

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE BILL NO. 1763

By: Toure

AS INTRODUCED

An Act relating to public health and safety;
providing for hearings for certain persons
adversely affected by a decision of the Oklahoma
Health Care Authority; providing for notice and
hearings; providing for records; specifying
content; authorizing electronic transmissions;
providing for review and decisions; making certain
decisions binding and final; providing for appeals;
providing for certain service; providing for
codification; 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 5052 of Title 63, unless there
is created a duplication in numbering, reads as follows:

A. Any applicant or recipient adversely affected by a decision
of the Oklahoma Health Care Authority on benefits or services
provided pursuant to the provisions of this title, shall be afforded
an opportunity for a hearing pursuant to the provisions of
subsection B of this section after such applicant or recipient has
been notified of the adverse decision of the Authority.

B. 1. Upon timely receipt of a request for a hearing as specified in the notice of adverse decision and exhaustion of other available administrative remedies, the Authority shall hold a hearing pursuant to the provisions of rules promulgated by the Authority pursuant to this section.

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 shall be electronically recorded by the Authority. Any party may request a copy of the tape recording of their administrative hearing or may request a transcription of the tape recording to comply with any federal or state law.

C. Any decision of the Authority after such a hearing pursuant to subsection B of this section shall be subject to review by the Chief Executive Officer of the Oklahoma Health Care Authority upon a timely request for review by the applicant or recipient. The Chief Executive Officer shall issue a decision after review. A hearing decision of the Authority shall be final and binding unless a review is requested pursuant to the provisions of this subsection. The decision of the Chief Executive Officer may be appealed to the district court in which the applicant or recipient resides within thirty (30) days of the date of the decision of the Chief Executive Officer as provided by the provisions of subsection D of this section.

D. Any applicant or recipient under this title aggrieved by a decision of the Chief Executive Officer rendered pursuant to this

section may petition the district court in which the applicant or 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 Authority.

SECTION 2. 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.

46-1-6095

KSM