

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 SENATE BILL NO. 1645

By: Anderson and Johnson
(Constance) of the Senate

6 and

7 Jackson of the House

8
9 COMMITTEE SUBSTITUTE

10 An Act relating to public health and safety; amending
11 36 O.S. 2001, Section 6060.4, as last amended by
12 Section 65, Chapter 264, O.S.L. 2006 (36 O.S. Supp.
13 2007, Section 6060.4), which relates to child
14 immunization coverage; expanding coverage; providing
15 for reimbursement; creating the Prenatally and
16 Postnatally Diagnosed Conditions Awareness Act;
17 defining terms; stating purpose; authorizing the
18 Commissioner of Health to perform certain activities;
19 providing for a disclosure statement; requiring
20 written consent before certain actions may be taken
21 by a health care provider; requiring the provision of
22 certain information under certain circumstances;
23 providing for the State Department of Health to
24 promulgate rules; providing for codification; and
providing an effective date.

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

SECTION 1. AMENDATORY 36 O.S. 2001, Section 6060.4, as
last amended by Section 65, Chapter 264, O.S.L. 2006 (36 O.S. Supp.
2007, Section 6060.4), is amended to read as follows:

1 Section 6060.4 A. A health benefit plan delivered, issued for
2 delivery or renewed in this state on or after January 1, 1998, that
3 provides benefits for the dependents of an insured individual shall
4 provide coverage for each child of the insured, from birth through
5 the date such child is eighteen (18) years of age for:

6 1. Immunization against:

7 a. diphtheria,

8 b. hepatitis B,

9 c. measles,

10 d. mumps,

11 e. pertussis,

12 f. polio,

13 g. rubella,

14 h. tetanus,

15 i. varicella,

16 j. haemophilus influenzae type B, ~~and~~

17 k. hepatitis A,

18 l. pneumococcus,

19 m. meningococcus,

20 n. rotavirus,

21 o. human papillomavirus, and

22 p. influenza; and

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1 2. Any other immunization subsequently recommended for routine
2 use by the Advisory Committee on Immunization Practice or required
3 for children by the State Board of Health.

4 B. 1. Benefits required pursuant to subsection A of this
5 section shall not be subject to a deductible, co-payment, or
6 coinsurance requirement.

7 2. Benefits required pursuant to subsection A of this section
8 shall not be discounted due to network agreements, preferred
9 provider organization (PPO) contracts, or any other contract that is
10 signed by a physician or facility providing immunizations which
11 would result in a reimbursement amount of less than one hundred
12 percent (100%) of the actual retail cost charged to the physician or
13 facility purchasing the immunization.

14 3. Reimbursement shall be at one hundred percent (100%) of the
15 actual retail cost of the immunization and an additional
16 reimbursement of twenty percent (20%) of the retail cost charged
17 which shall be for dispensing and storage of the immunizations.

18 C. 1. For purposes of this section, "health benefit plan"
19 means a plan that:

20 a. provides benefits for medical or surgical expenses
21 incurred as a result of a health condition, accident,
22 or sickness, and

23 b. is offered by any insurance company, group hospital
24 service corporation, the State and Education Employees

1 Group Insurance Board, or health maintenance
2 organization that delivers or issues for delivery an
3 individual, group, blanket, or franchise insurance
4 policy or insurance agreement, a group hospital
5 service contract, or an evidence of coverage, or, to
6 the extent permitted by the Employee Retirement Income
7 Security Act of 1974, 29 U.S.C., Section 1001 et seq.,
8 by a multiple employer welfare arrangement as defined
9 in Section 3 of the Employee Retirement Income
10 Security Act of 1974, or any other analogous benefit
11 arrangement, whether the payment is fixed or by
12 indemnity.

13 2. The term "health benefit plan" shall not include:

14 a. a plan that provides coverage:

15 (1) only for a specified disease,

16 (2) only for accidental death or dismemberment,

17 (3) for wages or payments in lieu of wages for a
18 period during which an employee is absent from
19 work because of sickness or injury, or

20 (4) as a supplement to liability insurance,

21 b. a Medicare supplemental policy as defined by Section
22 1882(g)(1) of the Social Security Act (42 U.S.C.,
23 Section 1395ss),

24 c. ~~worker's~~ workers' compensation insurance coverage,

- d. medical payment insurance issued as part of a motor vehicle insurance policy,
- e. a long-term care policy, including a nursing home fixed indemnity policy, unless a determination is made that the policy provides benefit coverage so comprehensive that the policy meets the definition of a health benefit plan, or
- f. short-term health insurance issued on a nonrenewable basis with a duration of six (6) months or less.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-548.1 of Title 63, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Prenatally and Postnatally Diagnosed Conditions Awareness Act".

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-548.2 of Title 63, unless there is created a duplication in numbering, reads as follows:

As used in the Prenatally and Postnatally Diagnosed Conditions Awareness Act:

1. "Down syndrome" means a chromosomal disorder caused by an error in cell division that results in the presence of an extra whole or partial copy of chromosome 21;

2. "Health care provider" means any person or entity required by state or federal law or regulation to be licensed, registered, or

1 certified to provide health care services, and who is so licensed,
2 registered, or certified;

3 3. "Postnatally diagnosed condition" means any fetal health
4 condition identified by postnatal genetic testing or postnatal
5 screening procedures during the twelve-month period beginning at
6 birth;

7 4. "Postnatal test" means diagnostic or screening tests offered
8 with respect to an individual from birth to one (1) year of age that
9 is administered on a required or recommended basis by a health care
10 provider based on medical history, family background, ethnic
11 background, previous test results, symptoms the child is presenting,
12 or other risk factors;

13 5. "Prenatally diagnosed condition" means any fetal health
14 condition identified by prenatal genetic testing or prenatal
15 screening procedures; and

16 6. "Prenatal test" means diagnostic or screening tests offered
17 to pregnant women seeking routine prenatal care that are
18 administered on a required or recommended basis by a health care
19 provider based on medical history, family background, ethnic
20 background, previous test results, or other risk factors.

21 SECTION 4. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 1-548.3 of Title 63, unless
23 there is created a duplication in numbering, reads as follows:

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1 It is the purpose of the Prenatally and Postnatally Diagnosed
2 Conditions Awareness Act to:

3 1. Increase patient referrals to providers of key support
4 services for patients who have received a positive test diagnosis
5 for Down syndrome, or other prenatally or postnatally diagnosed
6 conditions, as well as to provide up-to-date, comprehensive
7 information about life expectancy, development potential, and
8 quality of life for a child born with Down syndrome or other
9 prenatally or postnatally diagnosed condition;

10 2. Strengthen existing networks of support through a State
11 Department of Health patient and provider outreach program;

12 3. Improve available data by incorporating information directly
13 revealed by prenatal or postnatal testing into existing state-based
14 surveillance programs for birth defects and prenatally or
15 postnatally diagnosed conditions; and

16 4. Ensure that patients receive up-to-date, scientific
17 information about the accuracy of the test.

18 SECTION 5. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 1-548.4 of Title 63, unless
20 there is created a duplication in numbering, reads as follows:

21 The Commissioner of Health may authorize and oversee certain
22 activities, including the awarding of grants, contracts, or
23 cooperative agreements to:

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1 1. Collect, synthesize, and disseminate current scientific
2 information relating to Down syndrome or other prenatally or
3 postnatally diagnosed conditions; and

4 2. Coordinate the provision of, and access to, new or existing
5 supportive services for patients receiving a positive test diagnosis
6 for Down Syndrome or other prenatally or postnatally diagnosed
7 conditions including, but not limited to:

8 a. a resource telephone hotline and internet website
9 accessible to patients receiving a positive test
10 result,

11 b. an outreach system for new and expecting parents to
12 provide them with up-to-date information on the
13 clinical course, life expectancy, development
14 potential, quality of life, and available resources
15 and services for children with Down syndrome or other
16 prenatally and postnatally diagnosed conditions,

17 c. the expansion and further development of statewide and
18 local peer-support programs, so that such programs can
19 more effectively serve parents of newly diagnosed
20 children,

21 d. a statewide registry or network of local registries of
22 families willing to adopt newborns with Down syndrome
23 or other prenatally or postnatally diagnosed
24 conditions, and links to adoption agencies willing to

1 place babies with Down syndrome or other prenatally or
2 postnatally diagnosed conditions, with families
3 willing to adopt, and

4 e. awareness and education programs for health care
5 providers who provide the results of prenatal or
6 postnatal tests for Down syndrome or other prenatally
7 or postnatally diagnosed conditions to patients
8 consistent with the purposes of this section.

9 SECTION 6. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 1-548.5 of Title 63, unless
11 there is created a duplication in numbering, reads as follows:

12 A. Prior to the reporting of the results of a prenatal or
13 postnatal test under this section, the patient involved shall be
14 provided with a disclosure statement, a form to be developed by the
15 State Department of Health, that describes the manner in which the
16 results of the tests shall be used. These results may not be
17 reported unless the patient consents to the reporting after receipt
18 of the disclosure statement.

19 B. Nothing in this section shall be construed to permit or
20 require the collection, maintenance, or transmission, without the
21 health care provider obtaining the prior, written consent of the
22 patient, of:

23 1. Health information or data that identifies a patient, or
24 there is a reasonable basis to believe the information could be used

1 to identify the patient, including the name, address, health care
2 provider, or hospital; and

3 2. Data not related to the epidemiology of the condition for
4 which testing is being performed.

5 C. Upon receipt of a positive test result from a prenatal or
6 postnatal test for Down syndrome or other prenatally or postnatally
7 diagnosed conditions performed on a patient, the health care
8 provider involved, or a designee, shall provide the patient with the
9 following:

10 1. Up-to-date, scientific, written information concerning the
11 life expectancy, clinical course, and intellectual and functional
12 development and treatment options for a fetus diagnosed with or
13 child born with Down syndrome or other prenatally or postnatally
14 diagnosed conditions; and

15 2. Referral to supportive services providers, including
16 information hotlines specific to Down syndrome or other prenatally
17 or postnatally diagnosed conditions, resource centers, or
18 clearinghouses, and other education and support programs as provided
19 for in the Prenatally and Postnatally Diagnosed Conditions Awareness
20 Act.

21 D. The State Board of Health shall promulgate rules in
22 accordance with the provisions of the Prenatally and Postnatally
23 Diagnosed Conditions Awareness Act.

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SECTION 7. This act shall become effective November 1, 2008.

51-2-10841 SAB 04/04/08