

ENROLLED SENATE  
BILL NO. 106

By: Brown of the Senate

and

Bastin and Boyd (Laura) of  
the House

An Act relating to public health and safety; creating the Kidney Health Planning Act of Oklahoma; providing short title; stating purpose of act; requiring State Department of Health to promulgate rules for administration of certain fund; specifying types of financial assistance from fund; creating the Kidney Health Revolving Fund; making fund nonfiscal; providing for expenditure from fund; prohibiting accident and health insurance coverage exclusion of certain types of prescription drugs; providing for coverage of medically necessary services associated with certain drugs; providing for health maintenance contract coverage of certain uses of certain prescription drugs; 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 1-2600 of Title 63, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Kidney Health Planning Act of Oklahoma".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-2601 of Title 63, unless there is created a duplication in numbering, reads as follows:

The purpose of the Kidney Health Planning Act of Oklahoma is to provide financial assistance to persons who have permanent kidney failure which requires either dialysis or transplantation.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-2602 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. The State Department of Health shall establish eligibility requirements for financial assistance from the Kidney Health Revolving Fund. Financial assistance shall include, but shall not be limited to, the following areas:

1. Payment for three (3) months of Hemodialysis treatments prior to establishment of Medicare eligibility;
2. Payment for the Social Security deductible in situations where the patient is unable to meet the deductible;
3. Monthly medications;
4. Transportation to and from dialysis;

5. Pretransplant and posttransplant costs including lab work, tissue typing and the medication Cyclosporine;

6. Certain physician's fees; and

7. Such other financial assistance to indigent persons with permanent kidney failure as the Department deems appropriate.

B. The State Department of Health shall promulgate rules for the proper administration of the Kidney Health Revolving Fund in accordance with the requirements of this section.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-2603 of Title 63, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a revolving fund for the State Department of Health, to be designated the "Kidney Health Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the State Department of Health from state appropriations for such fund. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the State Department of Health for the purpose of implementing the provisions of the Kidney Health Planning Act of Oklahoma. 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 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-2604 of Title 63, unless there is created a duplication in numbering, reads as follows:

No individual policy of accident and health insurance issued which provides coverage for prescription drugs, nor any group blanket policy of accident and health insurance issued which provides coverage for prescription drugs shall exclude coverage of prescription drugs for cancer treatment or the study of oncology because the off-label use of such prescription drug has not been approved by the Federal Food and Drug Administration for that indication in one of the standard reference compendia, as defined in paragraph (d) of Section 1-1401 of Title 63 of the Oklahoma Statutes.

Any coverage of a prescription drug required by this section shall also include provisions for coverage of medically necessary services associated with the administration of the prescription drug.

Nothing in this section shall be construed as altering existing law with regard to provisions limiting the coverage of prescription drugs that have not been approved by the Federal Food and Drug Administration.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-2605 of Title 63, unless there is created a duplication in numbering, reads as follows:

Any group or non-group health maintenance contract which provides coverage for prescription drugs shall also provide coverage of off-label uses of prescription drugs used in the treatment of cancer or the study of oncology.

SECTION 7. This act shall become effective September 1, 1993.

Passed the Senate the 13th day of May, 1993.

Passed the House of Representatives the 20th day of May, 1993.

Speaker of the House of  
Representatives