

OKLAHOMA HEALTH CARE AUTHORITY
BOARD MEETING
February 12, 2009 at 1:00PM
Held at Oklahoma Health Care Authority
4545 N. Lincoln Blvd., Suite 124
Oklahoma City, OK

AGENDA

Items to be presented by Chairman McFall

1. Call To Order/Determination of quorum Chairman Ed McFall
2. Approval of January 8, 2009 Board Minutes

Items to be presented by Mike Fogarty, Chief Executive Officer

3. Discussion Item - Presentation of All Star Employees for the following months:

October, 2008 - Beatrice Price, SoonerCare Provider Services
November, 2008 - Kristian Edwards, Program Integrity and
Accountability

Item to be presented by Mike Fogarty, Chief Executive Officer

4. Recognition of the Mental and Addictive Disorders Awareness Initiative by Steven Buck, Deputy Commissioner of Communication and Prevention, Department of Mental Health and Substance Abuse

Items to be presented by Mike Fogarty, Chief Executive Officer

5. Discussion Item - Chief Executive Officer's Report
 - a) Financial Update - Carrie Evans
 - b) Medicaid Director's Update - Lynn Mitchell, M.D.
 - c) Legislative Update - Nico Gomez
 - d) Medical Home Update - Melody Anthony

Items to be presented by Cindy Roberts, Director of Program Integrity and Planning

6. Discussion Item - "Submission of State Plan Amendment in response to reauthorization of the federal State Children's Health Insurance Program"

Item to be presented by Chairman McFall

7. Discussion Item - Reports to the Board by Board Committees
 - Audit Finance Committee - Member Miller
 - Legislative Committee - Sandra Langenkamp
 - Rules Committee - Anthony Armstrong

Item to be presented by Chairman McFall

8. Discussion Item - 2009 Federal Stimulus Legislation
 - a) Consideration of Priorities for this agency's enactment should the 2009 Federal Stimulus Package pass Congress
 - b) Action Item - After consideration, Vote upon Board Priorities for Agency Spending

Item to be presented by Nancy Nesser, Pharmacy Director

9. Action Item - Consideration and Vote Regarding Recommendations Made by the Drug Utilization Review Board Under 63 Oklahoma Statutes 5030.3.
 - a) Recommendation regarding Conflicts of Interest Panel concerning recommendations of the Drug Utilization Review Board
 - b) Consideration and vote to add Lamisil® Granules to the Scope/Utilization-based prior authorization program under OAC 317:

Items to be presented by Cindy Roberts, Director of Program Integrity and Planning

10. Recommendation regarding Conflicts of Interest Panel regarding rules Howard Pallotta, Director of Legal Services
 - a) Action Item - Consideration and Vote Upon Declaration of Emergency Rules as listed on Rules Agenda
 - b) Action Item - Consideration and Vote Upon Declaration of Substantive Rules as listed on Rules Agenda
 - c) Action Item - Consideration and Vote upon Permanent Rules noted in the Rules Agenda (see rules agenda)

Item to be presented by Cindy Roberts, Chairperson of Rates and Standards Committee

11. Recommendation Regarding Conflicts of Interest Panel Concerning Recommendations of the Rates and Standards Committee Howard Pallotta, Director of Legal Services
 - a) Consideration and Vote Upon proposal to establish a reimbursement rate for Multi-systemic therapy. The Oklahoma Health Care Authority (OHCA) and The Oklahoma Office of Juvenile Affairs recommend the rate of \$36.51 per 15 minutes for master's level staff and 80% of the rate for bachelor's level.

Item to be presented by Chairman McFall

12. 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)

Status of Pending Suits and Claims

- | | |
|--|------------------|
| 1. Woodlawn Manor v. OHCA | CJ-04-8834 |
| 2. Acosta v. OHCA | CJ-07-9264 |
| 3. APMC, INC. V. Fogarty, et al. | CJ-08-249 |
| 4. Moss. V. Wittmer,et al.(Sup Crt) | SC104,607 |
| 5. Staudt v. OHCA | CJ-2008-9540 |
| 6. Lightning Creek Invest.v. DHS, et al. | CJ-2008-105 |
| 7. McClellan v. OHCA | CIV-08-1133-F |
| 8. Moore v. OHCA | CJ 2008-88 |
| 9. Stevens v. OHCA | CJ-2008-151 |
| 10. Covalt v. OKDHS | CJ-08-85 (Grant) |
| 12. Morris v. OKDHS | CJ-08-71 |
| 13. Daily v. OKDHS | CJ-08-85 (Dewey) |
| 14. Beagley v. OKDHS | CIV-08-01122-L |
13. New Business
14. Adjournment

Next Board Meeting
March 12, 2009
Oklahoma Health Care Authority

**Rules Agenda
February 12, 2009**

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

- A. Revising Outpatient Behavioral Health rules to: (1) remove references to billing and documentation details which will now be found in the Behavioral Health Provider Billing Manual; (2) add Multi-Systemic Therapy as a service option; and (3) update terminology. **(Reference APA WF # 08-50)**
- B. Revising rules to remove references to the Long Term Care Authority as the Administrative Agent for the ADvantage Program as the Oklahoma Department of Human Services/Aging Services Division has assumed responsibility of the administration of the ADvantage Program. **(Reference APA WF # 09-02 A and B)**
- C. Revising Medical Suppliers rules to require either a specialty evaluation performed by a licensed or certified health care professional or direct in-person involvement in the wheelchair selection process by an assistive technology professional for all wheelchairs purchased by SoonerCare. **(Reference APA WF # 08-39)**

II. Adoption of Permanent Rules as required by the Administrative Procedures Act.

The following rules HAVE previously been approved by the Board and have Gubernatorial approval under Emergency rulemaking.

- A. Revising Program of All-Inclusive Care for the Elderly (PACE) rules to allow for the involuntary disenrollment of a participant in the program based on the threatening or disruptive behavior or actions of the participant's family or caregiver as well as for failure of the participant's caregiver or guardian to pay or make satisfactory arrangements to pay, any premium due the PACE organization. **(Reference APA WF # 08-01)**
- B. Revising DDS rules to provide current Home and Community Based Services Waiver provisions for respite care, including types of respite care. Other revisions denote a new level of support, pervasive level of support, through agency companion services and agency companion services salary options. **(Reference APA WF # 08-03 A & B)**
- C. Revising rural health clinic rules to: (1) eliminate age and gender restrictions for SoonerCare members to receive family planning services; and (2) reimburse on a fee-for-service rather than an encounter basis. **(Reference APA WF # 08-11)**
- D. Revising Physician rules to: (1) allow reimbursement of one non-stress test and/or one biophysical profile to a Maternal Fetal Medicine specialist without requiring a prior authorization; and (2) remove the OB signature requirement from the high risk OB treatment plan form unless the OB provider wishes to request authorization of the ante-partum management fee. **(Reference APA WF # 08-12)**

- E. Revising ambulance rules to remove specific reimbursement language and replace it with the general statement that refers providers to the Oklahoma Health Care Authority's fee schedule for SoonerCare compensable services. **(Reference APA WF # 08-14)**
- F. Revising rules to add telemedicine as a service delivery option for certain providers in order to facilitate providing medical consultations, office visits and behavioral health services to members in rural areas, medically underserved areas, or geographic areas where there is a lack of local medical or psychiatric/mental health expertise. **(Reference APA WF # 08-15)**
- G. Revising provider payment rules to clarify that payment will be made based on the amount of the claim submitted, up to the maximum allowable amount. **(Reference APA WF # 08-16)**
- H. Revising SoonerCare eligibility rules to remove references to the consideration of resources when determining eligibility for benefits for individuals related to pregnancy related services and Aid to Families with Dependent Children. **(Reference APA WF # 08-17)**
- I. Revising rules regarding the payment of Medicare Part A claims for skilled nursing facility care to limit the SoonerCare payment to the Medicaid rate minus the total of all other payments. **(Reference APA WF # 08-28)**
- J. Revising psychologist rules to allow reimbursement for services provided by student psychologists participating in an internship or fellowship in an accredited academic clinical psychology training program. **(Reference APA WF # 08-31)**
- K. Revising rules regarding nutritional services to permit two of the six hours allowed to be done in a group setting for pregnant members who are at risk or those who have been recently diagnosed with gestational diabetes. **(Reference APA WF # 08-32)**
- L. Revising SoonerCare eligibility rules to implement the Living Choice program created to promote community living for persons with disabilities or long-term illnesses. The Living Choice program is Oklahoma's Money Follows the Person demonstration project made possible by Section 6071 of Public Law 109-171, the Deficit Reduction Act of 2005. **(Reference APA WF # 08-34 A & B)**
- M. Revising rules to remove obsolete prior authorization contact information. **(Reference APA WF # 08-36)**
- N. Revising inpatient behavioral health rules to clarify individual plans of care must be reviewed every five to nine calendar days in acute settings and every eleven to sixteen days in longer term treatment programs. **(Reference APA WF # 08-38)**

