

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

SENATE BILL 1484

By: Shurden

AS INTRODUCED

An Act relating to state employees; amending 74 O.S. 2001, Section 1328, which relates to the State and Education Employees Group Insurance Act; amending references; deleting provision providing for payment of certain attorneys' fees to prevailing party; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 74 O.S. 2001, Section 1328, is amended to read as follows:

Section 1328. A. The State and Education Employees Group Insurance ~~Plan~~ Board shall reimburse all clean claims of an enrollee, an assignee of the enrollee, or a health care provider within forty-five (45) calendar days after receipt of the claim by the entity.

B. As used in this section, "clean claim" means a claim that has no defect or impropriety, including a lack of any required substantiating documentation, or particular circumstance requiring special treatment that impedes prompt payment.

C. 1. If a claim or any portion of a claim is determined to have defects or improprieties, including a lack of any required substantiating documentation, or a particular circumstance requiring special treatment, the enrollee, assignee of the enrollee, or health care provider shall be notified in writing within thirty (30) calendar days after receipt of the claim by the State and Education Employees Group Insurance ~~Plan~~ Board. The written notice shall specify the portion of the claim that is causing a delay in

processing and explain any additional information or corrections needed. Failure of the ~~Plan~~ Board to provide the enrollee, assignee of the enrollee, or health care provider with such notice shall constitute prima facie evidence that the claim will be paid in accordance with the terms of the health benefit contract.

2. The portion of the claim that is accurate shall be paid within forty-five (45) calendar days after receipt of the claim by the State and Education Employees Group Insurance ~~Plan~~ Board.

D. Upon receipt of the additional information or corrections which led to the claim's being delayed and a determination that the information is accurate, the State and Education Employees Group Insurance ~~Plan~~ Board shall either pay or deny the claim or a portion of the claim within forty-five (45) calendar days.

E. Payment shall be considered made on:

1. The date a draft or other valid instrument which is equivalent to the amount of the payment is placed in the United States mail in a properly addressed, postpaid envelope; or

2. If not so posted, the date of delivery.

F. An overdue payment shall bear simple interest at the rate of ten percent (10%) per year.

~~G. In the event litigation should ensue based upon such a claim, the prevailing party shall be entitled to recover a reasonable attorney's fee to be set by the court and taxed as costs against the party or parties who do not prevail.~~

SECTION 2. This act shall become effective July 1, 2002.

SECTION 3. 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.