

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 COMMITTEE SUBSTITUTE

4 FOR

5 SENATE BILL NO. 560

By: Standridge

6 COMMITTEE SUBSTITUTE

7 An Act relating to health care; creating the Health
8 Care Empowerment Act; providing short title;
9 prohibiting certain construction of state laws;
10 providing that insurance benefits not forfeited by
11 certain purchases; providing that certain products
12 and services not deemed offer of insurance; requiring
13 certain disclosure; defining term; providing that
14 direct primary care membership agreement not
15 considered insurance and not subject to certain
16 provisions; providing that direct primary care
17 provider or agent not required to obtain certain
18 credentials; providing for codification; and
19 declaring an emergency.

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 4604 of Title 36, unless there
23 is created a duplication in numbering, reads as follows:

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

B. Nothing in state law shall be construed as prohibiting a
patient or legal representative from seeking care outside of an
insurance plan, or outside of the Medicaid or Medicare program, and
paying for such care.

1 C. Nothing in state law shall be construed as prohibiting a
2 physician, other medical professional or a medical facility from
3 accepting payment for services or medical products, or for private
4 services or medical products provided to a Medicaid or Medicare
5 beneficiary. As used in this section, "medical products" include,
6 but are not limited to, medical drugs and pharmaceuticals.

7 D. A patient or legal representative shall not forfeit
8 insurance benefits, Medicaid benefits or Medicare benefits by
9 purchasing medical services or medical products outside the system.

10 E. The offer and provision of medical services or medical
11 products purchased and provided under this act shall not be deemed
12 an offer of insurance nor regulated by the insurance laws of the
13 state.

14 F. Providers must disclose the text of the Enrollee Hold
15 Harmless Clause, or its equivalent, in insurance or managed care
16 provider contracts to patients or legal representatives if
17 authorization for services or claims are denied, together with a
18 plain-English explanation of its meaning.

19 SECTION 2. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 4605 of Title 36, unless there
21 is created a duplication in numbering, reads as follows:

22 A. As used in this section, "direct primary care membership
23 agreement" means a contractual agreement between a primary care
24 provider and an individual patient, or his or her legal

1 representative, in which the provider agrees to provide primary care
2 services to the individual patient for an agreed-to fee over an
3 agreed-to period of time.

4 B. A direct primary care membership agreement is not insurance
5 and is not subject to regulation by the Insurance Department.

6 C. Entering into a direct primary care membership agreement is
7 not the business of insurance and is not subject to regulations
8 under the Oklahoma Insurance Code.

9 D. A direct primary care provider or the agent of a direct
10 primary care provider is not required to obtain a certification of
11 authority or license under Title 36 of the Oklahoma Statutes to
12 market, sell, or offer to sell a direct primary care agreement.

13 E. A direct primary care membership agreement is not a medical
14 discount plan, as defined by state law or regulation under the
15 Insurance Department and a direct primary care provider is not
16 required to register as a medical discount plan.

17 SECTION 3. It being immediately necessary for the preservation
18 of the public peace, health and safety, an emergency is hereby
19 declared to exist, by reason whereof this act shall take effect and
20 be in full force from and after its passage and approval.

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