

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 HOUSE BILL 2387

By: Griffith

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5
6 AS INTRODUCED

7 An Act relating to poor persons; amending 56 O.S.
8 2011, Sections 1010.1 and 1010.2, which relate to the
9 Oklahoma Medicaid Program Reform Act of 2003;
10 authorizing Oklahoma Health Care Authority to seek
11 waiver to expand premium assistance program to
12 include certain full-time-equivalent employees;
13 adding certain definition; and providing an effective
14 date.

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

16 SECTION 1. AMENDATORY 56 O.S. 2011, Section 1010.1, is
17 amended to read as follows:

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

21 B. Recognizing that many Oklahomans do not have health care
22 benefits or health care coverage, that many small businesses cannot
23 afford to provide health care benefits to their employees, and that,
24 under federal law, barriers exist to providing Medicaid benefits to
the uninsured, the Oklahoma Legislature hereby establishes
provisions to lower the number of uninsured, assist businesses in

1 their ability to afford health care benefits and coverage for their
2 employees, and eliminate barriers to providing health coverage to
3 eligible enrollees under federal law.

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

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

- 14 a. increase access to health care for Oklahomans,
- 15 b. reform the Oklahoma Medicaid Program to promote
16 personal responsibility for health care services and
17 appropriate utilization of health care benefits
18 through the use of public-private cost sharing,
- 19 c. enable small employers, and/or employed, uninsured
20 adults with or without children to purchase employer-
21 sponsored, state-approved private, or state-sponsored
22 health care coverage through a state premium
23 assistance payment plan. If by January 1, 2012, the
24 Employer/Employee Partnership for Insurance Coverage

1 Premium Assistance Program is not consuming more than
2 seventy-five percent (75%) of its dedicated source of
3 funding, then the program will be expanded to include
4 parents of children eligible for Medicaid, and

5 d. develop flexible health care benefit packages based
6 upon patient need and cost.

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

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

13 4. a. The Authority is authorized to seek from the Centers
14 for Medicare and Medicaid Services any waivers or
15 amendments to existing waivers necessary to accomplish
16 an expansion of the premium assistance program to:

17 (1) include for-profit employers with two hundred
18 fifty full-time-equivalent employees or less up
19 to any level supported by existing funding
20 resources, and

21 (2) include not-for-profit employers with five
22 hundred full-time-equivalent employees or less up
23 to any level supported by existing funding
24 resources.

1 b. Foster parents employed by employers with greater than
2 two hundred fifty full-time-equivalent employees shall
3 be exempt from the qualifying employer requirement
4 provided for in this paragraph and shall be eligible
5 to qualify for the premium assistance program provided
6 for in this section if supported by existing funding.

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

13 F. The Authority is authorized to seek from the Centers for
14 Medicare and Medicaid Services any waivers or amendments to existing
15 waivers necessary to accomplish an extension of the premium
16 assistance program to include qualified employees whose family
17 income does not exceed two hundred fifty percent (250%) of the
18 federal poverty level, subject to the limit of federal financial
19 participation.

20 G. The Authority is authorized to create as part of the premium
21 assistance program an option to purchase a high-deductible health
22 insurance plan that is compatible with a health savings account.

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

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

- 6 a. all monies received by the Authority pursuant to this
7 section and otherwise specified or authorized by law,
- 8 b. monies received by the Authority due to federal
9 financial participation pursuant to Title XIX of the
10 Social Security Act, and
- 11 c. interest attributable to investment of money in the
12 fund.

13 3. All monies accruing to the credit of the fund are hereby
14 appropriated and shall be budgeted and expended by the Authority to
15 implement a premium assistance plan, unless otherwise provided by
16 law.

17 I. 1. The Authority shall establish a procedure for verifying
18 an applicant's individual income by utilizing available Oklahoma Tax
19 Commission records, new hire report data collected by the Oklahoma
20 Employment Security Commission, and child support payment data
21 collected by the Department of Human Services in accordance with
22 federal and state law.

23 2. The Oklahoma Tax Commission, Oklahoma Employment Security
24 Commission, and Department of Human Services shall cooperate in

1 accordance with federal and state law with the Authority to
2 establish procedures for the secure electronic transmission of an
3 applicant's individual income data to the Authority.

4 SECTION 2. AMENDATORY 56 O.S. 2011, Section 1010.2, is
5 amended to read as follows:

6 Section 1010.2 ~~A.~~ As used in the Oklahoma Medicaid Program
7 Reform Act of 2003:

8 1. "Authority" means the Oklahoma Health Care Authority;

9 2. "Board" means the Oklahoma Health Care Authority Board;

10 3. "Administrator" means the chief executive officer of the
11 Oklahoma Health Care Authority;

12 4. "Eligible person" means any person who meets the minimum
13 requirements established by:

14 a. rules promulgated by the Oklahoma Health Care
15 Authority Board pursuant to the requirements of Title
16 XIX of the federal Social Security Act, 42 U.S.C.,
17 Section 1396 et seq.,

18 b. a waiver under the provisions of this act, or

19 c. any state law authorizing the purchase of small
20 employer buy-in coverage;

21 5. "Full-time-equivalent employee" means any officer or
22 employee of a participating employer, whose employment is not
23 seasonal or temporary. For purposes of calculation of employer size
24 in paragraph 4 of subsection D of Section 1010.1 of this title,

1 full-time-equivalent employee shall not include individuals whose
2 employment requires at least one thousand (1,000) hours of work per
3 year";

4 6. "Member" means an eligible person who enrolls in the
5 Oklahoma Medicaid Healthcare Options System;

6 ~~6.~~ 7. "Nonparticipating provider" means a person who provides
7 hospital or medical care pursuant to the Oklahoma Medicaid Program
8 but does not have a managed care health services contract or
9 subcontract within the Oklahoma Medicaid Healthcare Options System;

10 ~~7.~~ 8. "Prepaid capitated" means a mode of payment by which a
11 health care provider directly delivers health care services for the
12 duration of a contract to a maximum specified number of members
13 based on a fixed rate per member, regardless of the actual number of
14 members who receive care from the provider or the amount of health
15 care services provided to any member;

16 ~~8.~~ 9. "Participating provider" means any person or organization
17 who contracts with the Authority for the delivery of
18 hospitalization, eye care, dental care, medical care and other
19 medically related services to members or any subcontractor of such
20 provider delivering services pursuant to the Oklahoma Medicaid
21 Healthcare Options System; and

22 ~~9.~~ 10. "System" means the Oklahoma Medicaid Healthcare Options
23 System established by the Oklahoma Medicaid Program Reform Act of
24 2003.

1 SECTION 3. This act shall become effective November 1, 2016.

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