

APPENDIX K: Emergency Preparedness and Response and COVID-19 Addendum

Background:

This standalone appendix may be utilized by the state during emergency situations to request amendments to its approved waiver, to multiple approved waivers in the state, and/or to all approved waivers in the state. It includes actions that states can take under the existing Section 1915(c) home and community-based waiver authority in order to respond to an emergency. Other activities may require the use of various other authorities such as the Section 1115 demonstrations or the Section 1135 authorities.ⁱ This appendix may be applied retroactively as needed by the state. Public notice requirements normally applicable under 1915(c) do not apply to information contained in this Appendix.

Appendix K-1: General Information

General Information:

A. State: Oklahoma

B. Waiver Title(s):

Community Waiver
In Home Supports Waiver for Adults

C. Control Number(s):

OK.0179.R07.02
OK.0343.R04.13

D. Type of Emergency (The state may check more than one box):

<input checked="" type="radio"/>	Pandemic or Epidemic
<input type="radio"/>	Natural Disaster
<input type="radio"/>	National Security Emergency
<input type="radio"/>	Environmental
<input type="radio"/>	Other (specify):

E. **Brief Description of Emergency.** *In no more than one paragraph each*, briefly describe the: 1) nature of emergency; 2) number of individuals affected and the state's mechanism to identify individuals at risk; 3) roles of state, local and other entities involved in approved waiver operations; and 4) expected changes needed to service delivery methods, if applicable. The state should provide this information for each emergency checked if those emergencies affect different geographic areas and require different changes to the waiver.

COVID-19 pandemic. This amendment will apply waiver-wide for each waiver included in this Appendix, to all individuals impacted by the virus or the response to the virus (e.g. closure of day programs, etc.). This Appendix K is additive to the previously approved Appendix K's. All flexibilities added and described in this Appendix K have a start date of October 1, 2021. Changes include:

Dental Service - Increase service limit from \$1000 per member plan of care year to \$3500 per member plan of care year. This increase will allow members with lack of access to dental care during the pandemic, and now have increased need, to obtain recommended treatment. Treatment rendered may reduce costs in other areas, primarily medical care, as oral health is vital to overall health.

Transportation Service – Remove the \$5,000 per 12-month limit for public transportation. This will allow waiver members the opportunity to independently seek and maintain employment as businesses affected by the pandemic reopen. Unlimited public transportation will also allow members to participate in community activities when other modes of transportation are unavailable or require staffing to implement.

Optometry Service – Add new service.

Oklahoma intends to utilize 9817 ARP funds to increase the dental services limit, remove the public transportation service limit and to add the temporary optometry service to the waiver included in Appendix K.

F. Proposed Effective Date: Start Date: January 27, 2020 Anticipated End Date: Six months after Public Health Emergency expiration.

G. Description of Transition Plan.

Any temporary modifications made during the state of emergency will revert back to original form six months after the Public Health Emergency expiration. All members directly impacted by the temporary modifications will be notified 10 days prior to the date of action. In the event it is determined this change may adversely affect a member, the member and his/her Team will discuss the member's needs and options available to meet those needs. Person-centered planning is used in all phases of the service development process.

H. Geographic Areas Affected:

Entire state of Oklahoma

I. Description of State Disaster Plan (if available) *Reference to external documents is acceptable:*

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Appendix K-2: Temporary or Emergency-Specific Amendment to Approved Waiver

Temporary or Emergency-Specific Amendment to Approved Waiver:

These are changes that, while directly related to the state's response to an emergency situation, require amendment to the approved waiver document. These changes are time limited and tied specifically to individuals impacted by the emergency. Permanent or long-ranging changes will need to be incorporated into the main appendices of the waiver, via an amendment request in the waiver management system (WMS) upon advice from CMS.

a. ___ Access and Eligibility:

i. ___ Temporarily increase the cost limits for entry into the waiver.

[Provide explanation of changes and specify the temporary cost limit.]

ii. ___ Temporarily modify additional targeting criteria.

[Explanation of changes]

b. X Services

i. ___ Temporarily modify service scope or coverage.

[Complete Section A- Services to be Added/Modified During an Emergency.]

ii. X Temporarily exceed service limitations (including limits on sets of services as described in Appendix C-4) or requirements for amount, duration, and prior authorization to address health and welfare issues presented by the emergency.

[Explanation of changes]

Dental Services – Effective October 1, 2021, increase service limit from \$1000 per member plan of care year to \$3500 per member plan of care year. This increase allows members with lack of access to dental care during the pandemic, and now have increased need, to obtain recommended treatment. Treatment rendered may reduce costs in other areas, primarily medical care, as oral health is vital to overall health.

Transportation Services – Effective October 1, 2021, remove the \$5,000 per 12-month limit for public transportation. This allows waiver members the opportunity to independently seek and maintain employment as businesses affected by the pandemic reopen. Unlimited public transportation also allows members to participate in community activities when other modes of transportation are unavailable or require staffing to implement.

iii. X Temporarily add services to the waiver to address the emergency situation (for example, emergency counseling; heightened case management to address emergency needs; emergency medical supplies and equipment; individually directed goods and services; ancillary services to establish temporary residences for dislocated waiver enrollees; necessary technology; emergency evacuation transportation outside of the scope of non-emergency transportation or transportation already provided through the waiver).

[Complete Section A-Services to be Added/Modified During an Emergency]

iv. Temporarily expand setting(s) where services may be provided (e.g. hotels, shelters, schools, churches). Note for respite services only, the state should indicate any facility-based settings and indicate whether room and board is included:

[Explanation of modification, and advisement if room and board is included in the respite rate]:

v. Temporarily provide services in out of state settings (if not already permitted in the state’s approved waiver). [Explanation of changes]

c. Temporarily permit payment for services rendered by family caregivers or legally responsible individuals if not already permitted under the waiver. Indicate the services to which this will apply and the safeguards to ensure that individuals receive necessary services as authorized in the plan of care, and the procedures that are used to ensure that payments are made for services rendered.

d. Temporarily modify provider qualifications (for example, expand provider pool, temporarily modify or suspend licensure and certification requirements).

i. ___ Temporarily modify provider qualifications.

[Provide explanation of changes, list each service affected, list the provider type, and the changes in provider qualifications.]

ii. ___ Temporarily modify provider types.

[Provide explanation of changes, list each service affected, and the changes in the .provider type for each service].

iii. ___ Temporarily modify licensure or other requirements for settings where waiver services are furnished.

[Provide explanation of changes, description of facilities to be utilized and list each service provided in each facility utilized.]

e. ___ Temporarily modify processes for level of care evaluations or re-evaluations (within regulatory requirements). [Describe]

f. X Temporarily increase payment rates.

[Provide an explanation for the increase. List the provider types, rates by service, and specify whether this change is based on a rate development method that is different from the current approved waiver (and if different, specify and explain the rate development method). If the rate varies by provider, list the rate by service and by provider.]

Rates for optometrists, ophthalmologists and optical suppliers will use the established rate methodology identified as Method One in the base waiver application.

Optometry

- Optometrists, Ophthalmologists and Optical Suppliers
 - Eye & Medical Examination for Diagnosis and Treatment, New Patient - \$75.54
 - Eye & Medical Examination for Diagnosis and Treatment, New Patient, 1 or more visits – \$89.53
 - Eye & Medical Examination for Diagnosis and Treatment, Established Patient – \$78.57
 - Eye & Medical Examination for Diagnosis and Treatment, Established Patient, 1 or more visits- \$111.28
 - Assessment for Prescription Eye Wear Using a Range of Lens Powers - \$18.04
 - Frames - \$10
 - Replacement Frames/Deluxe Frames - \$136.54
 - Some rates may vary depending on the specifics of the lenses needed
 - Utilizes Method One of the established Medicaid rate methodology described in the base waiver.

g. ___ Temporarily modify person-centered service plan development process and individual(s) responsible for person-centered service plan development, including qualifications.

[Describe any modifications including qualifications of individuals responsible for service plan development, and address Participant Safeguards. Also include strategies to ensure that services are received as authorized.]

h. ___ Temporarily modify incident reporting requirements, medication management or other participant safeguards to ensure individual health and welfare, and to account for emergency circumstances. [Explanation of changes]

i. ___ Temporarily allow for payment for services for the purpose of supporting waiver participants in an acute care hospital or short-term institutional stay when necessary supports (including communication and intensive personal care) are not available in that setting, or when the individual requires those services for communication and behavioral stabilization, and such services are not covered in such settings.

[Specify the services.]

j. ___ Temporarily include retainer payments to address emergency related issues.

[Describe the circumstances under which such payments are authorized and applicable limits on their duration. Retainer payments are available for habilitation and personal care only.]

k. ___ Temporarily institute or expand opportunities for self-direction.

[Provide an overview and any expansion of self-direction opportunities including a list of services that may be self-directed and an overview of participant safeguards.]

l. ___ Increase Factor C.

[Explain the reason for the increase and list the current approved Factor C as well as the proposed revised Factor C]

m. ___ Other Changes Necessary [For example, any changes to billing processes, use of contracted entities or any other changes needed by the State to address imminent needs of individuals in the waiver program]. [Explanation of changes]

Appendix K Addendum: COVID-19 Pandemic Response

1. HCBS Regulations

- a. ☐ Not comply with the HCBS settings requirement at 42 CFR 441.301(c)(4)(vi)(D) that individuals are able to have visitors of their choosing at any time, for settings added after March 17, 2014, to minimize the spread of infection during the COVID-19 pandemic.

2. Services

- a. ☐ Add an electronic method of service delivery (e.g., telephonic) allowing services to continue to be provided remotely in the home setting for:
- i. ☐ Case management
 - ii. ☐ Personal care services that only require verbal cueing
 - iii. ☐ In-home habilitation
 - iv. ☐ Monthly monitoring (i.e., in order to meet the reasonable indication of need for services requirement in 1915(c) waivers).

v. ☐ Other *[Describe]*:

- b. ☐ Add home-delivered meals
- c. ☐ Add medical supplies, equipment and appliances (over and above that which is in the state plan)
- d. ☐ Add Assistive Technology

3. Conflict of Interest: The state is responding to the COVID-19 pandemic personnel crisis by authorizing case management entities to provide direct services. Therefore, the case management entity qualifies under 42 CFR 441.301(c)(1)(vi) as the only willing and qualified entity.

- a. ☐ Current safeguards authorized in the approved waiver will apply to these entities.
- b. ☐ Additional safeguards listed below will apply to these entities.

4. Provider Qualifications

- a. ☐ Allow spouses and parents of minor children to provide personal care services
- b. ☐ Allow a family member to be paid to render services to an individual.
- c. ☐ Allow other practitioners in lieu of approved providers within the waiver. *[Indicate the providers and their qualifications]*

- d. ☐ Modify service providers for home-delivered meals to allow for additional providers, including non-traditional providers.

5. Processes

- a. ☐ Allow an extension for reassessments and reevaluations for up to one year past the due date.
- b. ☐ Allow the option to conduct evaluations, assessments, and person-centered service planning meetings virtually/remotely in lieu of face-to-face meetings.
- c. ☐ Adjust prior approval/authorization elements approved in waiver.
- d. ☐ Adjust assessment requirements
- e. ☐ Add an electronic method of signing off on required documents such as the person-centered service plan.

Contact Person(s)

A. The Medicaid agency representative with whom CMS should communicate regarding the request:

First Name: David
Last Name Ward
Title: Long Term Service and Supports Director
Agency: Oklahoma Health Care Authority
Address 1: 4345 N. Lincoln Blvd.
Address 2: Click or tap here to enter text.
City Oklahoma City
State OK
Zip Code 73105
Telephone: (405) 522-7776
E-mail David.ward@okhca.org
Fax Number (405) 530-7722

B. If applicable, the State operating agency representative with whom CMS should communicate regarding the waiver is:

First Name: Beverly
Last Name Murray
Title: DDS Medicaid Services Director
Agency: Oklahoma Department of Human Services
Address 1: 2400 N. Lincoln Blvd.
Address 2: Click or tap here to enter text.
City Oklahoma City
State Oklahoma
Zip Code 73125
Telephone: (405) 238-0191
E-mail Beverly.murray@okdhs.org
Fax Number (405) 522-0729

8. Authorizing Signature

Signature:

Date: 10/6/2021


_____/S/_____
State Medicaid Director or Designee

First Name: *Melody*
Last Name *Anthony*
Title: State Medicaid Director
Agency: Oklahoma Health Care Authority
Address 1: 4345 N. Lincoln Blvd.
Address 2: Click or tap here to enter text.
City Oklahoma City
State Oklahoma
Zip Code 73105
Telephone: (405) 522-7360
E-mail Melody.anthony@okhca.org
Fax Number (405) 530-7256

Section A---Services to be Added/Modified During an Emergency

Complete for each service added during a time of emergency. For services in the approved waiver that the state is temporarily modifying, enter the entire service definition and highlight the change. State laws, regulations and policies referenced in the specification should be readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Service Specification				
Service Title:	Optometry			
Complete this part for a renewal application or a new waiver that replaces an existing waiver. Select one:				
Service Definition (Scope):				
Routine eye examination for vision correction. Routine eye examination for refraction error. Eyeglasses for vision correction and prevention of eye touching, thus avoiding the transfer of germs from the hands to the eyes.				
Specify applicable (if any) limits on the amount, frequency, or duration of this service:				
Service will not be paid when such services have been provided to the member within the previous 24-month period. Limited to one pair of eyeglasses (lenses, frames and dispensing fee) per 24-month period. Service may be authorized to members aged 21 and older. Members below age 21 may access service through SoonerCare.				
Provider Specifications				
Provider Category(s) (check one or both):	<input checked="" type="checkbox"/>	Individual. List types:	<input type="checkbox"/>	Agency. List the types of agencies:
		Optometrist		
		Ophthalmologist		
		Optical Supplier		
Specify whether the service may be provided by (check each that applies):	<input type="checkbox"/>	Legally Responsible Person	<input type="checkbox"/>	Relative/Legal Guardian
Provider Qualifications (provide the following information for each type of provider):				
Provider Type:	License (specify)	Certificate (specify)	Other Standard (specify)	
Optometrist		Diplomate of the American Board of Optometry	SoonerCare Agreement to provide Optometry Services	
Ophthalmologist		American Board of Ophthalmology	SoonerCare Agreement to provide Optometry Services.	
Optical Supplier			SoonerCare Agreement to provide Optometry Services	
Verification of Provider Qualifications				
Provider Type:	Entity Responsible for Verification:		Frequency of Verification	
Optometrist	OHCA		Annually	
Ophthalmologist	OHCA		Annually	
Optical Supplier	OHCA		Annually	
Service Delivery Method				
Service Delivery Method (check each that applies):	<input type="checkbox"/>	Participant-directed as specified in Appendix E	<input checked="" type="checkbox"/>	Provider managed
	<input type="checkbox"/>		<input type="checkbox"/>	
	<input type="checkbox"/>		<input type="checkbox"/>	



ⁱ Numerous changes that the state may want to make may necessitate authority outside of the scope of section 1915(c) authority. States interested in changes to administrative claiming or changes that require section 1115 or section 1135 authority should engage CMS in a discussion as soon as possible. Some examples may include: (a) changes to administrative activities, such as the establishment of a hotline; or (b) suspension of general Medicaid rules that are not addressed under section 1915(c) such as payment rules or eligibility rules or suspension of provisions of section 1902(a) to which 1915(c) is typically bound.