

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2868

By: Shelton

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6 AS INTRODUCED

7 An Act relating to insurance; requiring insurers to
8 provide health insurance coverage for supplies,
9 medication and related services used as aides in the
10 cessation of smoking; requiring State Board of Health
11 to annually update list of available treatment
12 supplies, prescription drugs, and services available
13 for use in cessation of smoking; providing for same
14 deductibles or coinsurance as in other covered
15 benefits; providing for enforcement by Insurance
16 Department; providing limitations of coverage;
17 providing for codification; and providing an
18 effective date.

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

20 SECTION 1. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 6060.4a of Title 36, unless
22 there is created a duplication in numbering, reads as follows:

23 A. 1. For policies, contracts or agreements issued or renewed
24 on and after November 1, 2008, any individual or group health
25 insurance policy, contract or agreement providing coverage on an
26 expense-incurred basis; any policy, contract or agreement issued for
27 individual or group coverage by a not-for-profit hospital service
28 and indemnity and medical service, and indemnity corporation;

1 contracts issued by health benefit plans including, but not limited
2 to, health maintenance organizations, preferred provider
3 organizations, health services corporations, physician-sponsored
4 networks, or physician hospital organizations; medical coverage
5 provided by self-insureds that includes coverage for physician
6 services in a physician's office, including coverage through private
7 third-party payors; coverage provided through the State and
8 Education Employees Group Insurance Board; and every policy,
9 contract, or agreement which provides medical, major medical or
10 similar comprehensive type coverage, group or blanket accident and
11 health coverage, or medical expense, surgical, medical equipment,
12 medical supplies, or drug prescription benefits shall, subject to
13 the terms of the policy contract or agreement, include coverage for
14 supplies, medication, and related services used as an aide in the
15 cessation of smoking when recommended or prescribed by a physician
16 or other licensed health care provider legally authorized to
17 prescribe under the laws of this state.

18 2. The State Board of Health shall develop and annually update,
19 by rule, a list of additional prescription drugs or pharmaceuticals,
20 supplies and health care provider services that are medically
21 available for use in the cessation of smoking, for which coverage
22 shall also be included, subject to the terms of the policy,
23 contract, or agreement, if such pharmaceuticals, prescription drugs

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1 and supplies have been approved by the federal Food and Drug
2 Administration (FDA).

3 3. Coverage provided for in this section may be subject to the
4 same annual deductibles or coinsurance as may be deemed appropriate
5 and as is consistent with those established for other covered
6 benefits within a given policy.

7 B. 1. Health benefit plans shall not reduce or eliminate
8 coverage due to the requirements of this section.

9 2. Enforcement of the provisions of this section shall be
10 performed by the Insurance Department.

11 3. The provisions of this section shall not apply to:

12 a. a health benefit plan which covers persons employed in
13 more than one state if the benefit structure was the
14 subject of collective bargaining affecting persons
15 employed in more than one state, and

16 b. agreements, contracts, or policies that provide
17 coverage for a specified disease or other limited
18 benefit coverage.

19 SECTION 2. This act shall become effective November 1, 2008.

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21 51-2-8296 MMP 12/31/07

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