

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

HOUSE BILL NO. 2000

BY: GREENWOOD

AS INTRODUCED

AN ACT RELATING TO POOR PERSONS; CREATING THE
NONINSURED HEALTH CARE SERVICES FUND WITHIN THE
DEPARTMENT OF HUMAN SERVICES; DEFINING TERMS;
PROVIDING FOR VOLUNTARY PAYROLL DEDUCTIONS;
PROVIDING SPECIFICATIONS; REQUIRING CERTAIN REPORTS
AND SUBMISSIONS; REQUIRING ACCOUNTING; PROVIDING
PENALTY; PROVIDING FOR EXPENDITURES AND DEPOSITS;
MAKING FUND NOT STATE MONEY; PROHIBITING CERTAIN
EXPENDITURES AND TRANSFERS; AUTHORIZING CERTAIN
EXPENDITURES; AUTHORIZING INVESTMENT; REQUIRING
ELIGIBILITY; PROVIDING PROCEDURES; REQUIRING
CERTAIN RESERVES; PROVIDING FOR DISTRIBUTIONS;
AUTHORIZING CERTAIN TAX CREDITS; PROVIDING
PROCEDURES; PROVIDING FOR CODIFICATION; PROVIDING
AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

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 207.1 of Title 56, unless there
is created a duplication in numbering, reads as follows:

For purposes of this act:

1. "Eligible individual" means an individual:
 - a. who is employed full time,
 - b. who is not receiving any federal or state subsidy,
 - c. whose income or whose household income is not more than two hundred percent (200%) of the poverty guidelines issued by the United States Office of Management and Budget and who has insufficient personal resources to provide for adequate health insurance coverage,
 - d. who does not carry or is not a dependent or is not covered by any health insurance policy, and
 - e. who requires medically necessary hospital or health care services for himself or his dependents who are not covered by any public or private third-party coverage. The provisions of this paragraph shall not include payment for primary health care services; and
2. "Department" means the Department of Human Services.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 207.2 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. Beginning July 1, 1992, every public or private employer in this state, upon request of an employee to such employer, shall make voluntary payroll deductions for contributions to the Noninsured Health Care Services Fund. Such donations shall be deducted from the employee's pay before any taxes are determined for the pay period. Such contributions shall be deducted from such employee's gross income so as to arrive at an adjusted gross income.

B. 1. It shall be the duty of every employer to remit any contributions deducted pursuant to subsection A of this section to the Department of Human Services.

2. Each employer shall make and submit for each calendar month an itemized and verified collection report showing:

- a. the name of the contributor,
- b. the amount contributed by each employee,
- c. the total amount collected and submitted, and
- d. such further information as the Department may require.

Such reports shall be filed at the same time the monies are forwarded to the Department.

3. The Department shall keep a separate accounting of all such monies received pursuant to this section and, together with any interest thereon, shall deposit such monies monthly to the Noninsured Health Care Services Fund.

C. Any employer failing to file such reports and transmit the contributions as required shall pay a penalty equal to ten percent (10%) of the gross amount due and owing.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 207.3 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created within the Department of Human Services the Noninsured Health Care Services Fund. The fund shall be administered by the Department for the benefit of those persons determined to be eligible by the Department to receive total or limited assistance for allowable noninsured health care costs.

B. The fund shall consist of:

1. All monies received by the Department as contributions made pursuant to this act;

2. Interest attributable to investment of money in the fund;
and

3. Monies received by the Department in the form of gifts, grants or from any other sources intended to be used for the purposes specified by this act.

C. 1. The monies deposited in the fund shall at no time become monies of the state and shall not become part of the general budget of the Department or any other state agency. Except as otherwise authorized by this subsection, no monies from the fund shall be transferred for any purpose to any other state agency or any account of the Department or be used for the purpose of contracting with any other state agency or reimbursing any other state agency for any expense.

2. Monies in the fund shall only be expended for:

- a. reimbursements for the benefit of or to eligible persons, and
- b. costs incurred by the Department for the administration of such fund.

Any costs incurred by the Department pursuant to the provisions of this act shall not exceed the actual expenditures made by the Department to implement the provisions of this act.

3. Payment of claims from the fund shall not become or be construed to be an obligation of this state. No claims submitted for reimbursement from the fund shall be paid with state monies.

D. Any monies placed in the Noninsured Health Care Services Fund shall be invested by the State Treasurer in an adequately collateralized manner and as prescribed by Section 89.2 of Title 62 of the Oklahoma Statutes.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 207.4 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. The Department shall determine eligibility requirements pursuant to the provisions of this act to qualify a person for health care assistance payments. Priorities shall be established by the Department for available funds for categories of health care services which will be covered for payments.

B. Applications for assistance shall be in such form as determined by the Department. No reimbursement shall be made to any person or payment made to any health care provider until the individual or health care cost has been determined to be eligible. The applicant shall provide documents, as required by the Department, pertaining to his eligibility status.

C. Upon a determination of eligibility of the applicant and the health care costs, payment to the extent authorized from the fund shall be made to the health care provider upon receipt of a claim itemizing the health care costs incurred.

D. The Department is authorized to make full or partial payments based on the type and cost of medical care provided.

E. The Department shall maintain a reserve of fifty percent (50%) of the monies in the fund based on the amount of monies in the fund at the end of each fiscal year. The remaining fifty percent (50%) of the fund and fifty percent (50%) of the monthly income to the fund shall be equally apportioned per month and made available for medical care payments pursuant to this act.

F. The Department shall not make any distributions from the fund or accept applications for distributions from the fund until July 1, 1993. Such applications shall only be for medical costs occurring after July 1, 1993.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 207.5 of Title 56, unless there is created a duplication in numbering, reads as follows:

Any person donating to the Noninsured Health Care Services Fund shall be entitled to a tax credit against his Oklahoma income tax liability. Provided, that the credit allowed to be taken shall not exceed the amount of money donated to the fund by such person, or income tax liability for such year for such person.

SECTION 6. This act shall become effective July 1, 1992.

SECTION 7. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

43-2-7575

KSM