ENGROSSED HOUSE AMENDMENT
TO
ENGROSSED SENATE BILL NO. 804 By: Standridge of the Senate

and

Coody (Jeff) of the House

An Act relating to vision plans; amending 74 O.S 2011, Section 1374, as amended by Section 982, Chapter 304, O.S.L. 2012 (74 O.S. Supp. 2014, Section 1374), which relates to visions plans; updating vision plan year; modifying certain responsibility required of Office of Management and Enterprise Services; requiring certain plan providers to provide requested information; modifying criteria of eligible plans; conforming language; modifying certain certification or licensing requirements; requiring vision plan of certain vendors be offered; defining term; authorizing selection of out-of-state vendors under certain circumstances; providing an effective date; and declaring an emergency.

NOTE: Emergency failed

AMENDMENT NO. 1. Strike the title, enacting clause and entire bill and insert

"An Act relating to vision plans; amending 74 O.S. 2011, Section 1374, as amended by Section 982, Chapter 304, O.S.L. 2012 (74 O.S. Supp. 2014, Section 1374), which relates to the Oklahoma State Employees Benefits Act; updating vision plan year; modifying responsibility of the Office of Management and Enterprise Services to offer vision plans; requiring providers of plan to submit requested information; modifying criteria of eligible companies; specifying administrative fees imposed by the Office of Management and Enterprise Services be

applied to certain plans; directing certain number of Oklahoma-based and out-of-state vision care benefits companies be offered for enrollment; and defining term.

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

SECTION 1. AMENDATORY 74 O.S. 2011, Section 1374, as amended by Section 982, Chapter 304, O.S.L. 2012 (74 O.S. Supp. 2014, Section 1374), is amended to read as follows:

Section 1374. A. For the plan year beginning January 1, ~~2005~~ 2017, and for each year thereafter, it shall be the ~~fiduciary~~ responsibility of the Office of Management and Enterprise Services to ~~ensure that participants have the option to choose which vision plan best meets their individual needs by offering every vision plan that notifies the Office of its desire to participate~~ offer vision plans to participants during the open enrollment period. Providers of plans eligible for selection shall submit information requested by the Office of Management and Enterprise Services no later than July 1 of each year ~~and meets or exceeds~~. Plans eligible for selection shall meet or exceed the following criteria:

1. Has in place a statewide network of at least one hundred fifty providers. "Providers", for purposes of this section, means Optometrists (OD), Ophthalmologists (MD), and Ophthalmologists (DO) which shall be counted once regardless of the number of locations

where they may practice. Optical shops and retail optical locations shall not be listed as providers. The company offering the vision plan must have a direct relationship with each provider on its panel, and may not lease, borrow, or otherwise obtain use of a provider panel from another company. This would not prevent a company from offering ~~their~~ its plan through one corporate entity and administering the plan or provider panel through another legal entity of the same organization so long as the entity receiving premiums remains legally responsible for the payment of benefits. Providers must be actively engaged in providing the services offered under the vision plan they represent;

2. Has operated in Oklahoma for at least five (5) years; provided, that an immediately prior operation in Oklahoma of a nonsurviving corporation that merges into an affiliated corporation shall be counted in determining whether the surviving corporation has operated a plan in Oklahoma for five (5) years;

3. Is properly licensed, registered, certified or authorized to operate its business in this state by the Insurance Department~~, certified by the State Department of Health, or licensed as a third-party administrator by the Insurance Department~~. Vision plans must be offered by the company administering the plan, not by an agent or third party. A company shall offer only one vision plan and rate schedule for each plan year;

4. Presents accurate product information in a reproducible format not to exceed two pages; and

5. Vision plans must provide an examination, frames and lenses, and/or contact lenses and some form of indemnified payment to the contracted providers for each component of the benefits, i.e., the exam, frames and lenses and/or contact lenses. This does not eliminate discounted supplementary benefits under a qualified plan, so long as such benefits pertain to vision care.

B. Any administrative fees imposed by the ~~Oklahoma Employees Insurance and Benefits Board~~ Office of Management and Enterprise Services shall be applied equally to all qualified vision plans. There shall be no additional requirements imposed on a vision plan other than the proper licensing ~~or~~, certification or authorization to operate its business by the ~~appropriate state agency~~ Oklahoma Insurance Department.

C. No more than two Oklahoma-based vision care benefits companies that meet the criteria as specified in subsection A of this section and no more than two out-of-state vision care benefits companies that meet the criteria as specified in subsection A of this section shall be offered as vendors for enrollment in any state employee benefit offering. For purposes of this subsection, an "Oklahoma-based vision care benefits company" shall be defined as follows:

1. A vision care benefits company that has a home office, customer service and administration located within the State of Oklahoma and is subject to Oklahoma state income taxes; or

2. A vision care benefits company that has a majority of ownership interest held either directly or indirectly by residents of the State of Oklahoma and is subject to Oklahoma state income taxes."

Passed the House of Representatives the 21st day of April, 2016.

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Presiding Officer of the House of Representatives

Passed the Senate the ____ day of _____, 2016.

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Presiding Officer of the Senate