

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

HOUSE JOINT
RESOLUTION NO. 1104

By: Gray

AS INTRODUCED

A Joint Resolution relating to rules of the Oklahoma State Department of Health; disapproving proposed permanent rule OAC 310:655-17-3(d), regarding utilization and quality review systems; expressing legislative intent; extending effectiveness of emergency rule OAC 310:655-17-3(d); directing distribution; and declaring an emergency.

WHEREAS, pursuant to Sections 250.2, 253 subsection H, paragraph 3, subparagraph a and 308 of Title 75 of the Oklahoma Statutes, the Legislature reserves the right to designate the method for rule promulgation, establish policy, amend the implementation of any rule, determine that a rule is inconsistent with legislative intent and disapprove any rule or any portion thereof; and

WHEREAS, on June 19, 1997, the Oklahoma State Department of Health adopted emergency rule OAC 310:655-17-3(d), regarding utilization and quality review systems, relating to utilization review, and on July 18, 1997, the Governor approved the emergency rule; and

WHEREAS, on March 19, 1998, the Oklahoma State Department of Health adopted proposed permanent rule OAC 310:655-17-3(d), regarding utilization and quality review systems, relating to utilization review, and on March 30, 1998, the agency submitted proposed permanent rule OAC 310:655-17-3(d) to the Legislature for its review; and

WHEREAS, the Legislature recognizes that emergency rule OAC 310:655-17-3(d) is consistent with legislative intent; and

WHEREAS, the Legislature recognizes that proposed permanent rule OAC 310:655-17-3(d) is inconsistent with legislative intent.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 2ND SESSION OF THE 46TH OKLAHOMA LEGISLATURE:

SECTION 1. The Legislature hereby disapproves proposed permanent rule OAC 310:655-17-3(d), which reads as follows:

"Qualified health professionals shall supervise the utilization review program. A licensed physician shall evaluate the appropriateness of any decision to deny coverage of a service to an enrollee. A decision to deny coverage for specialty care based on lack of medical appropriateness shall be made by a board-certified physician from the appropriate specialty area."

SECTION 2. The Legislature extends the effective date of emergency rule OAC 310:655-17-3(d) to July 1, 1999, or until it is superseded by the promulgation of a permanent rule which is consistent with legislative intent, whichever is earliest. Emergency rule OAC 310:655-17-3(d) reads as follows: "Qualified health professionals shall supervise the utilization review program. A licensed, board-certified physician shall evaluate the appropriateness of any decision to deny coverage of a service to an enrollee."

SECTION 3. The Secretary of State is hereby directed to distribute copies of this resolution to the Governor, the Commissioner of Health and the Editor of "The Oklahoma Register".

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.

46-2-11278

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