

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 HOUSE BILL 2338

By: Bailey

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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 5,
9 Chapter 128, O.S.L. 2009 (56 O.S. Supp. 2009, Section
10 1010.1), which relates to the authority of the
11 Oklahoma Health Care Authority to administer certain
12 programs; defining terms; providing authority to
13 Oklahoma Health Care Authority to seek certain
14 waivers for certain veterans benefits; specifying
15 eligibility requirements; and providing an effective
16 date.

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

18 SECTION 1. AMENDATORY 56 O.S. 2001, Section 1010.1, as
19 last amended by Section 5, Chapter 128, O.S.L. 2009 (56 O.S. Supp.
20 2009, Section 1010.1), is amended to read as follow:

21 Section 1010.1 A. Section 1010.1 et seq. of this title shall
22 be known and may be cited as the "Oklahoma Medicaid Program Reform
23 Act of 2003".

24 B. Recognizing that many Oklahomans do not have health care
benefits or health care coverage, that many small businesses cannot
afford to provide health care benefits to their employees, and that,

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

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

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

- 17 a. increase access to health care for Oklahomans,
- 18 b. reform the Oklahoma Medicaid Program to promote
19 personal responsibility for health care services and
20 appropriate utilization of health care benefits
21 through the use of public-private cost sharing,
- 22 c. enable small employers, and/or employed, uninsured
23 adults with or without children to purchase employer-
24 sponsored, state-approved private, or state-sponsored

1 health care coverage through a state premium
2 assistance payment plan. If by January 1, 2012, the
3 Employer/Employee Partnership for Insurance Coverage
4 Premium Assistance Program is not consuming more than
5 seventy-five percent (75%) of its dedicated source of
6 funding, then the program will be expanded to include
7 parents of children eligible for Medicaid, and

- 8 d. develop flexible health care benefit packages based
9 upon patient need and cost.

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

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

- 16 4. ~~a.~~ The Authority is authorized to seek from the Centers
17 for Medicare and Medicaid Services any waivers or
18 amendments to existing waivers necessary to accomplish
19 an expansion of the premium assistance program to

20 include:

21 ~~(1) include~~

- 22 a. for-profit employers with two hundred fifty employees
23 or less up to any level supported by existing funding
24 resources, ~~and~~

1 ~~(2) include.~~ For purposes of this subparagraph, "for-
2 profit employer" shall mean an entity which is not
3 exempt from taxation pursuant to the provisions of
4 Section 501(c)(3) of the Internal Revenue Code,

5 b. not-for-profit employers with five hundred employees
6 or less up to any level supported by existing funding
7 resources.

8 ~~b.~~ Foster For purposes of this subparagraph, "not-for-
9 profit employer" shall mean an entity which is exempt
10 from taxation pursuant to the provisions of Section
11 501(c)(3) of the Internal Revenue Code,

12 c. foster parents employed by employers with greater than
13 two hundred fifty employees. Foster parents shall be
14 exempt from the qualifying employer requirement
15 ~~provided for in this paragraph~~ and shall be eligible
16 to qualify for the premium assistance program provided
17 for in this section if supported by existing funding,
18 and

19 d. veterans, up to any level supported by existing
20 funding resources, who:

21 (1) are not on active duty and who have not been
22 dishonorably discharged from service,

23 (2) are a resident of the state,
24

- 1 (3) are at least nineteen (19) years of age and no
2 older than sixty-four (64) years of age,
- 3 (4) are uninsured, as determined by the Oklahoma
4 Health Care Authority, for a period of time to be
5 established by the Oklahoma Health Care
6 Authority, which shall be no less than six (6)
7 months, provided that such period shall be waived
8 if the person lost coverage due to:
- 9 (a) expiration of military post-active-duty
10 benefits, or
- 11 (b) loss of an employee-sponsored plan because
12 the person was laid off or because the
13 employer no longer offered benefits,
- 14 (5) are not eligible for medical assistance through
15 the state Medicaid program,
- 16 (6) are not eligible for health care benefits through
17 the federal Veterans Health Administration, and
- 18 (7) (a) have a household income no greater than the
19 sum of:
- 20 i. an amount equal to twenty-five percent
21 (25%) of the federal poverty level,
22 plus
- 23 ii. an amount equal to the federal Veterans
24 Health Administration means test income

1 threshold at the time of initiation of
2 the program, or

3 (b) depending on the availability of funds, this
4 level may be increased to an amount equal
5 to:

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

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

13 The means test income threshold is subject to
14 alteration by the Oklahoma Health Care Authority.

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

21 ~~F.~~ The Authority is authorized to seek from the Centers for
22 Medicare and Medicaid Services any waivers or amendments to existing
23 waivers necessary to accomplish an extension of the premium
24 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. The Authority is authorized to create as part of the
5 premium assistance program an option to purchase a high-deductible
6 health insurance plan that is compatible with a health savings
7 account.

8 ~~H.~~ G. 1. There is hereby created in the State Treasury a
9 revolving fund to be designated the "Health Employee and Economy
10 Improvement Act (HEEIA) Revolving Fund".

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

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

20 3. All monies accruing to the credit of the fund are hereby
21 appropriated and shall be budgeted and expended by the Authority to
22 implement a premium assistance plan, unless otherwise provided by
23 law.

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SECTION 2. This act shall become effective November 1, 2010.

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