

ENGROSSED HOUSE AMENDMENT  
TO  
ENGROSSED SENATE BILL NO. 290

By: Brown of the Senate  
and  
Paulk of the House

( health care and fees - Trauma Care Assistance  
Revolving Fund - codification - effective date -  
emergency )

AUTHOR: Add the following House Coauthor: Collins

AMENDMENT NO. 1. Strike the stricken title, enacting clause and  
entire bill and insert

"( health care and fees - Trauma Care Assistance  
Revolving Fund - codification - effective date -  
emergency )

SECTION 1. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 330.97 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 "Trauma Care  
Assistance 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 monies  
apportioned thereto pursuant to the provisions of this act. All  
monies accruing to the credit of the fund are hereby appropriated  
and may be budgeted and expended by the Department as follows:

1. Ninety percent (90%) of such monies shall be used to reimburse recognized trauma facilities and licensed ambulance services for uncompensated trauma care expenditures as documented in the trauma reporting and analysis system developed pursuant to the provisions of Section 330.93 of Title 63 of the Oklahoma Statutes; and

2. Ten percent (10%) of such monies shall be used by the Department in the furtherance of its powers and duties set forth in the Emergency Medical Services and Care Systems Act.

Expenditures from the 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 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1313.4 of Title 20, unless there is created a duplication in numbering, reads as follows:

A. As used in this section:

1. "Convicted" means any final adjudication of guilt, whether pursuant to a plea of guilty or nolo contendere or otherwise, and any deferred or suspended sentence or judgment; and

2. "Court" means any state or municipal court having jurisdiction to impose a criminal fine or penalty.

B. Any person convicted of a violation of any of the following offenses, or of any municipal traffic offense other than speeding, parking or standing violations, shall be ordered by the court to pay Ten Dollars (\$10.00) as a separate penalty assessment, which assessment shall be in addition to and not in substitution for any and all fines and penalties otherwise provided for by law for such offenses:

1. Paragraph 7 of subsection A of Section 537 of Title 37 of the Oklahoma Statutes;

2. Section 11-101 et seq. of Title 47 of the Oklahoma Statutes;

3. Section 11-201 et seq. of Title 47 of the Oklahoma Statutes;

4. Section 11-301 et seq. of Title 47 of the Oklahoma Statutes;
5. Section 11-401 et seq. of Title 47 of the Oklahoma Statutes;
6. Section 11-501 et seq. of Title 47 of the Oklahoma Statutes;
7. Section 11-601 et seq. of Title 47 of the Oklahoma Statutes;
8. Section 11-701 et seq. of Title 47 of the Oklahoma Statutes;
9. Section 11-901 et seq. of Title 47 of the Oklahoma Statutes;
10. Section 11-1001 et seq. of Title 47 of the Oklahoma Statutes;
11. Section 11-1101 et seq. of Title 47 of the Oklahoma Statutes;
12. Section 11-1201 et seq. of Title 47 of the Oklahoma Statutes;
13. Section 11-1301 et seq. of Title 47 of the Oklahoma Statutes;
14. Section 11-1401 et seq. of Title 47 of the Oklahoma Statutes; and
15. Section 761 of Title 47 of the Oklahoma Statutes.

C. Upon conviction or bond forfeiture in connection with an offense specified in subsection B of this section, the court shall collect the penalty assessment provided for in subsection B of this section and deposit it in an account created for that purpose. As an administrative fee for handling funds collected as a penalty assessment, each court is authorized to retain two percent (2%) of such monies and may also retain all interest accrued thereon prior to the due date for deposits as provided in this subsection. The remainder of such monies shall be forwarded quarterly by the court clerk to the State Treasurer, who shall deposit such monies to the Trauma Care Assistance Revolving Fund created in Section 1 of this act. Deposits shall be due July 15 for the preceding quarter ending June 30, October 15 for the preceding quarter ending September 30, January 15 for the preceding quarter ending December 31, and April 15 for the preceding quarter ending March 31. There shall be a

penalty imposed for failure to make timely deposits. Such penalty shall be one percent (1%) of the principal amount due per day beginning from the tenth day after payment is due and accumulating until the penalty reaches one hundred percent (100%) of the principal amount due. Along with the deposits required by this subsection each court also shall submit a report stating the total amount of funds collected and the total number of penalty assessments imposed during the preceding quarter. Such report may be made on computerized or manual disposition reports.

SECTION 3. AMENDATORY 47 O.S. 1991, Section 6-101, as last amended by Section 4, Chapter 2, O.S.L. 1997 (47 O.S. Supp. 1998, Section 6-101), is amended to read as follows:

Section 6-101. A. No person, except those hereinafter expressly exempted in Section 6-102 of this title, shall operate any motor vehicle upon a highway in this state unless the person has a valid Oklahoma driver license for the class of vehicle being operated under the provisions of this title. No person shall be permitted to possess more than one valid license at any time.

B. 1. No person shall operate a Class A commercial motor vehicle unless the person is eighteen (18) years of age or older and holds a valid Class A commercial license, except as provided in paragraph 5 of this subsection. Any person holding a valid Class A commercial license shall be permitted to operate motor vehicles in Classes A, B, C, and D, except as provided for in paragraph 4 of this subsection.

2. No person shall operate a Class B commercial motor vehicle unless the person is eighteen (18) years of age or older and holds a valid Class B commercial license. Any person holding a valid Class B commercial license shall be permitted to operate motor vehicles in Classes B, C, and D, except as provided for in paragraph 4 of this subsection.

3. No person shall operate a Class C commercial motor vehicle unless the person is eighteen (18) years of age or older and holds a valid Class C commercial license. Any person holding a valid Class C commercial license shall be permitted to operate motor vehicles in Classes C and D, except as provided for in paragraph 4 of this subsection.

4. No person under twenty-one (21) years of age shall be licensed to operate any motor vehicle which is required to be placarded for hazardous materials pursuant to 49 C.F.R., Part 172, subpart F; provided, the Department of Public Safety shall provide by rule promulgated pursuant to the Administrative Procedures Act, ~~Section 250 et seq. of Title 75 of the Oklahoma Statutes,~~ that a person under twenty-one (21) years of age may be licensed to operate a farm vehicle or, if such person is the operator of or employed by the operator of a farm retail outlet, any vehicle which is required to be placarded for hazardous materials pursuant to 49 C.F.R., Part 172, subpart F, if such licensure will not result in the loss of federal funds to this state pursuant to federal law or regulation.

5. A person at least seventeen (17) years of age who successfully completes all examinations required by law may be issued by the Department:

- a. a restricted Class A commercial license which shall grant to the licensee the privilege to operate a Class A or Class B commercial motor vehicle for harvest purposes or a Class D motor vehicle, or
- b. a restricted Class B commercial license which shall grant to the licensee the privilege to operate a Class B commercial motor vehicle for harvest purposes or a Class D motor vehicle.

6. No person shall operate a Class D motor vehicle unless the person is sixteen (16) years of age or older and holds a valid Class D license, except as provided for in Section 6-102 or 6-105 of this

title. Any person holding a valid Class D license shall be permitted to operate motor vehicles in Class D only.

C. Any person issued a driver license pursuant to this section may exercise the privilege thereby granted upon all streets and highways in this state.

D. No person shall operate a motorcycle, motor-driven cycle, or a motorized bicycle without having a valid Class A, B, C, or D license with a motorcycle endorsement. Except as otherwise provided by law, any new applicant for an original driver license shall be required to successfully complete a written examination, vision examination, and driving examination for a motorcycle as prescribed by the Department of Public Safety to be eligible for a motorcycle endorsement thereon.

E. Except as otherwise provided by law, any person who lawfully possesses a valid Oklahoma driver license which is eligible for renewal shall be required to successfully complete a written examination, vision examination, and driving examination for a motorcycle as prescribed by the Department to be eligible for a motorcycle endorsement; provided, however, the Department may waive all such examinations until July 1, 2000, upon satisfactory proof that the applicant has regularly operated a motorcycle, motor-driven cycle, or motorized bicycle for a minimum of two (2) years immediately preceding the application.

F. 1. Any person eighteen (18) years of age or older may apply for a restricted Class A, B, or C commercial license. The Department, after the applicant has passed all parts of the examination for and has been issued a Class D license and has successfully passed all parts of the examination for a Class A, B, or C commercial license other than the driving examination, may issue to the applicant a restricted driver license which shall entitle the applicant having immediate possession of the license to operate a Class A, B, or C commercial motor vehicle upon the public

highways solely for the purpose of behind-the-wheel training in accordance with rules promulgated by the Department.

2. This restricted driver license shall be issued for a period as determined by federal regulation and shall be nonrenewable; provided, such restricted license may be suspended, revoked, canceled, or denied at the discretion of the Department for violation of the restrictions, for failing to give the required or correct information on the application, or for violation of any traffic laws of this state pertaining to the operation of a motor vehicle. Except as otherwise provided, the lawful possessor of a restricted license who has been issued a restricted license for a minimum of thirty (30) days may have the restriction requiring an accompanying driver removed by satisfactorily completing a driver's examination; provided, the removal of a restriction shall not authorize the operation of a Class A, B, or C commercial motor vehicle if such operation is otherwise prohibited by law. The Department shall cause an examination to be conducted not more than three times during the first six (6) months after the date of issuance of the restricted license and not more than one time every three (3) months thereafter upon request of the lawful possessor thereof.

G. 1. The fee charged for an approved application for an original Oklahoma driver license or an approved application for the addition of an endorsement to a current valid Oklahoma driver license shall be assessed in accordance with the following schedule:

|                            |         |
|----------------------------|---------|
| Class A Commercial License | \$25.00 |
| Class B Commercial License | \$15.00 |
| Class C Commercial License | \$15.00 |
| Class D License            | \$ 4.00 |
| Motorcycle Examination     | \$ 4.00 |

2. Notwithstanding the provisions of Section 1104 of this title, all monies collected from the fees charged for Class A, B,

and C commercial licenses pursuant to the provisions of this subsection shall be deposited in the General Revenue Fund of this state.

H. The fee charged for any failed examination shall be Four Dollars (\$4.00) for any license classification. Notwithstanding the provisions of Section 1104 of this title, all monies collected from such examination fees pursuant to the provisions of this subsection shall be deposited in the General Revenue Fund of the state.

I. In addition to any fee charged pursuant to the provisions of subsection G of this section, the fee charged for the issuance or renewal of an Oklahoma license shall be in accordance with the following schedule:

|                            |                    |                |
|----------------------------|--------------------|----------------|
| Class A Commercial License | <del>\$35.00</del> | <u>\$36.00</u> |
| Class B Commercial License | <del>\$35.00</del> | <u>\$36.00</u> |
| Class C Commercial License | <del>\$25.00</del> | <u>\$26.00</u> |
| Class D License            | <del>\$15.00</del> | <u>\$16.00</u> |

One Dollar (\$1.00) of such fees shall be deposited to the Trauma Care Assistance Revolving Fund created in Section 1 of this act.

J. All original and renewal driver licenses shall expire four (4) years from the last day of the month in which the license was issued.

K. Any person sixty-two (62) years of age or older during the calendar year of issuance or renewal of a Class D license or motorcycle endorsement shall be charged the following prorated fee:

|        |         |
|--------|---------|
| Age 62 | \$11.25 |
| Age 63 | \$ 7.50 |
| Age 64 | \$ 3.75 |
| Age 65 | -0-     |

L. The Department of Public Safety and the Oklahoma Tax Commission are authorized to promulgate rules for the issuance and renewal of driver licenses authorized pursuant to the provisions of Sections 6-101 through 6-309 of this title. Applications, upon

forms approved by the Department of Public Safety, for such licenses shall be handled by the motor license agents; provided, the Department of Public Safety is authorized to assume these duties in any county of this state. Each motor license agent accepting applications for driver licenses shall receive Two Dollars (\$2.00) to be deducted from the total collected for each license or renewal application accepted. The two-dollar fee received by the motor license agent shall be used for operating expenses.

~~M. For the fiscal year beginning July 1, 1994, and for each fiscal year thereafter, notwithstanding~~ Notwithstanding the provisions of Section 1104 of this title and subsection L of this section and except as provided in ~~subsection~~ subsections G and I of this section, the first Sixty Thousand Dollars (\$60,000.00) of all monies collected pursuant to this section shall be paid by the Oklahoma Tax Commission to the State Treasurer to be deposited in the General Revenue Fund of the State Treasury.

~~N.~~ The next Five Hundred Thousand Dollars (\$500,000.00) of monies collected pursuant to this section shall be paid by the ~~Oklahoma~~ Tax Commission to the State Treasurer to be deposited each fiscal year under the provisions of this section to the credit of the Department of Public Safety Revolving Fund for the purpose of the Statewide Law Enforcement Communications System. All other monies collected in excess of Five Hundred Sixty Thousand Dollars (\$560,000.00) each fiscal year shall be apportioned as provided in Section 1104 of this title, except as provided in this subsection ~~L~~ of this section.

~~O.~~ N. If funds are appropriated for purposes specified by this subsection, the Department of Public Safety may implement a procedure whereby images displayed on licenses issued pursuant to the provisions of Sections 6-101 through 6-309 of this title can be maintained by the Department to create photographs which may be used only by a law enforcement agency for purposes of criminal

investigations, missing person investigations, or any law enforcement purpose which is deemed necessary by the Commissioner of Public Safety. The computer system acquired for this purpose must conform to industry standards for interoperability and open architecture. The Department of Public Safety may promulgate rules to implement the provisions of this subsection.

SECTION 4. AMENDATORY 63 O.S. 1991, Section 4021, is amended to read as follows:

Section 4021. A. The application required for the initial and annual registration of a vessel or a motor shall be accompanied by payment of the following fees:

1. Where the manufacturer's factory delivered price, or in the absence of such price being published in a recognized publication for the use of marine dealers and/or for purposes of insurance and financing firms, where the provable original or new cost of all materials, is One Hundred Fifty Dollars (\$150.00) or less, the registration and license fee for the first and for each succeeding year's registration shall be One Dollar (\$1.00) ~~;~~

2. Where the manufacturer's factory delivered price, or in the absence of such price being published as provided in paragraph 1 of this section, where the value of such vessel or motor is determined and fixed as above required and, is in excess of One Hundred Fifty Dollars (\$150.00), there shall be added to the fee of One Dollar (\$1.00), the sum of One Dollar (\$1.00) for each One Hundred Dollars (\$100.00) or any fraction thereof, in excess of One Hundred Fifty Dollars (\$150.00) provided such fee shall not exceed One Hundred Fifty Dollars (\$150.00) ~~;~~

3. After the first year's registration in this state under ~~this act~~ the Oklahoma Vessel and Motor Registration Act of any new vessel or new motor under paragraph 2 of this ~~section~~ subsection, the registration for the second year shall be ninety percent (90%) of the fee computed and assessed hereunder for the first year, and

thereafter, such fee shall be computed and assessed at ninety percent (90%) of the previous year's fee and shall be so computed and assessed for the next nine (9) successive years; provided, such fee shall not exceed One Hundred Fifty Dollars (\$150.00).

4. ~~a.~~ ~~(1)~~ The initial and annual registration fee for any vessel which is a part of a fleet used for lodging and for which a rental fee and sales tax are collected shall be Forty Dollars (\$40.00) in lieu of the fees required by paragraphs 1 through 3 of this ~~section~~ subsection.

~~(2)~~ For the purpose of this paragraph, "fleet" means twenty or more vessels operated by a business organization from a single anchorage.

~~b.~~ The fee provided for in this paragraph may be reduced annually to zero until the total reduction equals the difference between the sum of the fees paid pursuant to paragraphs 1 through 3 of this subsection for the two registration years preceding ~~the effective date of this act~~ January 1, 1990, and the fee provided for in this paragraph.

5. ~~Any~~ For any vessel or motor owned and numbered, registered or licensed prior to ~~the effective date of this act~~ January 1, 1990, in this or any other state, or in the absence of such registration upon proof of the year, model and age of same, the registration fee shall be computed and assessed at the rate hereinabove provided for a new vessel or motor based on the value thereof determined as provided in this subsection, but reduced as though same had been registered for each prior year of its existence. Except as provided in paragraph 1 of this subsection, the registration fee for the eleventh year computed in accordance with the provisions of this subsection shall be the amount of the fee to be assessed for such eleventh year and shall be the minimum annual registration fee for such vessel or motor for any subsequent year; and

~~6. As used herein the manufacturer's factory delivered price shall represent the recommended retail selling price and shall not mean the wholesale price to a dealer.~~

7. The initial and annual registration fee for any vessel or motor which is not being used in a trade or business or for any commercial purpose and is owned by:

- a. a nonresident member of the Armed Forces of the United States assigned to duty in this state in compliance with official military or naval orders,
- b. a resident member of the Armed Forces of the United States assigned to duty in this state in compliance with official military or naval orders,
- c. the spouse, who resides in Oklahoma, of a resident or nonresident member of the Armed Forces of the United States serving in a foreign country, or
- d. any Oklahoma resident who is stationed out of state due to an official assignment of the Armed Forces of the United States,

shall be the lesser of either a Fifteen Dollar (\$15.00) registration fee or the fee computed and assessed for vessels or motors of similar age and model pursuant to this section.

~~8.~~ B. As used in this section, the term "manufacturer's factory delivered price" shall represent the recommended retail selling price and shall not mean the wholesale price to a dealer.

C. The Tax Commission shall assess the registration fees and penalties for the year or years a vessel or motor was not registered as provided in the Oklahoma Vessel and Motor Registration Act. For vessels or motors not registered for two (2) or more years, the registration fees and penalties shall be due only for the current year and one (1) previous year.

~~B.~~ D. All vessels or motors owned by the State of Oklahoma, its agencies or departments, or political subdivisions thereof, or

which under the law would be exempt from direct ad valorem taxation, shall be registered pursuant to the provisions of the Oklahoma Vessel and Motor Registration Act for an annual fee of Two Dollars and twenty-five cents (\$2.25) irrespective of whether registered by a motor license agent or the Tax Commission.

~~C.~~ E. All vessels and motors owned by Boy Scouts of America, Girl Scouts of U.S.A., and the Campfire Girls, devoted exclusively to youth programs emphasizing physical fitness, character development and citizenship training, are hereby exempt from the payment of registration fees required by this section. Provided all of ~~said~~ such vessels or motors shall be registered and shall otherwise comply with the provisions of the Oklahoma Vessel and Motor Registration Act.

~~D.~~ F. A credit shall be allowed with respect to the fee for registration of any new vessel or new motor, when such new vessel or motor is a replacement for:

1. ~~a~~ A new original vessel or new original motor which is stolen from the purchaser/registrant within ninety (90) days of the date of purchase of the original vessel or new original motor as certified by a police report or other documentation as required by the Tax Commission; or

2. ~~a~~ A defective new original vessel or new original motor returned by the purchaser/registrant to the seller within six (6) months of the date of purchase of the defective new original vessel or new original motor as certified by the manufacturer.

~~Said~~ Such credit shall be in the amount of the fee for registration which was paid for the new original vessel or new original motor and shall be applied to the registration fee for the replacement vessel or motor. In no event will ~~said~~ such credit be refunded.

~~E.~~ G. Upon proper proof of a lost certificate of registration being made to the Tax Commission or one of its motor license agents, accompanied by an application therefor and payment of the fees

required by the Oklahoma Vessel and Motor Registration Act, a duplicate certificate of registration shall be issued to ~~said~~ the applicant. The charge for such duplicate certificate of registration shall be Two Dollars and twenty-five cents (\$2.25), which charge shall be in addition to any other fees imposed by Section ~~22~~ 4022 of this ~~act~~ title for any such vessel or motor.

H. In addition to any other fees levied by the Oklahoma Vessel and Motor Registration Act, there is levied and there shall be paid to the Tax Commission a fee of One Dollar (\$1.00) upon every vessel or motor for which a registration or license fee is required pursuant to the provisions of this section. The fee shall accrue and shall be collectible upon each vessel or motor under the same circumstances and shall be payable in the same manner and times as apply to vessel and motor licenses and registrations under the provisions of the Oklahoma Vessel and Motor Registration Act; provided, the fee shall be paid in full for the then current year at the time any vehicle is first registered in a calendar year.

Monies collected pursuant to this subsection shall be apportioned by the Tax Commission to the State Treasurer for deposit in the Trauma Care Assistance Revolving Fund created in Section 1 of this act.

The collection and payment of the fee shall be a prerequisite to license or registration of any vessel or motor.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 330.98 of Title 63, unless there is created a duplication in numbering, reads as follows:

Monies accruing to the Trauma Care Assistance Revolving Fund shall be expended in all seventy-seven counties of this state for the uncompensated trauma care expenditures on an unbiased method.

SECTION 6. AMENDATORY 63 O.S. 1991, Section 1-523, as last amended by Section 1, Chapter 148, O.S.L. 1998 (63 O.S. Supp. 1998, Section 1-523), is amended to read as follows:

Section 1-523. A. 1. Any and all institutions in this state, whether penal or eleemosynary, public or private, and free or for pay, shall make, and preserve for a period of at least one (1) year, a record showing the name, age, sex, race, nationality and place of residence of any infected inmate of such institution who may come to their knowledge.

2. The institution shall make available such record at all reasonable hours for inspection by the State Commissioner of Health or the local health officer.

3. Such institutions shall further furnish a physician and all proper medicines, instruments and apparatus for the proper treatment of such infected inmate.

B. Each institution listed in paragraph 1 of subsection A of this section and each Department of Corrections district office, and each county or municipal jail and the Pardon and Parole Board shall notify their correctional officers, probation and parole officers, ~~and any jailer, or~~ and any other employee or any ~~employee of the Pardon and Parole Board,~~ health care professional who has or will have direct contact with an inmate, when such inmate is infected with ~~the human immunodeficiency virus (HIV) or has the Acquired Immune Deficiency Syndrome (AIDS)~~ a serious transmissible disease.

C. Each institution listed in paragraph 1 of subsection A of this section shall notify any embalmer or funeral director who has or will have direct contact with the corpse of an inmate when that inmate has been previously diagnosed with a transmissible disease.

D. 1. If an officer or employee of the State of Oklahoma, or any other person comes into contact with the bodily fluids of an inmate in a state correctional facility, the Director of the Department of Corrections or designee, under such rules as the Director shall promulgate to carry out the provisions of this section, shall cause such inmate to be tested for such disease, if no prior record of the existence of such disease exists.

2. The Director or designee shall promptly communicate in writing the results of the test to the person so exposed and refer the employee to the Department of Correction's Employee Assistance Program for appropriate referrals for counseling, health care, and support services for the person so exposed.

3. E. As used in this section, ~~the term "serious:~~

1. "Serious transmissible disease" means the Human Immunodeficiency Virus (HIV) ~~and~~, the Acquired Immune Deficiency Syndrome (AIDS), hepatitis and tuberculosis; and

2. "Health care professional" means any person who offers or provides health care services under a license, certification or registration issued pursuant to Title 59 or Title 63 of the Oklahoma Statutes.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2525.5B of Title 63, unless there is created a duplication in numbering, reads as follows:

A. A managed care entity has the duty to exercise ordinary care when making health care treatment decisions and is liable for damages for harm to an insured or enrollee proximately caused by its failure to exercise such ordinary care.

B. A managed care entity is also liable for damages for harm to an insured or enrollee proximately caused by the health care treatment decisions made by its:

1. Employees;

2. Agents; or

3. Representatives who are acting on its behalf and over whom it has the right to exercise influence or control or has actually exercised influence or control, which result in the failure to exercise ordinary care.

C. It shall be a defense to any action asserted against a managed care entity for a managed care plan that:

1. Neither the managed care entity, nor any employee, agent, or representative for whose conduct such managed care entity is liable under subsection B of this section, controlled, influenced, or participated in the health care treatment decision; and

2. The managed care entity did not deny or delay payment for any treatment prescribed or recommended by a participating provider to the insured or enrollee.

D. The standards in subsections A and B create no obligation on the part of the managed care entity to provide to an insured or enrollee treatment which is not covered by the managed care plan of the entity.

E. A managed care entity shall not remove a participating provider from its plan or refuse to renew the participating provider with its plan for advocating on behalf of an enrollee for appropriate and medically necessary health care for the enrollee.

F. A managed care entity shall not enter into a contract with a physician, hospital, or other health care provider or pharmaceutical company which includes an indemnification or hold harmless clause for the acts or conduct of the managed care entity. Any such indemnification or hold harmless clause in an existing contract is hereby declared void.

G. Nothing in any law of this state prohibiting a managed care entity from practicing medicine or being licensed to practice medicine may be asserted as a defense by such managed care entity in an action brought against it pursuant to this section or any other law.

H. In an action against a managed care entity, a finding that a participating provider is an employee, agent, or representative of such managed care entity shall not be based solely on proof that such person's name appears in a listing of approved participating providers made available to insureds or enrollees under a managed care plan.

I. This section does not apply to workers' compensation insurance coverage as defined in Title 85 of the Oklahoma Statutes.

SECTION 8. This act shall become effective July 1, 1999.

SECTION 9. 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."

Passed the House of Representatives the 14th day of April, 1999.

\_\_\_\_\_  
Speaker of the House of  
Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 1999.

\_\_\_\_\_  
President of the Senate