

1 STATE OF OKLAHOMA

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

3 SENATE BILL 2046

By: Brown

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6  
7 AS INTRODUCED

8 An Act relating to insurance; creating the Health  
9 Care Choice Act; providing short title; authorizing  
10 certain insurers to issue certain policies in this  
11 state; exempting certain insurers from offering  
12 certain benefits; requiring certain applications to  
13 contain specified provisions; requiring certain  
14 health benefit plan to contain specified provisions;  
15 requiring the Insurance Commissioner to conduct  
16 certain examinations of certain insurers; authorizing  
17 the Insurance Commissioner to promulgate certain  
18 rules; providing for codification; and providing an  
19 effective date.

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

21 SECTION 1. NEW LAW A new section of law to be codified  
22 in the Oklahoma Statutes as Section 4413 of Title 36, unless there  
23 is created a duplication in numbering, reads as follows:

24 This act shall be known and may be cited as the "Health Care  
Choice Act".

1           SECTION 2.           NEW LAW           A new section of law to be codified  
2 in the Oklahoma Statutes as Section 4414 of Title 36, unless there  
3 is created a duplication in numbering, reads as follows:

4           A. The Oklahoma Legislature recognizes the need for  
5 individuals, employers, and other purchasers of health insurance  
6 coverage in this state to have the opportunity to choose health  
7 insurance plans that are more affordable and flexible than existing  
8 market policies offering accident and health coverage. Therefore,  
9 the Oklahoma Legislature seeks to increase the availability of  
10 health insurance coverage by allowing insurers authorized to engage  
11 in the business of insurance in other states to issue accident and  
12 health policies in Oklahoma.

13           B. The out-of-state insurers shall not be required to offer or  
14 provide state-mandated health benefits required by Oklahoma law or  
15 regulations in health insurance policies sold to Oklahoma residents.

16           C. Each written application for participation in an out-of-  
17 state health benefit plan shall contain the following language in  
18 boldface type at the beginning of the document:

19           "This policy is primarily governed by the laws of (insert state  
20 where the master policy is filed); therefore, all of the rating laws  
21 applicable to policies filed in this state do not apply to this  
22 policy, which may result in increases in your premium at renewal  
23 that would not be permissible in an Oklahoma-approved policy. Any  
24 purchase of individual health insurance should be considered

1 carefully since future medical conditions may make it impossible to  
2 qualify for another individual health policy. For information  
3 concerning individual health coverage under an Oklahoma-approved  
4 policy, please consult your insurance agent or the Oklahoma  
5 Department of Insurance."

6 D. Each out-of-state health benefit plan shall contain the  
7 following language in boldface type at the beginning of the  
8 document:

9 "The benefits of this policy providing your coverage are  
10 governed primarily by the law of a state other than Oklahoma. While  
11 this health benefit plan may provide you a more affordable health  
12 insurance policy, it may also provide fewer health benefits than  
13 those normally included as state-mandated health benefits in  
14 policies in Oklahoma. Please consult your insurance agent to  
15 determine which Oklahoma state-mandated health benefits are excluded  
16 under this policy."

17 E. The Insurance Commissioner shall be authorized to conduct  
18 market conduct and solvency examinations of all out-of-state  
19 companies seeking to offer health benefit plans in this state or who  
20 have been given approval to offer health benefit plans in this  
21 state. Such examinations shall be conducted in the same manner and  
22 under the same terms and conditions as for companies located in this  
23 state.

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1 F. The Insurance Commissioner may promulgate any rules  
2 necessary to implement this act.

3 SECTION 3. This act shall become effective November 1, 2010.  
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