Table of Contents

State/Territory Name: Oklahoma

State Plan Amendment (SPA) #: 20-0032

This file contains the following documents in the order listed:

- 1) Approval Letter
- 2) CMS 179 Form
- 3) Approved SPA Pages

DEPARTMENT OF HEALTH & HUMAN SERVICES Centers for Medicare & Medicaid Services 7500 Security Boulevard, Mail Stop S2-26-12 Baltimore, Maryland 21244-1850



May 11, 2020

Melody Anthony State Medicaid Director Oklahoma Health Care Authority 4345 North Lincoln Boulevard Oklahoma City, Oklahoma 73105

Re: Oklahoma State Plan Amendment (SPA) 20-0032

Dear Ms. Anthony:

We have reviewed the proposed amendment to add section 7.4 Medicaid Disaster Relief for the COVID-19 National Emergency to your Medicaid state plan, as submitted under transmittal number OK 20-0032. This amendment proposes to implement temporary policies, which are different from those policies and procedures otherwise applied under your Medicaid state plan, during the period of the Presidential and Secretarial emergency declarations related to the COVID-19 outbreak (or any renewals thereof).

On March 13, 2020, the President of the United States issued a proclamation that the COVID-19 outbreak in the United States constitutes a national emergency by the authorities vested in him by the Constitution and the laws of the United States, including sections 201 and 301 of the National Emergencies Act (50 U.S.C. 1601 *et seq.*), and consistent with section 1135 of the Social Security Act (Act). On March 13, 2020, pursuant to section 1135(b) of the Act, the Secretary of the United States Department of Health and Human Services invoked his authority to waive or modify certain requirements of titles XVIII, XIX, and XXI of the Act as a result of the consequences of the COVID-19 pandemic, to the extent necessary, as determined by the Centers for Medicare & Medicaid Services (CMS), to ensure that sufficient health care items and services are available to meet the needs of individuals enrolled in the respective programs and to ensure that health care providers that furnish such items and services in good faith, but are unable to comply with one or more of such requirements as a result of the COVID-19 pandemic, may be reimbursed for such items and services and exempted from sanctions for such noncompliance, absent any determination of fraud or abuse.

This authority took effect as of 6PM Eastern Standard Time on March 15, 2020, with a retroactive effective date of March 1, 2020. The emergency period will terminate, and this state plan provision will no longer be in effect, upon termination of the public health emergency, including any extensions.

Pursuant to section 1135(b)(5) of the Act, for the period of the public health emergency, CMS is modifying the requirement at 42 C.F.R. 430.20 that the state submit SPAs related to the COVID-19 public health emergency by the final day of the quarter, to obtain a SPA effective date during the quarter, enabling SPAs submitted after the last day of the quarter to have an effective date in a previous quarter, but no earlier than the effective date of the public health emergency.

The State of Oklahoma requested a waiver of public notice requirements applicable to the state plan amendment (SPA) submission process. Pursuant to section 1135(b)(1)(C) of the Act, CMS is also waiving public notice requirements applicable to the SPA submission process. Public notice for SPAs is required under 42 C.F.R §447.205 for changes in statewide methods and standards for setting Medicaid payment rates, 42 C.F.R. §447.57 for changes to premiums and cost sharing, and 42 C.F.R. §440.386 for changes to ABPs. Pursuant to section 1135(b)(1)(C) of the Act, CMS is approving the state's request to waive these notice requirements otherwise applicable to the SPA submission process.

The State of Oklahoma also requested a waiver to modify the tribal consultation timeline applicable to this SPA submission process. Under section 1135(b)(5) of the Act, CMS is also approving the State of Oklahoma's request for flexibility to modify the timeframes associated with tribal consultation required under section 1902(a)(73) of the Act, including shortening the number of days before submission or conducting consultation after submission of the SPA.

These waivers or modifications of the requirements related to SPA submission timelines, public notice, and tribal consultation apply only with respect to SPAs that meet the following criteria: (1) the SPA provides or increases beneficiary access to items and services related to COVID-19 (such as by waiving or eliminating cost sharing, increasing payment rates or amending ABPs to add services or providers); (2) the SPA does not restrict or limit payment or services or otherwise burden beneficiaries and providers; and (3) the SPA is temporary, with a specified sunset date that is not later than the last day of the declared COVID-19 public health emergency (or any extension thereof). We nonetheless encourage states to make all relevant information about the SPA available to the public so they are aware of the changes.

We conducted our review of your submittal according to the statutory requirements at section 1902(a) of the Act and implementing regulations. This letter is to inform you that Oklahoma's Medicaid SPA Transmittal Number 20-0032 is approved effective March 1, 2020.

Enclosed is a copy of the CMS-179 summary form and the approved state plan pages.

Please contact Deborah Read at 816-426-6363 or by email at <u>Deborah.read@cms.hhs.gov</u> if you have any questions about this approval. We appreciate the efforts of you and your staff in responding to the needs of the residents of the State of Oklahoma and the health care community.

Sincerely,

Anne M.

Costello -S

Digitally signed by Anne M. Costello -S

Date: 2020.05.11
08 54:42 -04'00'

Anne Marie Costello Deputy Director Center for Medicaid & CHIP Services

Enclosures

CENTERS FOR MEDICARE & MEDICAID SERVICES		I	
TRANSMITTAL AND NOTICE OF APPROVAL OF	1. TRANSMITTAL NUMBER 2 0 — 0 0 32	2. STATE Oklahoma	
STATE PLAN MATERIAL	3. PROGRAM IDENTIFICATION: TITLE XIX	V OF THE COOLA	
FOR: CENTERS FOR MEDICARE & MEDICAID SERVICES	SECURITY ACT (MEDICAID)	X OF THE SOCIAL	
TO: REGIONAL ADMINISTRATOR	4. PROPOSED EFFECTIVE DATE		
CENTERS FOR MEDICARE & MEDICAID SERVICES	March 1, 2020		
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
5. TYPE OF PLAN MATERIAL (Check One)			
NEW STATE PLAN AMENDMENT TO BE CONS		AMENDMENT	
COMPLETE BLOCKS 6 THRU 10 IF THIS IS AN AME	NDMENT (Separate transmittal for each am	endment)	
6. FEDERAL STATUTE/REGULATION CITATION	7. FEDERAL BUDGET IMPACT		
Sections 1135(b), 1902, and 1905 of the SSA	a. FFY 2020 \$\$ N/A		
8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT	9. PAGE NUMBER OF THE SUPERSEI		
	OR ATTACHMENT (If Applicable) Section 7.4, Page 1; New	DED PLAN SECTION	
Section 7.4, Page 1 Section 7.4, Page 2	Section 7.4, Page 2; New		
Section 7.4, Page 3 Section 7.4, Page 4	Section 7.4, Page 3, New Section 7.4, Page 4, New		
Section 7.4, Page 5 Section 7.4, Page 6	Section 7.4, Page 5; New Section 7.4, Page 6; New		
Section 7.4, Page 7 Section 7.4, Page 8	Section 7.4, Page 7; New Section 7.4, Page 8; New		
Section 7.4, Page 9 Section 7.4, Page 10	Section 7.4, Page 9; New Section 7.4, Page 10: New		
10. SUBJECT OF AMENDMENT			
Medicaid disaster relief due to the COVID-19 public health emerg	encv		
,	,		
11. GOVERNOR'S REVIEW (Check One)			
☐ GOVERNOR'S OFFICE REPORTED NO COMMENT	OTHER, AS SPECIFIED		
COMMENTS OF GOVERNOR'S OFFICE ENCLOSED	_ ,		
☐ NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL			
	16. RETURN TO		
10 1 011 101/12			
	Oklahoma Health Care Authority Attn: Traylor Rains		
13. TYPED NAME	4345 N. Lincoln Blvd.		
MIRIOGN/ Anthony	klahoma City, OK 73105		
14. TITLE State Medicaid Director			
15. DATE SUBMITTED			
4/24/20			
FOR REGIONAL O			
	18. DATE APPROVED		
April 24, 2020	May 11, 2020		
PLAN APPROVED - O			
19. EFFECTIVE DATE OF APPROVED MATERIAL	20. SIGNATURE OF REGIONAL OFFICIAL	Stello -S Digitally signed by Anne M. Costello -S	
March 1, 2020	Anne M. Cos	Stello -S Costello -S Date: 2020.05.11 08:55:22 -04'00'	
21. TYPED NAME	22. TITLE		
Anne Marie Costello	Deputy Director, CMCS		
23. REMARKS	2-5-3.7 2.10-3.3.7 3.11-30-3		

Section 7 – General Provisions 7.4. Medicaid Disaster Relief for the COVID-19 National Emergency

On March 13, 2020, the President of the United States issued a proclamation that the COVID-19 outbreak in the United States constitutes a national emergency by the authorities vested in him by the Constitution and the laws of the United States, including sections 201 and 301 of the National Emergencies Act (50 U.S.C. 1601 et seq.), and consistent with section 1135 of the Social Security Act (Act). On March 13, 2020, pursuant to section 1135(b) of the Act, the Secretary of the United States Department of Health and Human Services invoked his authority to waive or modify certain requirements of titles XVIII, XIX, and XXI of the Act as a result of the consequences COVID-19 pandemic, to the extent necessary, as determined by the Centers for Medicare & Medicaid Services (CMS), to ensure that sufficient health care items and services are available to meet the needs of individuals enrolled in the respective programs and to ensure that health care providers that furnish such items and services in good faith, but are unable to comply with one or more of such requirements as a result of the COVID-19 pandemic, may be reimbursed for such items and services and exempted from sanctions for such noncompliance, absent any determination of fraud or abuse. This authority took effect as of 6PM Eastern Standard Time on March 15, 2020, with a retroactive effective date of March 1, 2020. The emergency period will terminate, and waivers will no longer be available, upon termination of the public health emergency, including any extensions.

The State Medicaid agency (agency) seeks to implement the policies and procedures described below, which are different than the policies and procedures otherwise applied under the Medicaid state plan, during the period of the Presidential and Secretarial emergency declarations related to the COVID-19 outbreak (or any renewals thereof), or for any shorter period described below:

Describe shorter period here.	

NOTE: States may not elect a period longer than the Presidential or Secretarial emergency declaration (or any renewal thereof). States may not propose changes on this template that restrict or limit payment, services, or eligibility, or otherwise burden beneficiaries and providers.

Request for Waivers under Section 1135

X	_ The ag	ency seeks the following under section 1135(b)(1)(C) and/or section 1135(b)(5) of the Act:
	a.	X SPA submission requirements – the agency requests modification of the requirement to submit the SPA by March 31, 2020, to obtain a SPA effective date during the first calendar quarter of 2020, pursuant to 42 CFR 430.20.
	b.	<u>X</u> Public notice requirements – the agency requests waiver of public notice requirements that would otherwise be applicable to this SPA submission. These requirements may include those specified in 42 CFR 440.386 (Alternative Benefit Plans), 42 CFR 447.57(c) (premiums and cost sharing), and 42 CFR 447.205 (public notice of changes in statewide methods and standards for setting payment rates).

TN: 20-0032 Approval Date: 5/11/20 Supersedes TN: NEW Effective Date: 3/1/20

c. X Tribal consultation requirements – the agency requests modification of tribal consultation timelines specified in [insert name of state] Medicaid state plan, as described below:

The State Medicaid Agency will notify tribal partners of all SPA changes on or before submission to CMS and will either offer a telephonic meeting to discuss or consult with Tribes at the next regularly schedule bi-monthly consultation meeting.

Saction	Λ_	cl:	aih	ility
Section	A –	ĿΙΙ	gıb	ilitv

LIUI	1 A - Eligibility			
1.	The agency furnishes medical assistance to the following optional groups of individuals described in section 1902(a)(10)(A)(ii) or 1902(a)(10)(c) of the Act. This may include the new optional group described at section 1902(a)(10)(A)(ii)(XXIII) and 1902(ss) of the Act providing coverage for uninsured individuals.			
	Include name of the optional eligibility group and applicable income and resource standard.			
2.	The agency furnishes medical assistance to the following populations of individuals described in section 1902(a)(10)(A)(ii)(XX) of the Act and 42 CFR 435.218:			
	a All individuals who are described in section 1905(a)(10)(A)(ii)(XX)			
	Income standard:			
	-or-			
	b Individuals described in the following categorical populations in section 1905(a) of the Act:			
	Income standard:			
3.	The agency applies less restrictive financial methodologies to individuals excepted from financial methodologies based on modified adjusted gross income (MAGI) as follows.			
ı	Less restrictive income methodologies:			

TN: <u>20-0032</u> Supersedes TN: <u>NEW</u> Approval Date: <u>5/11/20</u> Effective Date: <u>3/1/20</u>

Effective Date: 3/1/20

State/Territory: OKLAHOMA

Supersedes TN: <u>NEW</u>

	Less restrictive resource methodologies:
4.	The agency considers individuals who are evacuated from the state, who leave the state for medical reasons related to the disaster or public health emergency, or who are otherwise absent from the state due to the disaster or public health emergency and who intend to return to the state, to continue to be residents of the state under 42 CFR 435.403(j)(3).
5.	The agency provides Medicaid coverage to the following individuals living in the state, who are non-residents:
6.	The agency provides for an extension of the reasonable opportunity period for non-citizens declaring to be in a satisfactory immigration status, if the non-citizen is making a good faith effort to resolve any inconsistences or obtain any necessary documentation, or the agency is unable to complete the verification process within the 90-day reasonable opportunity period due to the disaster or public health emergency.
Section	n B – Enrollment
1.	The agency elects to allow hospitals to make presumptive eligibility determinations for the following additional state plan populations, or for populations in an approved section 1115 demonstration, in accordance with section 1902(a)(47)(B) of the Act and 42 CFR 435.1110, provided that the agency has determined that the hospital is capable of making such determinations.
	Please describe the applicable eligibility groups/populations and any changes to reasonable limitations, performance standards or other factors.
2.	The agency designates itself as a qualified entity for purposes of making presumptive eligibility determinations described below in accordance with sections 1920, 1920A, 1920B, and 1920C of the Act and 42 CFR Part 435 Subpart L.
	Please describe any limitations related to the populations included or the number of allowable PE periods.
3.	The agency designates the following entities as qualified entities for purposes of making presumptive eligibility determinations or adds additional populations as described below in
TN: _2	0-0032 Approval Date:5/11/20

accordance with sections 1920, 1920A, 1920B, and 1920C of the Act and 42 CFR Part 435 Subpart L. Indicate if any designated entities are permitted to make presumptive eligibility determinations only for specified populations.

Please describe the designated entities or additional populations and any limitations related to the specified populations or number of allowable PE periods.

4.	X The agency adopts a total of 12 months (not to exceed 12 months) continuous eligibility for children under age of 19 (not to exceed age 19) regardless of changes in circumstances in accordance with section 1902(e)(12) of the Act and 42 CFR 435.926.
5.	The agency conducts redeterminations of eligibility for individuals excepted from MAGI-based financial methodologies under 42 CFR 435.603(j) once every months (not to exceed 12 months) in accordance with 42 CFR 435.916(b).
6.	The agency uses the following simplified application(s) to support enrollment in affected areas or for affected individuals (a copy of the simplified application(s) has been submitted to CMS).
	a The agency uses a simplified paper application.
	b The agency uses a simplified online application.
	c The simplified paper or online application is made available for use in call-centers or other telephone applications in affected areas.
Section	n C – Premiums and Cost Sharing
1.	X The agency suspends deductibles, copayments, coinsurance, and other cost sharing charges as follows:
	Please describe whether the state suspends all cost sharing or suspends only specified deductibles, copayments, coinsurance, or other cost sharing charges for specified items and services or for specified eligibility groups consistent with 42 CFR 447.52(d) or for specified income levels consistent with 42 CFR 447.52(g).
	The State waives cost-sharing for testing services (including in vitro diagnostic products), testing-related services, and treatments for COVID-19, including vaccines, specialized equipment and therapies (including drugs), for any quarter in which the temporary increased FMAP is claimed.
2.	The agency suspends enrollment fees, premiums and similar charges for: a All beneficiaries

 TN: __20-0032
 Approval Date: __5/11/20

 Supersedes TN: __NEW
 Effective Date: __3/1/20

made available to individuals receiving services under ABPs.

42 CFR Part 440, Subpart C. This section only applies to states that have an approved ABP(s).

a. The agency assures that these newly added and/or adjusted benefits will be

State/Territory: OKLAHOMA

	b Individuals receiving services under ABPs will not receive and/or adjusted benefits, or will only receive the following sub	•	ded
	Please describe.		
Telehealth:			
	The agency utilizes telehealth in the following manner, which m ined in the state's approved state plan:	ay be different t	han
Plea	ase describe.		
Drug Benefi	t:		
COV	The agency makes the following adjustments to the day supply ered outpatient drugs. The agency should only make this modification dispensed.		
	ase describe the change in days or quantities that are allowed for th which drugs.	e emergency pe	riod and
The sup	State will change the 34-day supply prescription quantity limit to ply.	allow for a 90-c	yak
	Prior authorization for medications is expanded by automatic rew, or time/quantity extensions.	enewal without	clinical
whe	The agency makes the following payment adjustment to the proen additional costs are incurred by the providers for delivery. State umentation to justify the additional fees.		-
Plea	ase describe the manner in which professional dispensing fees are a	djusted.	
	The agency makes exceptions to their published Preferred Drug ur. This would include options for covering a brand name drug proc g if a generic drug option is not available.	•	•
Section E –	Payments		
Optional be	nefits described in Section D:		
1. <u>X</u>	Newly added benefits described in Section D are paid using the	following metho	odology:
TN: <u>20-00</u> Supersedes		oproval Date: fective Date:	5/11/20 3/1/20

State/Territory: OKLAHOMA

	a.	Published fee schedules –
		Effective date (enter date of change):
		Location (list published location):
	b.	X Other:
		Describe methodology here.
		Payment is made for crisis intervention services provided by independently contracted psychologists services in accordance with the methodology described in Attachment 4.19-B, Page 8.
		Except as otherwise noted in the plan, state-developed fee schedule rates are the same for both governmental and private providers of crisis intervention services. The agency's fee schedule rate was set as of July 1, 2018 and is effective for services provided on or after that date. All rates are published the agency's website at www.okhca.org/feeschedules.
Increas	ses to sta	ate plan payment methodologies:
2.	1	The agency increases payment rates for the following services:
	Please	list all that apply.
	776436	
	a.	Payment increases are targeted based on the following criteria:
		Please describe criteria.
	b.	Payments are increased through:
		 i A supplemental payment or add-on within applicable upper payment limits:
		Please describe.
		ii An increase to rates as described below.
		Rates are increased:

TN: __20-0032 Supersedes TN: __NEW Approval Date: 5/11/20 Effective Date: 3/1/20

Uniformly by the following percentage:
Through a modification to published fee schedules –
Effective date (enter date of change):
Location (list published location):
Up to the Medicare payments for equivalent services.
By the following factors:
Please describe.
Payment for services delivered via telehealth:
3 For the duration of the emergency, the state authorizes payments for telehealth services that:
a Are not otherwise paid under the Medicaid state plan;
b Differ from payments for the same services when provided face to face;
 c Differ from current state plan provisions governing reimbursement for telehealth;
Describe telehealth payment variation.
d Include payment for ancillary costs associated with the delivery of covered services via telehealth, (if applicable), as follows:
 i Ancillary cost associated with the originating site for telehealth is incorporated into fee-for-service rates.
 Ancillary cost associated with the originating site for telehealth is separately reimbursed as an administrative cost by the state when a Medicaid service is delivered.
Other:
4. X Other payment changes:
Please describe.
For the duration of the public health emergency, rural/independent Medicaid-enrolled hospitals may request an interim payment. If approved, the requesting provider will receive

TN: __20-0032 Supersedes TN: __NEW Approval Date: 5/11/20 Effective Date: 3/1/20 an amount equal to two months' payment at the historical average monthly Medicaid payment, based on the months of January and February 2020. Critical access hospitals would be eligible to receive up to 125% of the historical payment amount. The State will subsequently reconcile the interim payments with final payments that the provider is eligible for based on billed claims. After reconciliation, payments will be equal to the actual utilization during the period at current Medicaid rates.

The reconciliation will occur beginning 3 months after the end of the federal emergency declaration and be repaid by the end of the fiscal year the declaration ends. The State assures that FFP related to the overpaid interim payments will be returned to CMS; the State will return the federal share of such overpayments to CMS in accordance with the overpayment rules at 42 CFR Part 433, Subpart F.

For the duration of the public health emergency, private duty nursing (PDN) providers will receive an increase for PDN hours that result in over-time rate of pay for nursing staff. The increase from \$32/hour to \$40/hour is to be applied only for persons with tracheostomies or who are ventilator dependent. Applicable reimbursement methodology pages for PDN services y are within in Attachment 4.19-B, Page 28.8, Attachment 4.19-B, Page 3, and Attachment 4.19-B, Introduction Page 1.

Except as otherwise noted in the plan, state-developed fee schedule rates are the same for both governmental and private providers of PDN services. The agency's fee schedule rate was set as of October 1, 2019 and is effective for services provided on or after that date. All rates are published the agency's website at www.okhca.org/feeschedules.

Section F - Post-Eligibility Treatment of Income

1.	The state elects to modify the basic personal needs allowance for institutionalized individuals. The basic personal needs allowance is equal to one of the following amounts:
	a The individual's total income
	b 300 percent of the SSI federal benefit rate
	c Other reasonable amount:
2.	The state elects a new variance to the basic personal needs allowance. (Note: Election of this option is not dependent on a state electing the option described the option in F.1. above.)
	The state protects amounts exceeding the basic personal needs allowance for individuals who have the following greater personal needs:
	Please describe the group or groups of individuals with greater needs and the amount(s) protected for each group or groups.

TN: <u>20-0032</u> Approval Date: <u>5/11/20</u>
Supersedes TN: NEW Effective Date: <u>3/1/20</u>

State/Territory: OKLAHOMA

Section G – Other Policies and Procedures Differing from Approved Medicaid State Plan /Additional Information

Waive calendar year 2019 penalties for Potentially Preventable Readmissions program, for the duration of the public health emergency. This request seeks to waive the penalties for possibly preventable readmissions that exceed 100% of the statewide average delineated in the current Oklahoma State Plan at Attachment 4.19-A, Pages 14 through 14.2.

For the duration of the public health emergency, increase the number of therapeutic leave days in nursing facilities (NFs) and Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IIDs) from 7 days NF & 60 days ICF-IID to 10 days NF & ICF-IID 70 days. Also waive the provision that payments for therapeutic leave days could not exceed a maximum of 14 consecutive days per absence for ICF/IIDs.

PRA Disclosure Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0938-1148 (Expires 03/31/2021). The time required to complete this information collection is estimated to average 1 to 2 hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. Your response is required to receive a waiver under Section 1135 of the Social Security Act. All responses are public and will be made available on the CMS web site. If you have comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to: CMS, 7500 Security Boulevard, Attn: PRA Reports Clearance Officer, Mail Stop C4-26-05, Baltimore, Maryland 21244-1850. ***CMS Disclosure*** Please do not send applications, claims, payments, medical records or any documents containing sensitive information to the PRA Reports Clearance Office. Please note that any correspondence not pertaining to the information collection burden approved under the associated OMB control number listed on this form will not be reviewed, forwarded, or retained. If you have questions or concerns regarding where to submit your documents, please contact the Centers for Medicaid & CHIP Services at 410-786-3870.

TN: <u>20-0032</u> Approval Date: <u>5/11/20</u>
Supersedes TN: NEW Effective Date: <u>3/1/20</u>