

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

CONFERENCE COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
HOUSE BILL NO. 1194

By: Pope (Clay) of the House

and

Price of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to health; directing the State Department of Health to make certain applications for the purposes of enhanced reimbursement for certain emergency services; authorizing the Oklahoma Health Care Authority to establish certain reimbursement methodology for certain purpose; providing certain limitations; amending Section 1, Chapter 389, O.S.L. 1998 and Section 2, Chapter 389, O.S.L. 1998, as amended by Section 1, Chapter 31, O.S.L. 2000 (63 O.S. Supp. 2000, Sections 1-2701 and 1-2702), which relate to the Telemedicine Advisory Council; modifying membership and duties of the Council; transferring staffing duties; directing the establishment of the Oklahoma Center for Telemedicine within the State Department of Health; providing for personnel; specifying the powers and duties of the Center; directing the establishment of a telehealth website; providing for purpose; directing the provision of certain information and assistance; amending Section 2 of Enrolled House Bill No. 1429 of the 1st Session of the 48th Oklahoma Legislature, which relates to the Oklahoma Health Care Authority and certain income-deferred program; providing for certain agreements and consultations; providing for certain program manager; providing for certain agreements in certain manner; providing for codification; providing an effective date; 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 1-702c of Title 63, unless there is created a duplication in numbering, reads as follows:

With available funds, the State Department of Health shall apply to the Secretary for the federal Department of Health and Human

Services for any and all waivers, grants, or other assistance that would allow or facilitate the establishment of a program of enhanced reimbursement for services provided to Medicare beneficiaries in emergency hospitals in rural areas of the state.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5025 of Title 63, unless there is created a duplication in numbering, reads as follows:

The Oklahoma Health Care Authority may establish, with available funds, a reimbursement methodology that will enhance the reimbursement for services provided to Medicaid beneficiaries in emergency hospitals in rural areas of the state.

SECTION 3. AMENDATORY Section 1, Chapter 389, O.S.L. 1998 (63 O.S. Supp. 2000, Section 1-2701), is amended to read as follows:

Section 1-2701. A. There is hereby created, to continue until July 1, 2004, in accordance with the provisions of the Oklahoma Sunset Law, the Telemedicine Advisory Council.

~~A. B.~~ All members of the Council shall be at least generally knowledgeable of the technology utilized for telemedicine ~~or shall be represented by designees who have such knowledge.~~ The membership of the Council shall be as follows:

1. ~~Ex officio and voting members:~~

~~a. the~~

The Administrator of the Oklahoma Health Care Authority;i

~~b. the~~

2. The Administrator of the State and Education Employees Group Insurance Board;i

~~c. the~~

3. The Commissioner of Health;i

~~d. the~~

4. The Director of the Department of Corrections;i

~~e. the~~

5. The Chancellor of Higher Education, ~~and;~~

~~f. the~~

6. The Director of Human Services; and

~~2. 7. Voting~~ Six members appointed by the Governor as follows:

- a. an executive of a tertiary hospital,
- b. an executive of a regional hospital,
- c. three persons who shall each be an executive of a not-for-profit rural hospital, clinic, or other not-for-profit entity presumed to be a user of services provided by means of telemedicine, and
- d. a medical director of a health maintenance organization;

~~3. Voting~~ 8. Three members appointed by the President Pro Tempore of the Senate as follows:

- a. a member of the Senate,
- b. a representative of a hospital association, and
- c. a representative of an association of medical professionals;

~~4. Voting~~ 9. Three members appointed by the Speaker of the House of Representatives as follows:

- a. a member of the House of Representatives,
- b. a representative of an association of medical professionals, and
- c. a representative of a rural development body; and

~~5. 10.~~ Not more than five additional members to be appointed by the Council, if the Council so desires, and for such term or terms of service as the Council desires. All members shall be voting members.

~~B. C.~~ Each voting member may appoint one individual to serve as a designee in the event the member is unable to attend a meeting if the member provides written notification of the appointment to the chair of the Council and the State Commissioner of Health.

~~D.~~ D. Appointees shall serve at the pleasure of the ~~appointing~~ authority making the appointment. Vacancies shall be filled in the same manner as original appointments.

~~C.~~ E. A quorum shall consist of ~~at least three of the ex officio members and at least six of the appointed members~~ a majority of the members present and voting.

~~D.~~ F. The Governor shall, ~~from among the ex officio or appointed members,~~ appoint a member to chair the Council, to serve until July 1, 1999. ~~At its first meeting, the Council shall elect a member as~~ from among its membership a chair, a vice-chair. ~~At that time or at any subsequent meeting, the Council may elect,~~ and such other officers as it deems appropriate. Officers shall serve terms ending June 30 of each year. No officer shall serve more than two terms in any one office. ~~Chairs to serve terms beginning July 1, 1999, and thereafter shall be elected by the Council from among its membership.~~

~~E.~~ G. Members shall receive no compensation for serving on the Council but shall receive travel reimbursement as follows:

1. Legislative members shall be reimbursed for their necessary travel expenses incurred in the performance of their duties in accordance with Section 456 of Title 74 of the Oklahoma Statutes;

2. Nonlegislative members who are state officers or employees shall be reimbursed by their respective agencies for their necessary travel expenses incurred in the performance of their duties in accordance with the State Travel Reimbursement Act; and

3. Members who are not legislators or officers or employees of the state shall be reimbursed by the State Department of Health in accordance with the State Travel Reimbursement Act.

~~F.~~ H. Staff assistance for the Council shall be provided by the ~~State Department of Health~~ staff of the Oklahoma Center for Telemedicine.

~~G.~~ I. The Council shall be an advisory body without authority to receive or expend state funds or to promulgate rules. It shall be exempt from the Oklahoma Open Records Act but shall comply with the Oklahoma Open Meeting Act; provided, the Council may go into executive session to review and discuss proprietary information.

~~H.~~ J. The Council shall serve as an advisory body to the State Board of Health, the State Commissioner of Health and the Oklahoma Center for Telemedicine. The Council shall have the power and duty to:

1. Study the apparent barriers to the development of effective telemedicine services in this state and make recommendations to public agencies and private entities for the overcoming of barriers found;

~~2. Engage with any and all parties to encourage the development of contracts or other agreements whereby entities needing telemedicine services can obtain them pursuant to reasonable terms and conditions;~~

~~3. Meet with the Director of Information Services of the Office of State Finance and such other persons as are instrumental to the provision of telecommunications services to address problems, develop policies, and otherwise improve the delivery of telemedicine services~~ Make recommendations on the future development of telemedicine and on the future needs for a statewide telehealth system in the state;

~~4.~~ 3. Advise the Governor and the members of the Legislature regarding the improvement of public policy relating to telemedicine;

~~5. Make~~ 4. With respect to matters related to telemedicine, make recommendations on methods of ensuring that the telehealth system:

a. supports and meets the needs of:

(1) a statewide trauma system ~~and the needs of,~~

(2) critical access hospitals,

(3) mental health systems,

(4) youth and family service systems, and

(5) others as deemed necessary by the Council, and

b. utilizes available federal funds to the maximum extent possible;

~~6.~~ 5. Make recommendations on the integration of new and emerging technologies and applications for the delivery of health care services through telecommunications into the telehealth system; and

~~7. Generally use its good offices for~~ 6. Perform any other function necessary and appropriate to the furtherance of the development of telemedicine in this state.

SECTION 4. AMENDATORY Section 2, Chapter 389, O.S.L. 1998, as amended by Section 1, Chapter 31, O.S.L. 2000 (63 O.S. Supp. 2000, Section 1-2702), is amended to read as follows:

Section 1-2702. A. ~~On and after July 1, 1998~~ 1. With available state or federal funds, the State Department of Health shall be the state entity ~~designated by law to assume the responsibilities~~ responsible for telemedicine and ~~the network known as the development of a statewide Oklahoma Telemedicine Network.~~ ~~The Department shall be responsible for the maintenance and development of the Network~~ telemedicine network. The Department shall also be responsible for the continued development and implementation of a statewide system for the delivery of medical and other health care services through a telehealth system.

2. In order to achieve these duties, the ~~Department~~ State Board of Health shall establish a separate office within the State Department of Health which shall be known as the Oklahoma Center for Telemedicine. The State Commissioner of Health shall appoint or employ a director of the office who shall report to the Commissioner and the Board. The Commissioner shall also employ such other personnel as necessary to carry out the duties of the Center. The

director and other Center personnel shall have no other duties within the Department except those directly related to the duties and responsibilities of the Center.

3. The Center shall have the power and duty to:

~~1. Assess~~

a. assess the current status and needs of the Network telemedicine network and telehealth in the state;

~~2. Develop recommendations on the future development of the Network and on the future needs for a statewide telehealth system in the state;~~

~~3. Coordinate the~~

b. utilize available state and federal funds to the maximum extent possible,

c. for the purposes of the continued development of telehealth services in the state, engage with any and all parties to encourage and assist communications between entities requiring telemedicine services and entities offering or providing telemedicine services,

d. resolve problems and otherwise improve the delivery of telemedicine services,

e. assist and facilitate the coordination efforts of hospitals and other health care facilities and providers in the Network; development and delivery of telemedicine services,

~~4. Explore~~

f. explore ways to provide reimbursement to providers for telehealth services;

~~5. Review the training needs of medical personnel in telehealth technology;~~

~~6. Explore~~

g. explore the feasibility of providing health education services through a telehealth system; and,

~~7. Study~~

- h. study issues of compatibility of technology, and
- i. establish and maintain a website and a clearinghouse for grant information as provided by Section 1-2703 of this title.

B. The Department shall enter into ~~an agreement~~ agreements with ~~the Oklahoma State University Telemedicine Center~~ appropriate entities to provide the ~~Department~~ Center with assistance in carrying out the provisions of this section.

~~C. The State Department of Health shall provide appropriate technical support and assistance to hospitals on the Network.~~

~~D.~~ The ~~Department~~ director of the Center may form advisory groups as is necessary to work with the ~~Department~~ Center or, upon its request, the Telemedicine Advisory Council on telehealth issues.

~~E.~~ D. The ~~Department~~ Center shall work in conjunction and in consultation with the Telemedicine Advisory Council created in Section 1-2701 of this title.

~~F.~~ E. The State Board of Health shall promulgate rules for the implementation of the teleradiology responsibilities outlined in this section. The rules shall be based on the American College of Radiology Standards for Teleradiology.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-2702.1 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Center for Telemedicine shall establish and maintain a telehealth website for the State of Oklahoma. A direct link to the telehealth website shall be maintained on the State of Oklahoma government website page.

B. The purpose of the telehealth website shall be to promote the utilization and expansion of telemedicine in this state by:

1. Facilitating the exchange of information between telemedicine service providers and current or potential service users within the state;

2. Providing links to additional telemedicine websites; and

3. Providing a current listing of public and private grants available for:

- a. the development of telehealth,
- b. support or improvement of rural health facilities or services, and
- c. enhancing the delivery of health care services to rural and underserved populations.

C. The Oklahoma Center for Telemedicine shall provide information and assistance to hospitals and community health centers seeking technical assistance for the development and submission of grant applications and proposals.

SECTION 6. AMENDATORY Section 2 of Enrolled House Bill No. 1429 of the 1st Session of the 48th Oklahoma Legislature, is amended to read as follows:

Section 2. A. Effective July 1, 2001, the Oklahoma Health Care Authority is authorized to offer to eligible contracted incorporated physician providers, elective income deferral programs which can result in federal income tax advantages and other advantages to such providers and their employees. These deferral programs shall take into account present and future provisions of the United States Internal Revenue Code which now or in the future might have the beneficial effect of magnifying the after-tax value payments made by the state to incorporated physician providers. As a condition of participation in these income deferral programs, all participating incorporated physician providers shall be subject to provisions for forfeiture of benefits for failure to maintain in force a Medicaid provider agreement and to furnish services to Medicaid recipients for specified duration.

B. The Oklahoma Health Care Authority ~~is directed to work~~ may consult with the State Treasurer and the Attorney General of the state ~~to establish~~ for advice in establishing the program ~~and to establish an account at the State Treasury. The account shall be called the "Medicaid Income Deferral Plan Account" that shall be maintained for the benefit of those contracted physician providers that elect to participate.~~

C. The Oklahoma Health Care Authority shall have the authority to promulgate rules regarding the operation of the program.

SECTION 7. Sections 1 through 5 of this act shall become effective November 1, 2001.

SECTION 8. 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.

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