

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1458

By: Rice

4  
5 AS INTRODUCED

6 An Act relating to soldiers and sailors; creating the  
7 Veterans' Health Insurance Program Act; providing  
8 short title; defining terms; creating the Veterans'  
9 Health Insurance Program; directing the Oklahoma  
10 Department of Veterans Affairs to administer program;  
11 permitting the Department to limit spending and  
12 enrollment in program; setting eligibility; granting  
13 right to notice and hearing in certain circumstance;  
14 requiring certain assistance and review; directing  
15 the Department to purchase and provide medical  
16 assistance in certain circumstances; subjecting  
17 certain providers to approval; permitting certain  
18 subsidies; providing for cost-sharing; requiring  
19 certain report; directing the War Veterans Commission  
20 to promulgate rules; providing for codification;  
21 providing an effective date; and declaring an  
22 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 shall be based on the availability of funds, and  
16 enrollment may be capped based on funds approved for the program.  
17 Coverage under the Program shall begin on or before July 1, 2009.

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

22 C. The Department may take any appropriate action to limit  
23 spending or enrollment into the Program, including, but not limited  
24 to, ceasing to accept or process applications, reviewing eligibility

1 more frequently than annually, adjusting cost-sharing, or reducing  
2 the income threshold for eligibility as necessary to control  
3 expenditures for the Program.

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

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

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

11 2. Be a resident of the state;

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

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

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

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

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

24

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 Whenever the Oklahoma Department of Veterans Affairs decides to  
16 either deny or terminate eligibility under this act, the veteran  
17 shall have a right to notice and a hearing as provided by rules to  
18 be promulgated by the War Veterans Commission.

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

22 The Oklahoma Department of Veterans Affairs shall assist  
23 veterans when applying for the program. All applications shall be  
24 reviewed for federal Veterans Health Administration eligibility,

1 state Medicaid program eligibility or other existing medical  
2 benefits prior to consideration for the Veterans' Health Insurance  
3 Program.

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

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

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

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

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

22 The Oklahoma Department of Veterans Affairs shall set forth  
23 requirements through rules to be promulgated by the War Veterans  
24 Commission concerning copayments and monthly premiums for medical

1 assistance. This cost-sharing shall be based on household income  
2 and is subject to alteration by the Department as set forth in  
3 subsection C of Section 3 of this act.

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

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

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

18 The War Veterans Commission shall promulgate rules as necessary  
19 to implement the provisions of this act, including, but not limited  
20 to, rules relating to eligibility, reenrollment, grace periods,  
21 notice requirements, hearing procedures, cost-sharing, covered  
22 services, and provider requirements.

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

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

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