

1 ENGROSSED SENATE
2 BILL NO. 560

By: Standridge of the Senate

and

Derby of the House

3
4
5
6
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 terms; 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; stating certain requirements for direct
19 primary care membership agreement; providing for
20 codification; and declaring an emergency.

21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
568
569
570
571
572
573
574
575
576
577
578
579
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640
641
642
643
644
645
646
647
648
649
650
651
652
653
654
655
656
657
658
659
660
661
662
663
664
665
666
667
668
669
670
671
672
673
674
675
676
677
678
679
680
681
682
683
684
685
686
687
688
689
690
691
692
693
694
695
696
697
698
699
700
701
702
703
704
705
706
707
708
709
710
711
712
713
714
715
716
717
718
719
720
721
722
723
724
725
726
727
728
729
730
731
732
733
734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769
770
771
772
773
774
775
776
777
778
779
780
781
782
783
784
785
786
787
788
789
790
791
792
793
794
795
796
797
798
799
800
801
802
803
804
805
806
807
808
809
810
811
812
813
814
815
816
817
818
819
820
821
822
823
824
825
826
827
828
829
830
831
832
833
834
835
836
837
838
839
840
841
842
843
844
845
846
847
848
849
850
851
852
853
854
855
856
857
858
859
860
861
862
863
864
865
866
867
868
869
870
871
872
873
874
875
876
877
878
879
880
881
882
883
884
885
886
887
888
889
890
891
892
893
894
895
896
897
898
899
900
901
902
903
904
905
906
907
908
909
910
911
912
913
914
915
916
917
918
919
920
921
922
923
924
925
926
927
928
929
930
931
932
933
934
935
936
937
938
939
940
941
942
943
944
945
946
947
948
949
950
951
952
953
954
955
956
957
958
959
960
961
962
963
964
965
966
967
968
969
970
971
972
973
974
975
976
977
978
979
980
981
982
983
984
985
986
987
988
989
990
991
992
993
994
995
996
997
998
999
1000

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 4604 of Title 36, unless there
is created a duplication in numbering, reads as follows:

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

1 insurance plan, or outside of the Medicaid or Medicare program, and
2 paying for such care.

3 C. Nothing in state law shall be construed as prohibiting a
4 physician, other medical professional or a medical facility from
5 accepting payment for services or medical products outside of an
6 insurance plan. Nothing in state law shall be construed as
7 prohibiting a physician, other medical professional or a medical
8 facility from accepting payment for services or medical products to
9 a Medicaid or Medicare beneficiary, provided that such physician,
10 medical professional or medical facility has opted out of Medicare.
11 As used in this section, "medical products" include, but are not
12 limited to, medical drugs and pharmaceuticals.

13 D. A patient or legal representative shall not forfeit
14 insurance benefits, Medicaid benefits or Medicare benefits by
15 purchasing medical services or medical products outside the system.

16 E. The offer and provision of medical services or medical
17 products purchased and provided under this act shall not be deemed
18 an offer of insurance nor regulated by the insurance laws of the
19 state.

20 F. Providers must disclose the text of the Enrollee Hold
21 Harmless Clause, or its equivalent, in insurance or managed care
22 provider contracts to patients or legal representatives if
23 authorization for services or claims is denied, together with a
24 plain-English explanation of its meaning.

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

4 A. As used in this section, "direct primary care membership
5 agreement" means a contractual agreement between a primary care
6 provider and an individual patient, or his or her legal
7 representative, in which:

8 1. The provider agrees to provide primary care services to the
9 individual patient for an agreed-to fee over an agreed-to period of
10 time;

11 2. The direct primary care provider will not bill third parties
12 on a fee-for-service basis; and

13 3. Any per-visit charges under the agreement will be less than
14 the monthly equivalent of the periodic fee.

15 A "direct primary care provider" means an individual or legal
16 entity that is licensed, registered or otherwise authorized to
17 provide primary care services in this state and who chooses to enter
18 into a direct primary care membership agreement. This includes, but
19 is not limited to, an individual primary care provider or other
20 legal entity alone or with others professionally associated with the
21 individual or other legal entity.

22 B. A direct primary care membership agreement is not insurance
23 and is not subject to regulation by the Insurance Department.
24

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

4 D. A direct primary care provider or the agent of a direct
5 primary care provider is not required to obtain a certification of
6 authority or license under Title 36 of the Oklahoma Statutes to
7 market, sell or offer to sell a direct primary care agreement.

8 E. A direct primary care membership agreement is not a medical
9 discount plan, as defined by state law or regulation under the
10 Insurance Department and a direct primary care provider is not
11 required to register as a medical discount plan.

12 F. A direct primary care membership agreement shall:

13 1. Allow either party to terminate the agreement upon written
14 notice to the other party;

15 2. Provide that fees are not earned by the direct primary care
16 provider until the month paid by the periodic fee has been
17 completed; and

18 3. Provide that, upon termination of this agreement by the
19 individual patient, all unearned fees are to be returned to the
20 patient.

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

