

1 ENGROSSED SENATE  
2 BILL NO. 487

By: Paddack, Garrison and  
Ballenger of the Senate

3 and

4 Cox of the House

5  
6  
7 [ officers - charitable health care providers - rules  
8 - effective date ]  
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10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

11 SECTION 1. AMENDATORY Section 2, Chapter 139, O.S.L.  
12 2007 (51 O.S. Supp. 2008, Section 152.2), is amended to read as  
13 follows:

14 Section 152.2 A. 1. The State Department of Health, or a  
15 city-county health department, may enter into agreements with  
16 charitable health care providers in which the provider stipulates to  
17 the State Department of Health, or a city-county health department,  
18 that when the provider renders professional services to a medically  
19 indigent person in a free clinic as provided in Section 32 of Title  
20 76 of the Oklahoma Statutes, or when a patient is referred from a  
21 free clinic to another charitable health care provider for medical  
22 services, such services will be provided gratuitously;

23 2. The State Department of Health shall adopt rules which  
24 specify the conditions for termination of any such agreement, and

1 the rules shall be made a part of the agreement. A city-county  
2 health department shall utilize the same rules as adopted by the  
3 State Department of Health for administration of the provisions of  
4 this section; ~~and~~

5 3. A charitable health care provider, for purposes of any claim  
6 for damages arising as a result of rendering professional services  
7 to a medically indigent person, which professional services were  
8 rendered gratuitously in a free clinic as provided in Section 32 of  
9 Title 76 of the Oklahoma Statutes, or when a patient is referred  
10 from a free clinic to another charitable health care provider for  
11 medical services, at a time when an agreement entered into by the  
12 charitable health care provider with the State Department of Health,  
13 or a city-county health department, pursuant to this section was in  
14 effect, shall be considered an employee of the state under The  
15 Governmental Tort Claims Act; and

16 4. For purposes of this section, a "charitable health care  
17 provider" shall include:

18 a. a charitable health care provider who volunteers  
19 services at a community health center that has been  
20 deemed by the U.S. Department of Health and Human  
21 Services as a federally qualified health center as  
22 defined by 42 U.S.C., Section 1396d(1)(2)(B),

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1        b. a charitable health provider who provides services to  
2        an organization that has been deemed a federally  
3        qualified look-alike community health center, and  
4        c. a charitable health care provider who provides  
5        services to a community health center that has made  
6        application to the U.S. Department of Health and Human  
7        Services for approval and deeming as a federally  
8        qualified look-alike community health center in  
9        compliance with federal application guidance, and has  
10       received comments from the U.S. Department of Health  
11       and Human Services as to the status of such  
12       application with the established intent of  
13       resubmitting a modified application, or, if denied, a  
14       new application, no later than six (6) months from the  
15       date of the official notification from the U.S.  
16       Department of Health and Human Services requiring  
17       resubmission of a new application.

18 The State Department of Health shall determine compliance with the  
19 requirements of this subsection and may, through the State Board of  
20 Health, promulgate rules to that effect.

21        B. The State Department of Health shall adopt rules on  
22 eligibility criteria for determining whether a person qualifies as a  
23 medically indigent person. A city-county health department shall  
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1 utilize the same rules as adopted by the State Department of Health  
2 for administration of the provisions of this section.

3 C. Any claim arising from the rendering of or failure to render  
4 professional services by a charitable health care provider brought  
5 pursuant to The Governmental Tort Claims Act shall not be considered  
6 by an insurance company in determining the rate charged for any  
7 professional liability insurance policy for health care providers  
8 nor whether to cancel any such policy.

9 SECTION 2. This act shall become effective November 1, 2009.

10 Passed the Senate the 25th day of February, 2009.

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Presiding Officer of the Senate

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14 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,

15 2009.

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Presiding Officer of the House  
of Representatives

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