

SB 487

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THE STATE SENATE  
Monday, February 9, 2009

Senate Bill No. 487  
As Amended

SENATE BILL NO. 487 - By: Paddock of the Senate and Cox of the House.

[ officers - charitable health care providers - rules - effective date ]

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

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

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

2. The State Department of Health shall adopt rules which specify the conditions for termination of any such agreement, and the rules shall be made a part of the agreement. A city-county

1 health department shall utilize the same rules as adopted by the  
2 State Department of Health for administration of the provisions of  
3 this section; ~~and~~

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

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

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

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

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 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-3-09 - DO PASS,  
11 As Amended and Coauthored.