

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE BILL 1792

By: Hoskin

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5  
6 AS INTRODUCED

7 An Act relating to poor persons; amending 56 O.S.  
8 2001, Section 1010.1, as last amended by Section 1,  
9 Chapter 412, O.S.L. 2008 (56 O.S. Supp. 2008, Section  
10 1010.1), which relates to the Oklahoma Medicaid  
11 Program Reform Act of 2003; updating statutory  
12 reference; exempting farm equipment from the  
13 determination of income eligibility; defining term;  
14 and providing an effective date.

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

16 SECTION 1. AMENDATORY 56 O.S. 2001, Section 1010.1, as  
17 last amended by Section 1, Chapter 412, O.S.L. 2008 (56 O.S. Supp.  
18 2008, Section 1010.1), is amended to read as follows:

19 Section 1010.1 A. Sections 1010.1 ~~et seq.~~ through 1010.13 of  
20 this title shall be known and may be cited as the "Oklahoma Medicaid  
21 Program Reform Act of 2003".

22 B. Recognizing that many Oklahomans do not have health care  
23 benefits or health care coverage, that many small businesses cannot  
24 afford to provide health care benefits to their employees, and that,  
under federal law, barriers exist to providing Medicaid benefits to

1 the uninsured, the Oklahoma Legislature hereby establishes  
2 provisions to lower the number of uninsured, assist businesses in  
3 their ability to afford health care benefits and coverage for their  
4 employees, and eliminate barriers to providing health coverage to  
5 eligible enrollees under federal law.

6 C. Unless otherwise provided by law, the Oklahoma Health Care  
7 Authority shall provide coverage under the state Medicaid program to  
8 children under the age of eighteen (18) years whose family incomes  
9 do not exceed one hundred eighty-five percent (185%) of the federal  
10 poverty level. The valuation of farm equipment shall be exempt from  
11 the determination of income eligibility pursuant to this subsection.  
12 For purposes of this subsection and subsection F of this section,  
13 "farm equipment" means any machine, including but not limited to, a  
14 farm tractor, combine, plow or baler, capable of performing  
15 agricultural operations as well as combine headers, mowers,  
16 swathers, shredders and cultivation and haying equipment.

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

- 22 a. increase access to health care for Oklahomans,
- 23 b. reform the Oklahoma Medicaid Program to promote
- 24 personal responsibility for health care services and

1 appropriate utilization of health care benefits  
2 through the use of public-private cost sharing,  
3 c. enable small employers, and/or employed, uninsured  
4 adults with or without children to purchase employer-  
5 sponsored, state-approved private, or state-sponsored  
6 health care coverage through a state premium  
7 assistance payment plan. If by January 1, 2012, the  
8 Employer/Employee Partnership for Insurance Coverage  
9 Premium Assistance Program is not consuming more than  
10 seventy-five percent (75%) of its dedicated source of  
11 funding, then the program will be expanded to include  
12 parents of children eligible for Medicaid, and  
13 d. develop flexible health care benefit packages based  
14 upon patient need and cost.

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

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

21 4. a. The Authority is authorized to seek from the Centers for  
22 Medicare and Medicaid Services any waivers or amendments  
23 to existing waivers necessary to accomplish an expansion  
24 of the premium assistance program to:

1 (1) include for-profit employers with two hundred fifty  
2 employees or less up to any level supported by  
3 existing funding resources; and

4 (2) include not-for-profit employers with five hundred  
5 employees or less up to any level supported by  
6 existing funding resources.

7 b. Foster parents employed by employers with greater than  
8 two hundred fifty employees shall be exempt from the  
9 qualifying employer requirement provided for in this  
10 paragraph and shall be eligible to qualify for the  
11 premium assistance program provided for in this section  
12 if supported by existing funding.

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

19 F. The Authority is authorized to seek from the Centers for  
20 Medicare and Medicaid Services any waivers or amendments to existing  
21 waivers necessary to accomplish an extension of the premium  
22 assistance program to include qualified employees whose family  
23 income does not exceed two hundred fifty percent (250%) of the  
24 federal poverty level, subject to the limit of federal financial

1 participation. The valuation of farm equipment shall be exempt from  
2 the determination of income eligibility pursuant to this subsection.

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

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

8 a. all monies received by the Authority pursuant to this  
9 section and otherwise specified or authorized by law,

10 b. monies received by the Authority due to federal  
11 financial participation pursuant to Title XIX of the  
12 Social Security Act, and

13 c. interest attributable to investment of money in the  
14 fund.

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

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

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21 52-1-5964 MMP 12/31/08

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