

3 Senate Bill No. 59

4 As Amended

5 SENATE BILL NO. 59 - By: Rice, Burrage, Sweeden, Leftwich, Adelson,
6 Laster, Eason McIntyre, Corn, Garrison, Gumm and Bass of the Senate
7 and Kiesel of the House.

8 [poor persons - premium assistance program - veterans -
9 effective date]

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

11 SECTION 1. AMENDATORY 56 O.S. 2001, Section 1010.1, as
12 last amended by Section 412, Chapter 1, O.S.L. 2008 (56 O.S. Supp.
13 2008, Section 1010.1), is amended to read as follows:

14 Section 1010.1 A. Sections 1010.1 et seq. of this title shall
15 be known and may be cited as the "Oklahoma Medicaid Program Reform
16 Act of 2003".

17 B. Recognizing that many Oklahomans do not have health care
18 benefits or health care coverage, that many small businesses cannot
19 afford to provide health care benefits to their employees, and that,
20 under federal law, barriers exist to providing Medicaid benefits to
21 the uninsured, the Oklahoma Legislature hereby establishes
22 provisions to lower the number of uninsured, assist businesses in
23 their ability to afford health care benefits and coverage for their
24 employees, and eliminate barriers to providing health coverage to
25 eligible enrollees under federal law.

1 C. Unless otherwise provided by law, the Oklahoma Health Care
2 Authority shall provide coverage under the state Medicaid program to
3 children under the age of eighteen (18) years whose family incomes
4 do not exceed one hundred eighty-five percent (185%) of the federal
5 poverty level.

6 D. 1. The Authority is directed to apply for a waiver or
7 waivers to the Centers for Medicaid and Medicare Services (CMS) that
8 will accomplish the purposes outlined in subsection B of this
9 section. The Authority is further directed to negotiate with CMS to
10 include in the waiver authority provisions to:

- 11 a. increase access to health care for Oklahomans,
- 12 b. reform the Oklahoma Medicaid Program to promote
13 personal responsibility for health care services and
14 appropriate utilization of health care benefits
15 through the use of public-private cost sharing,
- 16 c. enable small employers, and/or employed, uninsured
17 adults with or without children to purchase employer-
18 sponsored, state-approved private, or state-sponsored
19 health care coverage through a state premium
20 assistance payment plan. If by January 1, 2012, the
21 Employer/Employee Partnership for Insurance Coverage
22 Premium Assistance Program is not consuming more than
23 seventy-five percent (75%) of its dedicated source of

1 funding, then the program will be expanded to include
2 parents of children eligible for Medicaid, and
3 d. develop flexible health care benefit packages based
4 upon patient need and cost.

5 2. The Authority may phase in any waiver or waivers it receives
6 based upon available funding.

7 3. The Authority is authorized to develop and implement a
8 premium assistance plan to assist small businesses and/or their
9 eligible employees to purchase employer-sponsored insurance or "buy-
10 in" to a state-sponsored benefit plan.

11 4. ~~a.~~ The Authority is authorized to seek from the Centers for
12 Medicare and Medicaid Services any waivers or amendments to existing
13 waivers necessary to accomplish an expansion of the premium
14 assistance program to include:

15 ~~(1) include~~

16 a. for-profit employers with two hundred fifty employees
17 or less up to any level supported by existing funding
18 resources, ~~and.~~ For purposes of this subparagraph,
19 "for-profit employer" shall mean an entity which is
20 not exempt from taxation pursuant to the provisions of
21 Section 501(c)(3) of the Internal Revenue Code,

22 ~~(2) include~~

1 established by the Oklahoma Health Care
2 Authority, which shall be no less than six (6)
3 months, provided that such period shall be waived
4 if the person lost coverage due to:

5 (a) expiration of military post-active duty
6 benefits, or

7 (b) loss of an employee-sponsored plan because
8 the person was laid off or because the
9 employer no longer offered benefits,

10 (5) are not eligible for medical assistance through
11 the state Medicaid program,

12 (6) are not eligible for health care benefits through
13 the federal Veterans Health Administration, and

14 (7) (a) have a household income no greater than the
15 sum of:

16 i. an amount equal to twenty-five percent
17 (25%) of the federal poverty level,

18 plus

19 ii. an amount equal to the federal Veterans
20 Health Administration means test income
21 threshold at the time of initiation of
22 the program.

1 **(b) Depending on the availability of funds, this**
2 **level may be increased to an amount equal**
3 **to:**

4 **i. the sum of an amount equal to fifty**
5 **percent (50%) of the federal poverty**
6 **level, plus**

7 **ii. an amount equal to the federal Veterans**
8 **Health Administration means test income**
9 **threshold after six (6) months of**
10 **operation.**

11 **(c) The means test income threshold is subject**
12 **to alteration by the Oklahoma Health Care**
13 **Authority.**

14 E. ~~For purposes of this paragraph, "for profit employer" shall~~
15 ~~mean an entity which is not exempt from taxation pursuant to the~~
16 ~~provisions of Section 501(c)(3) of the Internal Revenue Code and~~
17 ~~"not for profit employer" shall mean an entity which is exempt from~~
18 ~~taxation pursuant to the provisions of Section 501(c)(3) of the~~
19 ~~Internal Revenue Code.~~

20 F. The Authority is authorized to seek from the Centers for
21 Medicare and Medicaid Services any waivers or amendments to existing
22 waivers necessary to accomplish an extension of the premium
23 assistance program to include qualified employees whose family

1 income does not exceed two hundred fifty percent (250%) of the
2 federal poverty level, subject to the limit of federal financial
3 participation.

4 ~~G.~~ F. 1. There is hereby created in the State Treasury a
5 revolving fund to be designated the "Health Employee and Economy
6 Improvement Act (HEEIA) Revolving Fund".

7 2. The fund shall be a continuing fund, not subject to fiscal
8 year limitations, and shall consist of:

- 9 a. all monies received by the Authority pursuant to this
10 section and otherwise specified or authorized by law,
11 b. monies received by the Authority due to federal
12 financial participation pursuant to Title XIX of the
13 Social Security Act, and
14 c. interest attributable to investment of money in the
15 fund.

16 3. All monies accruing to the credit of the fund are hereby
17 appropriated and shall be budgeted and expended by the Authority to
18 implement a premium assistance plan, unless otherwise provided by
19 law.

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

21 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-11-09 - DO
22 PASS, As Amended and Coauthored.