

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)
CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 368

By: Monson of the Senate

and

Thomas of the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to the Oklahoma Health Care Authority Act; amending Section 6, Chapter 332, O.S.L. 1993 (63 O.S. Supp. 1994, Section 5008), as last amended by Section 21 of Enrolled House Bill No. 1012 of the 1st Session of the 45th Oklahoma Legislature, which relates to status, powers and duties of the administrator; modifying powers and duties of the administrator of the Oklahoma Health Care Authority; providing for special contractual relationship between certain entities; deleting certain provisions relating to committee to assist with proposed plan for sharing of certain information; creating the Oklahoma Health Care Authority Risk Control Program; stating purpose; providing for voluntary participation by certain entities; providing for operation of the Program subject to certain supervision; providing for responsibilities and powers of the Program; exempting the Authority from certain licensing requirements and exempting the Program from certain taxes; providing for certain reserve fund for certain purpose; amending 63 O.S. 1991, Section 1-323, as amended by Section 8, Chapter 305, O.S.L. 1992 (63 O.S. Supp. 1994, Section 1-323), which relates to vital statistics records; requiring State Department of Health to transmit monthly certain list to the Oklahoma Health Care Authority; providing for maintenance and limiting use of list to certain purpose and making it unlawful to disclose or permit disclosure of information contained in lists; providing for codification; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 6, Chapter 332, O.S.L. 1993 (63 O.S. Supp. 1994, Section 5008), as last amended by Section 21 of Enrolled House Bill No. 1012 of the 1st Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 5008. A. The administrator of the Oklahoma Health Care Authority shall be the chief executive officer of the

Authority and shall act for the Authority in all matters except as may be otherwise provided by law. The powers and duties of the ~~Administrator~~ administrator shall include but not be limited to:

1. Supervision of the activities of the Authority;
2. Formulation and recommendation of rules for approval or rejection by the Oklahoma Health Care Authority Board and enforcement of rules and standards promulgated by the Board;
3. Preparation of the plans, reports and proposals required by the Oklahoma Health Care Authority Act, Section 5003 et seq. of this title, other reports as necessary and appropriate, and an annual budget for the review and approval of the Board; and
4. Employment of such staff as may be necessary to perform the duties of the Authority including but not limited to an attorney to provide legal assistance to the Authority for the Medicaid program.

B. The administrator shall establish a contract bidding process which:

1. Encourages competition among entities contracting with the Authority for state-purchased and state-subsidized health care; provided, however, the Authority may enter into a special contractual arrangement with the University of Oklahoma Managed Care Plan sponsored by the University of Oklahoma Health Sciences Center;
2. Coincides with the state budgetary process; and
3. Specifies conditions for awarding contracts to any insuring entity.

C. The administrator may appoint advisory committees as necessary to assist the Authority with the performance of its duties or to provide the Authority with expertise in technical matters.

~~D. The administrator shall appoint a committee composed of representatives of the State Department of Health, the Department of Mental Health and Substance Abuse Services, the Department of Human Services, the Office of the Insurance Commissioner, the State Insurance Fund, the Oklahoma Basic Health Benefits Board, the Department of Veterans Affairs, the Physicians Manpower~~

~~Training Commission and other appropriate state agencies to assist with the preparation of a proposed plan for the transfer of other entities to the authority and continued sharing of data and resources by these entities.~~

~~1. Each agency on the committee shall designate an individual to serve as its representative on the committee.~~

~~2. The proposal shall be submitted to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives on or before January 1, 1995.~~

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

A. There is hereby created a nonprofit entity to be known as the "Oklahoma Health Care Authority Risk Control Program", hereinafter referred to as the "Program". The Program shall have as its purpose to spread the financial risks which may result from providing medical care to participants in a managed care program under the State Medicaid program.

B. The Program shall be available, on a voluntary basis, to qualified health plans that have contracted with the Oklahoma Health Care Authority to provide managed care to participants under the State Medicaid program.

C. The Program shall operate subject to the supervision of the Oklahoma Health Care Authority Board and the Director of the Authority. The Board shall set rates and promulgate rules to govern the operation of the Program.

D. The Program shall have the responsibility and power to:

1. Enter into contracts as are necessary or proper to carry out the provisions and purposes of this section;

2. Sue or be sued, including taking any legal action necessary or proper to recover any monies due and owed for, on behalf of, or against the Program or the members of the Program;

3. Take any legal action necessary to avoid the payment of improper claims against the Program;

4. Define the health benefit plans for which membership in the Program will be available and the levels of participation available to different classes of members;

5. Establish rules, conditions and procedures for participation in the Program; and

6. Contract with appropriate legal, actuarial and other professional services as necessary to provide technical assistance in the operation of the Program, policy and other contract design, and any other function within the authority of the Program.

D. The Authority, in its capacity as governing agency of the Program, shall be exempt from the licensing requirements of any other state agency pursuant to the authority granted under Section 5006 of Title 63 of the Oklahoma Statutes.

E. The Program shall be exempt from any and all premium taxes pursuant to law.

F. Monies collected from the members of the Program shall be held in a reserve fund until needed to pay claims. Such reserve fund shall be maintained for the sole purpose of paying losses incurred by the members while providing medical care under a managed care plan for participants in the State Medicaid program. The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of receipts from the federal government, monies appropriated to the Authority by the Legislature, and other receipts of the Authority as directed by the Board. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Authority as may be necessary in order to carry out the duties imposed by this section.

SECTION 3. AMENDATORY 63 O.S. 1991, Section 1-323, as amended by Section 8, Chapter 305, O.S.L. 1992 (63 O.S. Supp. 1994, Section 1-323), is amended to read as follows:

Section 1-323. A. To protect the integrity of vital statistics records, to insure their proper use, and to insure the efficient and proper administration of the vital statistics system, it shall be unlawful for any person to permit inspection of, or to disclose information contained in, vital statistics

records, or to copy or issue a copy of all or part of any such record except to the person ~~himself~~ who is the subject of the record or in ~~his~~ such person's interest unless ordered to do so by a court of competent jurisdiction; provided, however, that death certificates shall be issued upon request and the payment of applicable fees as provided in Section 1-325 of this Code.

B. The State Commissioner of Health may authorize the disclosure of data contained in vital statistics records for research purposes. Beginning July 1, 1975, and at the end of each quarter thereafter, the ~~Health~~ State Department of Health shall transmit to the Department of Public Safety a list of all registered deaths which have occurred during such period of time. Upon receipt of ~~these names~~ such list the Department of Public Safety shall use ~~them~~ such list solely to update ~~their~~ Department of Public Safety records and to cancel the operator's license for those deceased individuals presently holding a valid Oklahoma motor vehicle operator's license.

C. Beginning July 1, 1995, the Commissioner shall authorize the transmission each month to the Oklahoma Health Care Authority of a certified list of all registered deaths of residents of this state that have occurred within the state for the immediately preceding month. The Oklahoma Health Care Authority shall use the transmitted list to ascertain the names of those individuals participating in the State Medicaid program who are deceased, and shall thereafter terminate such deceased person's enrollment in the State Medicaid program.

D. Information in vital statistics records indicating that a birth occurred out of wedlock shall not be disclosed except as provided by ~~regulation~~ rule or upon order of a court of competent jurisdiction.

~~D.~~ E. For the purpose of assisting in the location and recovery of missing children, information pertaining to birth certificates and requests for copies of birth certificates shall be provided to the Oklahoma State Bureau of Investigation pursuant to the provisions of Section 1-323.1 of this title and Section 150.12A of Title 74 of the Oklahoma Statutes.

~~E.~~ F. The Commissioner ~~of Health~~ shall authorize the transmission of death certificates to the Department of Labor for the purpose of the Department of Labor conducting a census of total occupational injuries and illnesses. The Department ~~of Health~~ shall transmit to the Department of Labor statistics of fatal occupational injuries that shall include the following:

1. Name of the deceased;
2. Date of death;
3. Sex;
4. Race;
5. Age;
6. Birth date;
7. Social security number;
8. Whether an autopsy was conducted;
9. Month of the accident; and
10. Whether decedent was of Hispanic origin.

~~F.~~ G. The Department of Labor shall be required to protect the integrity of the vital statistics records to the same extent required of the Department ~~of Health~~ pursuant to this section.

SECTION 4. 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.

45-1-1304

CJ