

3 Senate Bill No. 253

4 SENATE BILL NO. 253 - By: SHURDEN of the Senate and STANLEY of the
5 House.

6 An Act relating to public health and safety; amending 63
7 O.S. 2001, Section 1-742, which relates to patient
8 solicitation for hospitals or other entities; expanding the
9 definition of a health care provider; and providing an
10 effective date.

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

12 SECTION 1. AMENDATORY 63 O.S. 2001, Section 1-742, is
13 amended to read as follows:

14 Section 1-742. A. 1. Any person who intentionally or
15 knowingly pays to or accepts anything of value from any person,
16 firm, association of persons, partnership or corporation for
17 securing or soliciting patients for any health care professional,
18 health care provider or other entity providing health care services
19 in this state, upon conviction, shall be guilty of a misdemeanor and
20 shall be punished by a fine of not less than Five Hundred Dollars
21 (\$500.00) and not more than Two Thousand Dollars (\$2,000.00).

22 2. In addition to any other penalties or remedies provided by
23 law:

24 a. a violation of this section by a health care
25 professional or health care provider shall be grounds
26 for disciplinary action by the state agency licensing,

1 certifying or registering such professional or
2 provider, and

3 b. the state agency licensing, certifying or registering
4 such professional or provider may institute an action
5 to enjoin violation or potential violation of this
6 section.

7 B. This section shall not be construed to prohibit:

8 1. Advertising, except that advertising which:

9 a. is false, misleading or deceptive,

10 b. advertises professional superiority or the performance
11 of a professional service in a superior manner, and

12 c. is not readily subject to verification;

13 2. Remuneration for advertising, marketing or other services
14 that are provided for the purpose of securing or soliciting
15 patients, provided the remuneration is:

16 a. set in advance,

17 b. consistent with the fair market value of the services,
18 and

19 c. not based on the volume or value of any patient
20 referrals or business otherwise generated between the
21 parties; and

1 3. Any payment, business arrangements or payments practice not
2 prohibited by 42 U.S.C., Section 1320a-7b(b), or any regulations
3 promulgated pursuant thereto.

4 C. This section shall not apply to licensed insurers, including
5 but not limited to, group hospital service corporations or health
6 maintenance organizations which reimburse, provide, offer to provide
7 or administer hospital, medical, dental or other health-related
8 benefits under a health benefits plan for which it is the payor when
9 it is providing those services under a health benefits plan.

10 D. For purposes of this section:

11 1. "Health care professional" means any person who offers or
12 provides counseling or health or mental health care under a license,
13 certification or registration issued pursuant to Title 59 of the
14 Oklahoma Statutes; and

15 2. "Health care provider" means any:

16 a. hospital or related institution offering or providing
17 health care services licensed pursuant to the
18 provisions of Section 1-702 of this title; or

19 b. ambulatory surgical center offering or providing
20 health care services licensed pursuant to the
21 provisions of Section 2660 of this title.

22 SECTION 2. This act shall become effective November 1, 2003.

23 COMMITTEE REPORT BY: COMMITTEE ON HUMAN RESOURCES, dated 2-6-03 - DO
24 PASS, As Coauthored.