

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2841

By: Kiesel

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5
6 AS INTRODUCED

7 An Act relating to soldiers and sailors; creating the
8 Veterans' Health Insurance Program Act; defining
9 terms; creating the Veterans' Health Insurance
10 Program; directing the Oklahoma Department of
11 Veterans Affairs to administer program; permitting
12 the Department to limit spending and enrollment in
13 program; setting eligibility; granting right to
14 notice and hearing in certain circumstance; requiring
15 certain assistance and review; directing the
16 Department to purchase and provide medical assistance
17 in certain circumstances; subjecting certain
18 providers to approval; permitting certain subsidies;
19 providing for cost-sharing; requiring certain report;
20 directing the War Veterans Commission to promulgate
21 rules; providing for codification; providing an
22 effective date; and declaring an emergency.

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

26 SECTION 1. NEW LAW A new section of law to be codified
27 in the Oklahoma Statutes as Section 501 of Title 72, unless there is
28 created a duplication in numbering, reads as follows:

29 This act shall be known and may be cited as the "Veterans'
30 Health Insurance Program Act".

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 502 of Title 72, unless there is
3 created a duplication in numbering, reads as follows:

4 As used in the Veterans' Health Insurance Program Act:

- 5 1. "Department" means the Oklahoma Department of Veterans
6 Affairs;
- 7 2. "Program" means the Veterans' Health Insurance Program; and
- 8 3. "Veteran" means any person who has served in a branch of the
9 United States military for greater than one hundred eighty (180)
10 consecutive days after initial training.

11 SECTION 3. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 503 of Title 72, unless there is
13 created a duplication in numbering, reads as follows:

14 A. The Veterans' Health Insurance Program is hereby created.
15 Enrollment for the Veterans' Health Insurance Program shall be based
16 on the availability of funds, and enrollment may be capped based on
17 funds approved for the Program. Coverage under the Program shall
18 begin on or before July 1, 2009.

19 B. The Program shall be administered by the Oklahoma Department
20 of Veterans Affairs. The Department shall coordinate the Program
21 with other medical assistance programs operated by other state and
22 federal agencies.

23 C. The Department may take any appropriate action to limit
24 spending or enrollment into the Program, including, but not limited

1 to, ceasing to accept or process applications, reviewing eligibility
2 more than one time per year, adjusting cost-sharing, or reducing the
3 income threshold for eligibility as necessary to control
4 expenditures for the Program.

5 SECTION 4. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 504 of Title 72, unless there is
7 created a duplication in numbering, reads as follows:

8 A. To be eligible for the Veterans' Health Insurance Program, a
9 person shall:

10 1. Be a veteran who is not on active duty and who has not been
11 dishonorably discharged from service;

12 2. Be a resident of the state;

13 3. Be at least nineteen (19) years of age and no older than
14 sixty-four (64) years of age;

15 4. Be uninsured, as determined by the Department, for a period
16 of time to be established by the Department, which shall be no less
17 than six (6) months; provided, that such period shall be waived if
18 the person lost coverage due to:

19 a. expiration of military post-active-duty benefits, or

20 b. loss of an employee-sponsored plan because the person
21 was laid off or because the employer no longer offered
22 benefits;

23 5. Not be eligible for medical assistance through the state
24 Medicaid program;

1 6. Not be eligible for health care benefits through the federal
2 Veterans Health Administration; and

3 7. a. Have a household income no greater than the sum of:

4 (1) an amount equal to twenty-five percent (25%) of
5 the federal poverty level, plus

6 (2) an amount equal to the federal Veterans Health
7 Administration means-test income threshold at the
8 time of initiation of the program.

9 b. Depending on the availability of funds, this level may
10 be increased to an amount equal to:

11 (1) the sum of an amount equal to fifty percent (50%)
12 of the federal poverty level, plus

13 (2) an amount equal to the federal Veterans Health
14 Administration means-test income threshold after
15 six (6) months of operation.

16 The means-test income threshold is subject to alteration by the
17 Department as set forth in subsection C of Section 3 of this act.

18 B. A veteran who is determined eligible for the Program shall
19 remain eligible for twelve (12) months, provided that the veteran
20 remains a resident of the state and is not excluded under subsection
21 C of this section and provided that the Department has not limited
22 the enrollment period as set forth in subsection C of Section 3 of
23 this act.

1 C. A veteran shall not be eligible for coverage under the
2 program if:

3 1. The premium required under Section 8 of this act has not
4 been timely paid. If the required premiums are not paid, the
5 liability of the Program shall be limited to benefits incurred under
6 the Program for the time period for which premiums have been paid
7 and for grace periods as established in Section 10 of this act. If
8 the required monthly premium is not paid, the veteran is ineligible
9 for reenrollment for a minimum period of three (3) months; or

10 2. The veteran is a resident of a nursing facility or an inmate
11 of a correctional facility.

12 SECTION 5. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 505 of Title 72, unless there is
14 created a duplication in numbering, reads as follows:

15 If the Oklahoma Department of Veterans Affairs decides to either
16 deny or terminate eligibility under the Veterans' Health Insurance
17 Program Act, the veteran shall have a right to notice and a hearing
18 as provided by rules to be promulgated by the War Veterans
19 Commission.

20 SECTION 6. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 506 of Title 72, unless there is
22 created a duplication in numbering, reads as follows:

23 The Oklahoma Department of Veterans Affairs shall assist
24 veterans when applying for the Veterans' Health Insurance Program.

1 All applications shall be reviewed for federal Veterans Health
2 Administration eligibility, state Medicaid program eligibility or
3 other existing medical benefits prior to consideration for the
4 Veterans' Health Insurance Program.

5 SECTION 7. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 507 of Title 72, unless there is
7 created a duplication in numbering, reads as follows:

8 A. For veterans eligible and enrolled in the Veterans' Health
9 Insurance Program, the Oklahoma Department of Veterans Affairs shall
10 purchase or provide medical assistance for eligible veterans that is
11 identical to the benefits provided to adults under the state
12 Medicaid program, except for nursing facility services and
13 nonemergency transportation.

14 B. Providers shall be subject to approval by the Department to
15 provide medical assistance and shall be reimbursed at the same rates
16 as providers are reimbursed under the state Medicaid program.

17 C. As an alternative to the benefits set forth in subsection A
18 of this section and when cost-effective, the Department may offer
19 veterans subsidies toward the cost of privately sponsored health
20 insurance, including employer-sponsored health insurance.

21 SECTION 8. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 508 of Title 72, unless there is
23 created a duplication in numbering, reads as follows:

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1 The Oklahoma Department of Veterans Affairs shall set forth
2 requirements through rules to be promulgated by the War Veterans
3 Commission concerning copayments and monthly premiums for medical
4 assistance. This cost-sharing shall be based on household income
5 and is subject to alteration by the Department as set forth in
6 subsection C of Section 3 of this act.

7 SECTION 9. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 509 of Title 72, unless there is
9 created a duplication in numbering, reads as follows:

10 The Oklahoma Department of Veterans Affairs shall prepare and
11 submit a report to the Legislature by December 31, 2009. The report
12 shall include information regarding implementation of the Veterans'
13 Health Insurance Program, including the number of veterans enrolled,
14 and any available information regarding other benefits derived from
15 the Program, including screening for and acquisition of other
16 veterans' benefits. This report may also include recommendations
17 regarding improvements that may be made to the Program.

18 SECTION 10. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 510 of Title 72, unless there is
20 created a duplication in numbering, reads as follows:

21 The War Veterans Commission shall promulgate rules as necessary
22 to implement the provisions of the Veterans' Health Insurance
23 Program Act, including, but not limited to, rules relating to
24 eligibility, reenrollment, grace periods, notice requirements,

1 hearing procedures, cost-sharing, covered services, and provider
2 requirements.

3 SECTION 11. This act shall become effective July 1, 2008.

4 SECTION 12. It being immediately necessary for the preservation
5 of the public peace, health and safety, an emergency is hereby
6 declared to exist, by reason whereof this act shall take effect and
7 be in full force from and after its passage and approval.

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