OSMA Responds to OHCA “3-Day Rule”

As you may be aware, the Oklahoma Health Care Authority recently adopted a rule change that will impact the filing of OHCA claims. Under these new rules, medical records must be authenticated within three days of when the service is provided (as opposed to within three business days of when the record is completed, as is the case currently). This will obviously pose a significant burden on physician practices and hospitals and OSMA is working to address this untenable situation.

To that end on Thursday, OSMA lobbyist Pat Hall met with representatives from the Oklahoma Health Care Authority to discuss how this situation can be resolved. Pat’s report is as follows:

This morning [Thursday] on behalf of OSMA, I met with Dr. Mike Herndon and Dr. Garth Splinter at the Oklahoma Health Care Authority (OHCA) regarding the “3-day rule”. I expressed the concerns of the OSMA and both Dr. Herndon and Dr. Splinter echoed our concerns and really understood this bureaucratic action could cause real harm to doctors, hospitals and other providers of Medicaid services. They reported the rule was adopted as part of a larger administrative effort by OHCA’s auditors and legal department and no one in OHCA or the larger healthcare community had caught the potential impact or unintended consequences of this language until it was too late.

The bad news is that, because the “3-day rule” is now a signed rule, it cannot simply be delayed. The next step is for OHCA to pass an emergency rule to amend the rule and/or clarify the time table. But, this is easier said than done and will take time. To pass an emergency rule will require several steps and will likely not be accomplished until January 2018. The OHCA knows that the time frame for fixing the problem is not satisfactory to anyone but they did commit that OHCA is trying, which I believe is true. The emergency rule still needs to explore the time line because the OHCA auditors have convinced the OHCA Board that the previous 3-day rule allowed for abuse.

The good news, however, is that both Dr. Herndon and Dr. Splinter shared our concerns and have committed to working with OSMA on a solution going forward. OSMA was also guaranteed that OHCA does not plan to actively enforce this rule on a large scale and only an audit will trigger the new “3-day rule”. The OHCA auditors are well aware of the concerns from the provider community.

We will continue to update the membership routinely on this issue. The above response by OHCA is only the first step in how we will continue to push for a satisfactory resolution for our membership and the physicians of Oklahoma. At a time when physicians already have difficulty with the practice of medicine, the leadership at OSMA will continue to advocate for improved processes to eliminate unnecessary regulatory burden that does not improve the health of patients or physician practice satisfaction.
Supreme Court Strikes Down Cigarette Fee

On Thursday, the Oklahoma Supreme Court struck down the $1.50 cigarette fee that had been passed in the waning days of the legislative session. In its ruling, the Court ruled the measure violated the state constitution's provisions requiring revenue-raising measures to pass with a ¾ vote of the Legislature and prohibiting them from being adopted in the last five days of the legislative session.

While not surprising, this ruling is disappointing on two fronts. First and foremost, this is a missed opportunity to save lives. We know from years of data that increasing the price of tobacco is the single-most effective deterrent to youth ever taking up the habit. But second, the ruling blows a $215 million hole in the state’s healthcare budget. Unless lawmakers take action, the Health Care Authority could be forced to cut Medicaid provider rates by eight percent or more. Additionally, many public health services provided by the Department of Health, Department of Mental Health and Substance Abuse Services and Department of Human Services are at risk.

OSMA has already called on Governor Fallin and legislative leaders to call a special session quickly to address this funding shortfall. It is time to set aside the petty partisan bickering that dominated so much of the regular session and pass a budget that adequately funds our state’s healthcare needs and promotes public health in Oklahoma.

Save The Date

Thursday, Nov. 16, Oklahoma City, OSMA headquarters
Friday, Nov. 17, Tulsa, Marriott Southern Hills

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