

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: OK

B. Waiver Title(s): ADvantage Waiver

C. Control Number(s): OK.0256.R05.08

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

<input checked="" type="checkbox"/>	Pandemic or Epidemic
<input type="checkbox"/>	Natural Disaster
<input type="checkbox"/>	National Security Emergency
<input type="checkbox"/>	Environmental
<input type="checkbox"/>	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.

1) Nature of Emergency:

On January 31, 2020 the United States Secretary of Health and Human Services declared a public health emergency due to an outbreak of Coronavirus Disease 2019 (COVID-19). The President of the United States declared a national emergency due to COVID-19 on March 13, 2020. The virus was first detected in China and has since spread to more than 100 locations internationally, including the United States. Older people and people of all ages with severe underlying health conditions appear to be at higher risk of developing serious COVID-19.

2) Number of individuals affected and the state's mechanism to identify individuals at risk:

As of November 17, 2020, there are 11,357,322 cases of COVID-19 and 248,672 deaths in the U.S. In Oklahoma, there are currently 161,425 confirmed cases, and 1,570 deaths. Approximately 18,409 individuals receive services through this waiver. To reduce the spread of the virus, many schools and businesses have closed. The state has identified probable negative impact on all waiver members and providers. This waiver amendment is applicable to all waiver members.

3) Roles of state, local and other entities involved in approved waiver operations:

Roles of state, local, and other entities involved in approved waiver operations are defined in Appendix A. The Oklahoma State Department of Health (OSDH) is working with federal partners at the Center for Disease Control (CDC) in monitoring the developing outbreak. The OSDH is providing information to local health departments and healthcare providers across Oklahoma on how to safely and effectively evaluate ill people. The OSDH will continue to monitor the situation, work with partners to identify any possible cases, provide information and consultation to ensure that possible cases are managed safely, support laboratory testing, and implement recommendations from the CDC.

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:

Oklahoma has included the following temporary change to this waiver to accommodate potential issues with staffing shortages and the need for service provision outside of approved service descriptions to ensure participant health and safety needs can be accommodated for the duration of the emergency. This Appendix K is additive to the previously approved Appendix K's.

- Oklahoma has included a retroactive COVID-19 add on payment.

- Retroactive payment cannot be applied to retainer payments.

The state has implemented these flexibilities to avoid any adverse effect on member health and safety and provider capacity to deliver services. Should a provider be unable to deliver services during this emergency, another active DHS/DDS waiver service provider will be authorized immediately, and the member's service plan will be updated.

F. Proposed Effective Date: Start Date: January 27, 2020 **Anticipated End Date:** January 26, 2021

G. Description of Transition Plan.

All activities will take place in response to the impact of COVID-19 as efficiently and effectively as possible based upon the complexity of the change.

H. Geographic Areas Affected:

These actions will apply across the waiver to all individuals impacted by the COVID-19 virus

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

<https://www.ok.gov/health2/documents/CHE%20Plan%20Final%202019.pdf>

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.]

[Redacted]

ii. ___ Temporarily modify additional targeting criteria.

[Explanation of changes]

[Redacted]

b. ___ Services

i. ___ Temporarily modify service scope or coverage.

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

ii. ___ 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]

[Redacted]

iii. ___ 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]:

[Redacted]

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

[Redacted]

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.]

In response to the COVID-19 pandemic, the state has adjusted providers' rates to account for the increased risk factors, overtime and to ensure that essential services remain available for service recipients. Oklahoma has deemed it necessary to reimburse providers with an additional retroactive add on COVID-19 rate. This add on payment applies to all services in which face to face contact is essential for beneficiary health and safety. The amount of the retroactive add on payment rate for the time period beginning April 1, 2020 through September 30, 2020 does not exceed 20% of the provider's current rate.

This increase in rates is not permitted to be used as the base rate for calculating payment for any retainer payments. Oklahoma's COVID-19 add-on payment is for the following services:

Home Care Services

- G0299 Registered Nurse Skilled Nursing – Home Health Setting
- G0299 TF Registered Nurse Skilled Nursing – Extended State Plan
- G0300 Licensed Practical/Vocational Nursing – Home Health Setting
- G0300 Licensed Practical/Vocational Nursing – Extended State Plan
- T1019 Personal Care Services
- T1019 TF Advanced Supportive/Restorative
- T1005 In-home Respite (less than 8 hours)
- S9125 In-home Extended Respite (8+ hours)

Adult Day Health Services

- S5100 U1 Adult Day Health
- S5105 Personal Care in Adult Day Health

Assisted Living Services

- T2031 Assisted Living Standard Tier
- T2031 TF Assisted Living Intermediate Tier
- T2031 TG Assisted Living High Tier

S9126 Hospice Services

120 Nursing Facility Respite Services

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]

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 Services & Supports
Agency: Oklahoma Healthcare Authority
Address 1: 4345 N. Lincoln Blvd
Address 2:
City Oklahoma City
State Oklahoma
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: Kathleen
Last Name Kelley
Title: Medicaid Services Director
Agency: Oklahoma Human Services
Address 1: PO Box 608
Address 2: 727 S 32nd Street
City Muskogee
State OK
Zip Code 74402
Telephone: 918-781-5815
E-mail Kathleen.kelley@okdhs.org
Fax Number 405-230-8028

8. Authorizing Signature

Signature:

Date: 12/03/2020

_____/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:
City Oklahoma City
State Oklahoma
Zip Code 73105
Telephone: 405-522-7360
E-mail Melody.Anthony@okhca.org
Fax Number Melody



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.