

Table of Contents

State/Territory Name: Oklahoma

State Plan Amendment (SPA) #: 23-0021

This file contains the following documents in the order listed:

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

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
601 E. 12th St., Room 355
Kansas City, Missouri 64106



Medicaid and CHIP Operations Group

September 5, 2023

Traylor Rains
Oklahoma Health Care Authority
4345 N. Lincoln Blvd.
Oklahoma City, OK 73105

Re: Oklahoma State Plan Amendment (SPA) 23-0021

Dear Mr. Rains:

The Centers for Medicare & Medicaid Services (CMS) reviewed your Medicaid State Plan Amendment (SPA) submitted under transmittal number (TN) 23-0021. This amendment proposes to add secure mental health transportation services to Oklahoma's Medicaid State Plan.

We conducted our review of your submittal according to statutory requirements in Title XIX of the Social Security Act and implementing regulations 42 CFR 440.170. This letter is to inform you that Oklahoma Medicaid SPA 23-0021 was approved on September 5, 2023, with an effective date of July 1, 2023.

If you have any questions, please contact Stacey Steiner at (469) 904-1068 or via email at Stacey.Steiner@cms.hhs.gov.

Sincerely,



Ruth A. Hughes, Acting Director
Division of Program Operations

Enclosures

cc: Sandra Puebla, OHCA
Kasie McCarty, OHCA
Heather Cox, OHCA

**TRANSMITTAL AND NOTICE OF APPROVAL OF
STATE PLAN MATERIAL
FOR: CENTERS FOR MEDICARE & MEDICAID SERVICES**

1. TRANSMITTAL NUMBER
2 3 — 0 0 2 1

2. STATE
O K

3. PROGRAM IDENTIFICATION: TITLE XIX OF THE SOCIAL SECURITY ACT

TO: CENTER DIRECTOR
CENTERS FOR MEDICAID & CHIP SERVICES
DEPARTMENT OF HEALTH AND HUMAN SERVICES

4. PROPOSED EFFECTIVE DATE
July 1, 2023

5. FEDERAL STATUTE/REGULATION CITATION
42 CFR 440.170

6. FEDERAL BUDGET IMPACT (Amounts in WHOLE dollars)
a. FFY 2023 \$ 1,071,791.00
b. FFY 2024 \$ 4,178,637.00

7. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT

Attachment 3.1-A, Page 9.1
Attachment 3.1-A, Page 9a
Attachment 4.19-B, Page 6.1
Attachment 3.1-D, Page 1

8. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (If Applicable)

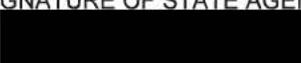
Attachment 3.1-A, Page 9.1; NEW
Attachment 3.1-A, Page 9a ; TN # 07-15
Attachment 4.19-B, Page 6.1 ; TN # 22-0007
Attachment 3.1-D, Page 1; TN # 05-0023

9. SUBJECT OF AMENDMENT
State Plan amendment to add secure mental health transportation services.

10. GOVERNOR'S REVIEW (Check One)

GOVERNOR'S OFFICE REPORTED NO COMMENT
 COMMENTS OF GOVERNOR'S OFFICE ENCLOSED
 NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL

OTHER, AS SPECIFIED:
The governor's office does not review state plan material.

11. SIGNATURE OF STATE AGENCY OFFICIAL


12. TYPED NAME
Traylor Rains

13. TITLE
State Medicaid Director

14. DATE SUBMITTED
7/7/2023

15. RETURN TO
Oklahoma Health Care Authority
Attn: Traylor Rains
4345 N. Lincoln Blvd.
Oklahoma City, OK 73105

cc: Sandra Puebla; Kasie McCarty; Heather Cox

FOR CMS USE ONLY

16. DATE RECEIVED
July 7, 2023

17. DATE APPROVED
September 5, 2023

PLAN APPROVED - ONE COPY ATTACHED

18. EFFECTIVE DATE OF APPROVED MATERIAL
July 1, 2023

19. SIGNATURE OF APPROVING OFFICIAL


20. TYPED NAME OF APPROVING OFFICIAL
Ruth A. Hughes

21. TITLE OF APPROVING OFFICIAL
Acting Director, Division of Program Operations

22. REMARKS

**AMOUNT, DURATION AND SCOPE OF MEDICAL
AND REMEDIAL CARE AND SERVICES PROVIDED TO THE CATEGORICALLY NEEDY**

24.a Any other medical care and any other type of remedial care recognized under State law and specified by the Secretary.

a 1. Transportation

- No limitations
 With Limitations

Effective July 1, 2023, the State will provide secure behavioral health transportation for members presumed to be experiencing a behavioral health crisis who require transportation to a treatment facility for the purpose of examination, inpatient services, emergency psychiatric detention, or other emergency psychiatric actions requiring treatment within a behavioral health facility as authorized by state law. All transports must be made to the nearest appropriate treatment facility. Transports completed by law enforcement or transports to correctional facilities are not authorized under this Plan. Service providers must be Oklahoma Department of Mental Health and Substance Abuse Services (ODMHSAS) designated Qualified Transportation Service Providers (QTSPs) and meet the following criteria:

QTSP Drivers Must:

- A. Be at least 21 years of age and hold a valid driver's license issued by the State of Oklahoma;
- B. Undergo a criminal background check and not have been convicted of or received a deferred or probated sentence related to any felony crime, a crime involving moral turpitude or a crime of domestic violence; and not have any criminal charges pending within any jurisdiction;
- C. Be able to ensure persons transported are protected from harm and injuries due to abuse, self-abuse, neglect, sexual incidents, serious injuries and other sources of immediate danger;
- D. Be able to provide emergency care or have an established plan to access emergency care;
- E. Be trained in effective communication skills with persons with mental illness, consumer rights, CPR/first aid, and confidentiality as prescribed by ODMHSAS and be able to recognize and plan for problematic behaviors in a therapeutic and safe manner;
- F. Be knowledgeable of statutes and standards related to transporting consumers and complete a 16-hour Therapeutic Options Course approved by ODMHSAS

QTSP Vehicles Must:

- A. Be well maintained and in good mechanical condition with the following equipment in operational condition:
 - i. Air conditioner;
 - ii. Heater; and
 - iii. Chemical-type fire extinguisher, of at least a one-quart capacity, located in the same compartment of the vehicle as the driver.
 - iv. two-way radio or cellular telephone
- B. Have a safety partition between the driver's area and the passenger area and safety locks to prevent a consumer from exiting a car that is in motion;
- C. If transporting individuals in wheelchairs, be equipped with:
 - i. An electrical or hydraulically operated lift mechanism or a ramp with a non-skid surface;
 - ii. Means of securing a wheelchair to the inside of the vehicle to prevent any lateral, forward, backward, or vertical motion of the wheelchair within the vehicle;
 - iii. A rear-view mirror that enables the driver to view any passenger in a wheelchair; and
 - iv. A door at the rear of the vehicle for an emergency exit.

New 07-01-23

TN# 23-0021

Approval Date: 09-05-2023

Effective Date: 07-01-23

Supersedes TN# None

**AMOUNT, DURATION AND SCOPE OF MEDICAL
AND REMEDIAL CARE AND SERVICES PROVIDED TO THE CATEGORICALLY NEEDY**

24.a Any other medical care and any other type of remedial care recognized under State law and specified by the Secretary. *(continued)*

a 2. Brokered Transportation

Provided under section 1902(a)(70)

The State assures it has established a non-emergency medical transportation program in order to more cost-effectively provide transportation, and can document, upon request from CMS, that the transportation broker was procured in compliance with the requirements of 45 CFR 92.36 (b)-(f). The broker is not a governmental entity and does not itself provide transportation or refer or subcontract with a transportation broker with whom it has a financial relationship.

- (1) The State will operate the broker program without the requirements of the following paragraphs of section 1902(a);
- (1) statewide (indicate areas of State that are covered)
 - (10)(B) comparability (indicate participating beneficiary groups)
 - (23) freedom of choice (indicate mandatory population group)
- (2) Transportation services provided will include:
- wheelchair van
 - taxi
 - stretcher car
 - bus passes
 - tickets
 - secured transportation
 - such other transportation as the Secretary determines appropriate (please describe) –
Private automobile drivers
- (3) The State assures that transportation services will be provided under a contract with a broker who:
- i. Is selected through a competitive bidding process based on the State's evaluation of the broker's experience, performance, references, resources, qualifications, and costs;

Revised 07-01-23

TN# 23-0021

Approval Date: 09-05-2023

Effective Date: 07-01-23

Supersedes TN# 07-15

METHODS OF PROVIDING TRANSPORTATION

The State Plan assures that necessary transportation is available to individuals eligible for Title XIX benefits who are in need of medical services.

1. Categorically Needy

Payment for Transportation

- The agency is responsible for assuring that necessary transportation is available to members eligible for Title XIX benefits who are in need of medical services in accordance with 42 CFR 431.53. The agency contracts with a broker to provide statewide curb to curb coverage for non-emergency transportation. The broker provides the most appropriate and least costly mode of transportation necessary to meet the individual needs of Title XIX members. Attendant services, to include transportation and transportation related expenses, are available upon request by the member to the broker at no charge to the member. Payment for covered services to the broker is reimbursed under a capitated methodology.
- Secure behavioral health transportation to a treatment facility is provided to members presumed to be experiencing a behavioral health crisis. Payment for these transportation services is provided to qualified providers through a published fee schedule.
- The agency contracts with ambulance and air providers for all other transportation needs for eligible members. Ambulance and air providers are reimbursed a rate published statewide based on the Medicare-established rates for covered services. Transportation must be for a medically necessary treatment in accordance with 42 CFR 440.170.

2. Authorization for Transportation by Bus or Private Automobile

Transportation by bus or private automobile is administered through the broker when it is necessary for an eligible individual to receive medical services. Eligible members traveling by bus will need to be issued bus passes distributed by the broker and eligible members traveling by private automobile will be reimbursed for mileage by the broker.

3. Authorization for Out-of-State Transportation

Reimbursement for out-of-state transportation that is medically necessary is authorized through the agency when transportation exceeds 50 miles from the Oklahoma border. The broker will contact the agency for authorization when a request is received from a member for transportation that will exceed 50 miles from the Oklahoma border. The agency will verify the member's examination or treatment appointment and that out-of-state approval has been issued by the agency. The agency will contact the broker with a decision of approval or denial of the request. Upon the approval of the request, the broker will proceed with arrangement for the transportation. Upon denial of the request the broker will advise the member to contact the agency for coordination of closer providers for comparable services.

4. Authorization for Transportation by Taxi

Taxi services may be authorized through the broker as a subcontracted provider of the broker.

Revised 07-01-2023

TN# 23-0021

Approval Date: 09-05-2023

Effective Date 07-01-2023

Supersedes TN# 21-0043

**METHODS AND STANDARDS FOR ESTABLISHING PAYMENT RATES
OTHER TYPES OF CARE**

Transportation (*continued*)

D. Access Payment Program Fee for Emergency Ambulance Service Providers (*continued*)

2. Ambulance Service Provider Access Payment (*continued*)

The access payment is comprehensive and does not exceed 100% of the difference between Medicaid payments otherwise made to eligible providers for the provision of medical transportation services and the average amount that would have been paid at the equivalent ACR.

The ambulance service provider medical transportation access payments are to supplement, not supplant, appropriations to support ambulance service provider reimbursement. Payments may not be used to offset any other payment by Medicaid for services to Medicaid beneficiaries.

E. Secure Behavioral Health Transports

Providers of secure behavioral health transports will be paid on a fee-for-service basis through encounter payments and a combination of encounter payments and a set rate per mile as follows:

1. Transports 30 miles and under will be reimbursed \$160.00 per encounter, equal to 68.83% of the CY 2021 rate for A0429.
2. Transports over 30 miles will be reimbursed \$160.00 per encounter, equal to 68.83% of the CY 2021 rate for A0429, and \$2.85 per mile, equal to 38.10% of the CY 2021 rate for A0425.

Revised 07-01-23