

2ND ENROLLED SENATE
BILL NO. 193

BY: SHEDRICK of the SENATE

and

MAXEY of the HOUSE

AN ACT RELATING TO INSURANCE; AMENDING 36 O.S. 1991, SECTIONS 6054 AND 6055, WHICH RELATE TO ACCIDENT AND HEALTH INSURANCE BENEFITS; PROVIDING SHORT TITLE; CONFORMING LANGUAGE; ALLOWING ACCIDENT AND HEALTH INSURANCE POLICIES, CONTRACTS OR AGREEMENTS TO EXCLUDE OR LIMIT CERTAIN COVERAGE; PROHIBITING EXCLUSION OR LIMITATION OF CERTAIN SERVICES OR PROCEDURES IF SUCH EXCLUSION OR LIMITATION HAS CERTAIN EFFECT; REQUIRING SERVICES AND PROCEDURES MEET CERTAIN CONDITIONS IN ORDER TO BE A COVERED MEDICAL EXPENSE; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6053 of Title 36, unless there is created a duplication in numbering, reads as follows:

Sections 6053 through 6057 of Title 36 of the Oklahoma Statutes shall be known and may be cited as the "Health Care Freedom of Choice Act".

SECTION 2. AMENDATORY 36 O.S. 1991, Section 6054, is amended to read as follows:

Section 6054. As used in ~~Sections 6055 through 6057 of Title 36 of the Oklahoma Statutes~~ the Health Care Freedom of Choice Act, "practitioner" means a person holding a valid license to practice medicine and surgery, osteopathy, chiropractic, podiatry, optometry or dentistry, pursuant to the state licensing provisions of Title 59 of the Oklahoma Statutes.

SECTION 3. AMENDATORY 36 O.S. 1991, Section 6055, is amended to read as follows:

Section 6055. A. For any individual, group, blanket, franchise policy, insurance trust, nonprofit contract or agreement whatever, providing accident or health benefits hereafter renewed or issued for delivery from out of Oklahoma or in Oklahoma by any insurer, whether a stock or mutual insurance company, medical service corporation or association, nonprofit hospital service and medical indemnity corporation, self-insured trust, nonprofit group, or any other type of insurer whatever, and covering an Oklahoma risk, the services and procedures may be performed by any practitioner selected by the insured, or his parent or guardian if the insured is a minor, provided that the practitioner is duly licensed under the laws of this state to perform such services or procedures approved by the appropriate board of examiners. The practitioner, at the option of the insurer, may be compensated when benefits are assigned and on file and claims are processed on standard American Medical

Association forms and a duplicate copy of the bill has been sent to the insured.

B. A policy, contract or agreement, as described in subsection A of this section, may exclude or limit coverage for a particular illness, disease, injury or condition; but, except for such exclusions or limits, shall not exclude or limit particular services or procedures that can be provided for the diagnosis and treatment of a covered illness, disease, injury or condition, if such exclusion or limitation has the effect of discriminating against a particular class of practitioner. However, such services and procedures must, in order to be a covered medical expense, be of sound efficacy, be medically necessary, and fall within the licensed scope of practice of the practitioner providing same.

C. The practitioner shall be equally compensated for such services and procedures on the basis of charges prevailing in the same community for similar services and procedures to similarly ill or injured persons regardless of the branch of the healing arts to which the practitioner may belong, provided such profession or practitioner does not permit false and fraudulent advertising or such profession or practitioner does not aid or abet the insured to violate the terms of the contract or agreement.

~~B.~~ D. Nothing in this section shall prohibit a practitioner from contracting with a payor, payors or insurers for alternative levels or methods of payment.

SECTION 4. This act shall become effective October 1, 1991.

Passed the Senate the 30th day of May, 1991.

President of the Senate

Passed the House of Representatives the 13th day of May, 1992.

Speaker of the House of Representatives