July 2 – August 1, 2024

Public Comment Period: July 2 – August 1, 2024

Proposed Effective Date: October 1, 2024



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