

THE HOUSE OF REPRESENTATIVES
Thursday, April 10, 2008

Committee Substitute for
ENGROSSED
Senate Bill No. 1645

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 1645 - By:
ANDERSON AND JOHNSON (CONSTANCE) of the Senate and JACKSON AND
MCDANIEL (JEANNIE) of the House.

An Act relating to public health and safety; amending 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), which relates to child immunization coverage; expanding coverage; providing for reimbursement; creating the Prenatally and Postnatally Diagnosed Conditions Awareness Act; defining terms; stating purpose; authorizing the Commissioner of Health to perform certain activities; providing for a disclosure statement; requiring written consent before certain actions may be taken by a health care provider; requiring the provision of certain information under certain circumstances; providing for the State Department of Health to promulgate rules; providing for codification; and providing an effective date.

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

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

4 Section 6060.4 A. A health benefit plan delivered, issued for delivery or renewed in
5 this state on or after January 1, 1998, that provides benefits for the dependents of an

1 insured individual shall provide coverage for each child of the insured, from birth
2 through the date such child is eighteen (18) years of age for:

3 1. Immunization against:

- 4 a. diphtheria,
- 5 b. hepatitis B,
- 6 c. measles,
- 7 d. mumps,
- 8 e. pertussis,
- 9 f. polio,
- 10 g. rubella,
- 11 h. tetanus,
- 12 i. varicella,
- 13 j. haemophilus influenzae type B, ~~and~~
- 14 k. hepatitis A,
- 15 l. pneumococcus,
- 16 m. meningococcus,
- 17 n. rotavirus,
- 18 o. human papillomavirus, and
- 19 p. influenza; and

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

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

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

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

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

- 12 a. provides benefits for medical or surgical expenses incurred as a result
13 of a health condition, accident, or sickness, and
- 14 b. is offered by any insurance company, group hospital service
15 corporation, the State and Education Employees Group Insurance
16 Board, or health maintenance organization that delivers or issues for
17 delivery an individual, group, blanket, or franchise insurance policy or
18 insurance agreement, a group hospital service contract, or an evidence
19 of coverage, or, to the extent permitted by the Employee Retirement
20 Income Security Act of 1974, 29 U.S.C., Section 1001 et seq., by a
21 multiple employer welfare arrangement as defined in Section 3 of the
22 Employee Retirement Income Security Act of 1974, or any other

1 analogous benefit arrangement, whether the payment is fixed or by
2 indemnity.

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

- 4 a. a plan that provides coverage:
- 5 (1) only for a specified disease,
 - 6 (2) only for accidental death or dismemberment,
 - 7 (3) for wages or payments in lieu of wages for a period during which
8 an employee is absent from work because of sickness or injury,
9 or
 - 10 (4) as a supplement to liability insurance,
- 11 b. a Medicare supplemental policy as defined by Section 1882(g)(1) of the
12 Social Security Act (42 U.S.C., Section 1395ss),
- 13 c. ~~worker's~~ workers' compensation insurance coverage,
- 14 d. medical payment insurance issued as part of a motor vehicle insurance
15 policy,
- 16 e. a long-term care policy, including a nursing home fixed indemnity
17 policy, unless a determination is made that the policy provides benefit
18 coverage so comprehensive that the policy meets the definition of a
19 health benefit plan, or
- 20 f. short-term health insurance issued on a nonrenewable basis with a
21 duration of six (6) months or less.

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

4 This act shall be known and may be cited as the “Prenatally and Postnatally
5 Diagnosed Conditions Awareness Act”.

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

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

- 10 1. “Down syndrome” means a chromosomal disorder caused by an error in cell
11 division that results in the presence of an extra whole or partial copy of chromosome 21;
- 12 2. “Health care provider” means any person or entity required by state or federal
13 law or regulation to be licensed, registered, or certified to provide health care services,
14 and who is so licensed, registered, or certified;
- 15 3. “Postnatally diagnosed condition” means any fetal health condition identified by
16 postnatal genetic testing or postnatal screening procedures during the twelve-month
17 period beginning at birth;
- 18 4. “Postnatal test” means diagnostic or screening tests offered with respect to an
19 individual from birth to one (1) year of age that is administered on a required or
20 recommended basis by a health care provider based on medical history, family
21 background, ethnic background, previous test results, symptoms the child is presenting,
22 or other risk factors;

1 5. “Prenatally diagnosed condition” means any fetal health condition identified by
2 prenatal genetic testing or prenatal screening procedures; and

3 6. “Prenatal test” means diagnostic or screening tests offered to pregnant women
4 seeking routine prenatal care that are administered on a required or recommended basis
5 by a health care provider based on medical history, family background, ethnic
6 background, previous test results, or other risk factors.

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

10 It is the purpose of the Prenatally and Postnatally Diagnosed Conditions Awareness
11 Act to:

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

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

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

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

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

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

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

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

13 a. a resource telephone hotline and internet website accessible to patients
14 receiving a positive test result,

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

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

- 1 d. a statewide registry or network of local registries of families willing to
2 adopt newborns with Down syndrome or other prenatally or
3 postnatally diagnosed conditions, and links to adoption agencies
4 willing to place babies with Down syndrome or other prenatally or
5 postnatally diagnosed conditions, with families willing to adopt, and
6 e. awareness and education programs for health care providers who
7 provide the results of prenatal or postnatal tests for Down syndrome or
8 other prenatally or postnatally diagnosed conditions to patients
9 consistent with the purposes of this section.

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

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

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

1 1. Health information or data that identifies a patient, or there is a reasonable
2 basis to believe the information could be used to identify the patient, including the name,
3 address, health care provider, or hospital; and

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

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

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

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

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

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

21 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 04-09-08 - DO
22 PASS, As Amended and Coauthored.