

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

SENATE BILL NO. 108

By: Long

AS INTRODUCED

An Act relating to insurance; amending 36 O.S. 1991, Sections 6054, as last amended by Section 1, Chapter 76, O.S.L. 1996, and 6056 and 6057, as amended by Sections 3 and 4, Chapter 76, O.S.L. 1996 (36 O.S. Supp. 1998, Sections 6054, 6056 and 6057), which relate to the Health Care Freedom of Choice Act; adding term; adding location at which certain services and procedures may be performed; expanding types of facilities for which a provision, exclusion or limitation in an accident and health insurance policy shall be void; and providing an effective date.

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

SECTION 1. AMENDATORY 36 O.S. 1991, Section 6054, as last amended by Section 1, Chapter 76, O.S.L. 1996 (36 O.S. Supp. 1998, Section 6054), is amended to read as follows:

Section 6054. As used in the Health Care Freedom of Choice Act:

1. "Accident and health insurance policy" or "policy" means any policy, certificate, contract, agreement or other instrument that provides accident and health insurance, as defined in Section 703 of this title, to any person in this state;

2. "Ambulatory surgical center" means any facility as defined in Section 2657 of Title 63 of the Oklahoma Statutes;

3. "Hospital" means any facility as defined in Section 1-701 of Title 63 of the Oklahoma Statutes;

~~3.~~ 4. "Insured" means any person entitled to reimbursement for expenses of health care services and procedures under an accident and health insurance policy issued by an insurer;

~~4.~~ 5. "Insurer" means any entity that provides an accident and health insurance policy in this state, including but not limited to a licensed insurance company, a not-for-profit hospital service

and/or medical indemnity corporation, a fraternal benefit society, a multiple employer welfare arrangement or any other entity subject to regulation by the Insurance Commissioner; and

~~5.~~ 6. "Practitioner" means any person holding a valid license to practice medicine and surgery, osteopathic medicine, chiropractic, podiatric medicine, optometry or dentistry, pursuant to the state licensing provisions of Title 59 of the Oklahoma Statutes.

SECTION 2. AMENDATORY 36 O.S. 1991, Section 6056, as amended by Section 3, Chapter 76, O.S.L. 1996 (36 O.S. Supp. 1998, Section 6056), is amended to read as follows:

Section 6056. Services and procedures covered under an accident and health insurance policy may be performed at any hospital or ambulatory surgical center where a practitioner is authorized to practice, doctor's office or clinic, at the choice of the insured, or the insured's parent or guardian if the insured is a minor, and the practitioner who is providing the services and procedures.

SECTION 3. AMENDATORY 36 O.S. 1991, Section 6057, as amended by Section 4, Chapter 76, O.S.L. 1996 (36 O.S. Supp. 1998, Section 6057), is amended to read as follows:

Section 6057. A. Any provision, exclusion or limitation in an accident and health insurance policy which:

1. Denies an insured, or the insured's parent or guardian if the insured is a minor, the free choice of any practitioner or the use of any hospital or ambulatory surgical center where the practitioner is authorized to practice, doctor's office or clinic; or

2. Otherwise conflicts with any provision of the Health Care Freedom of Choice Act;

shall, to the extent of the denial or conflict, be void, but such voidance shall not affect the validity of the other provisions of the policy.

B. Any policy form presently approved for use containing any provision, exclusion or limitation determined by the Insurance Commissioner to be in conflict with any provision of the Health Care Freedom of Choice Act shall be brought into compliance with the act by the filing of a rider, an endorsement, or a new or revised policy form approved by the Commissioner.

SECTION 4. This act shall become effective November 1, 1999.

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