

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

HOUSE BILL NO. 2492

BY: VOSKUHL

AS INTRODUCED

AN ACT RELATING TO POOR PERSONS; CREATING THE DENTAL HEALTH PLAN FOR CHILDREN ACT; PROVIDING SHORT TITLE; DEFINING TERMS; STATING PURPOSE; PROVIDING FOR ADMINISTRATION; DESIGNATING SERVICES TO BE PROVIDED; PROVIDING APPLICATION PROCEDURES; PROVIDING FOR CERTAIN ASSESSMENTS AND PENALTIES; PROVIDING FOR CERTAIN APPEALS; CREATING A REVOLVING FUND; 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 531 of Title 56, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Dental Health Plan for Children Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 532 of Title 56, unless there is created a duplication in numbering, reads as follows:

As used in the Dental Health Plan for Children Act:

1. "Eligible children" means children who are enrolled in the public school system of this state in grades three through six

inclusive, who are not eligible for health care under the Medicaid Program provided for in Title XIX of the federal Social Security Act or for dental care assistance under any other state or federal program and who are not otherwise insured for the covered services;

2. "Covered services" means children's dental services;

3. "Children's dental services" means the dental services provided for in Section 4 of this act;

4. "Director" means the Director of Human Services;

5. "Eligible providers" means those dental health care providers who provide children's dental services to eligible children under rules established by the Director for that program;

6. "Gross family income" means income calculated using as the baseline the adjusted gross income reported on the applicant's federal income tax form for the previous year and adding back in any reported depreciation, carryover loss, and net operating loss amounts that apply to any farm or family-owned business in which the family is currently engaged. Applicants shall report the most recent financial situation of the family if it has changed from the period of time covered by the federal income tax form. The report may be in the form of percentage increase or decrease; and

7. "Plan" means the dental care for children plan established pursuant to Section 3 of this act.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 533 of Title 56, unless there is created a duplication in numbering, reads as follows:

The dental care for children plan is established to promote access to appropriate dental care to assure healthy children. The Director shall establish an office for the state administration of this plan. The plan shall be used to provide dental services for eligible children. Payment for these services shall be made to all eligible providers. Payment for services shall be no more than the prevailing charge for such services in the same community. The

Director may promulgate and adopt rules to administer the plan. The Director shall establish marketing efforts to encourage families with potentially eligible children to receive information about the program and about other health care programs administered or supervised by the Department of Human Services. A toll-free telephone number shall be used to provide information about dental programs and to promote access to the covered services. The Director shall make a quarterly assessment of the expected expenditures for the covered services and the appropriation. Based on this assessment the Director may limit enrollments and target former aid to families with dependent children recipients.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 534 of Title 56, unless there is created a duplication in numbering, reads as follows:

The plan shall provide, at a minimum, dental services to eligible children equivalent to the dental services provided to state and education employees and their dependents pursuant to the Dental Insurance Plan provided for in the State Education Employees Group Insurance Act.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 535 of Title 56, unless there is created a duplication in numbering, reads as follows:

Application forms and other information about the plan shall be made available to provider offices, local human services agencies, school districts, public and private elementary schools in which twenty-five percent (25%) or more of the students receive free or reduced price lunches, community health offices, and locations providing medical assistance pursuant to Section 206 of Title 56 of the Oklahoma Statutes. These sites may accept applications and forward the forms and fees to the Department of Human Services. In addition applicants may apply directly to the Department of Human Services. The Director may use individuals' social security numbers

as identifiers for purposes of administering the plan and conduct data matches to verify income. Applicants shall submit evidence of family income, earned and unearned, that will be used to verify income eligibility. Benefits pursuant to the plan shall be secondary to a plan of insurance or benefit program under which an eligible person may have coverage. The Director shall identify eligible children who may have coverage or benefits under other plans of insurance or who become eligible for medical assistance.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 536 of Title 56, unless there is created a duplication in numbering, reads as follows:

Every nonprofit dental service corporation or business organization, doing business in the State of Oklahoma and providing arrangements for a guaranteed fee schedule for dental treatment, shall report, annually, on or before the last day of February, under oath of the president or secretary or other chief officer of such company, to the Insurance Commissioner, the total amount of direct written premiums, membership, application, policy and/or registration fees charged during the preceding calendar year, or since the last return of such direct written premiums, membership, application, policy and/or registration fees was made by such company, from said arrangements. Every such company shall, at the same time, pay to the Insurance Commissioner an annual assessment on all of said direct written premiums after all returned premiums are deducted, and on all membership, application, policy and/or registration fees collected thereby, for the privileges of having written, continued and/or serviced said arrangements. Provided, no deduction shall be made from premiums for dividends paid to policyholders or subscribers. The rate of assessment shall be nine percent (9%). Any company failing to make such returns and payments promptly and correctly shall forfeit and pay to the Insurance Commissioner, in addition to the amount of said assessment, the sum

of Five Hundred Dollars (\$500.00). Any corporation or organization failing or neglecting to pay the assessment and penalty within sixty (60) days after the assessment is due shall thereafter be debarred from transacting any dental business in this state until said assessment and penalties are fully paid.

All assessments and penalties collected pursuant to this section shall be deposited in the Dental Health Care for Children Revolving Fund.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 537 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. The Director shall make an annual redetermination of continued eligibility and identify children who may become eligible for dental assistance.

B. If the Director denies, suspends, reduces, or terminates eligibility or services under the plan, the Director shall provide notification of such decision to the child or parent or guardian of the child.

C. Any applicant or recipient adversely affected by a decision of the Director or the Department of Human Services on benefits or services provided pursuant to the provisions of the Dental Health Plan for Children Act shall be afforded an opportunity for a hearing pursuant to the provisions of subsection D of this section after such applicant or recipient has been notified of the adverse decision of the Director or the Department.

D. 1. Upon timely receipt of a request for a hearing as specified in the notice of adverse decision, the Department shall hold a hearing pursuant to the provisions of Section 310 of Title 75 of the Oklahoma Statutes.

2. The record of the hearing shall include but shall not be limited to:

a. all pleadings, motions, and intermediate rulings,

- b. evidence received or considered,
- c. any decision, opinion, or report by the officer presiding at the hearing, and
- d. all staff memoranda or data submitted to the hearing officer or members of the agency in connection with their consideration of the case.

3. Oral proceedings or any part thereof shall be transcribed on request of any party.

E. Any decision of the Department after such a hearing pursuant to subsection D of this section shall be subject to review by the Director upon a timely request for review by the applicant or recipient. The Director may issue a decision after review or may refer the review of the hearing decision to the Commission for Human Services. The referral shall be based on criteria established by the Commission. A decision of the Department shall be final and binding unless a review is requested pursuant to the provisions of this subsection or unless appealed to the district court in which the recipient resides within thirty (30) days of the final agency decision as provided by the provisions of subsection F of this section.

F. Any person aggrieved by any final decision of the Department may petition the district court in which the recipient resides for a judicial review of the decision pursuant to the provisions of Sections 318 through 323 of Title 75 of the Oklahoma Statutes. A copy of the petition shall be served by mail upon the General Counsel of the Department.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 538 of Title 56, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a revolving fund for the Department of Human Services, to be designated the "Dental Health Care for Children Revolving Fund". The fund shall be a

continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Department from fees and penalties collected pursuant to Section 6 of this act, monies appropriated to the Department by the Legislature, and other receipts of the Department of Human Services as shall be directed by the Commission for Human Services. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by Director for the purpose of carrying out the provisions of the Dental Health Plan for Children Act. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 9. This act shall become effective July 1, 1992.

SECTION 10. 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.

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