

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 COMMITTEE SUBSTITUTE

4 FOR

HOUSE BILL NO. 3447

By: Calvey

7 COMMITTEE SUBSTITUTE

8 An Act relating to Medicaid; creating the Defunding
9 Statutory Rape Cover-up Act; providing for
10 definitions; prohibiting certain provider from being
11 eligible for reimbursement through certain programs
12 under certain conditions; providing for certain
13 period of ineligibility to participate in programs;
14 requiring Oklahoma Health Care Authority to
15 promulgate certain rules; prohibiting preclusion of
16 certain prosecution; providing for codification; and
17 providing an effective date.

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

19 SECTION 1. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 1007.1 of Title 56, unless there
21 is created a duplication in numbering, reads as follows:

22 This act shall be known and may be cited as the "Defunding
23 Statutory Rape Cover-up Act".

24 SECTION 2. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 1007.2 of Title 56, unless there
is created a duplication in numbering, reads as follows:

As used in the Defunding Statutory Rape Cover-up Act:

1 1. "Provider" shall mean a provider of services for
2 compensation; and

3 2. "Affiliate" shall mean an entity which licenses the use of a
4 trademark or other recognized name to the provider, and which
5 exercises control over the use of part or all of the provider's
6 name, or any entity so licensed or controlled.

7 SECTION 3. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 1007.3 of Title 56, unless there
9 is created a duplication in numbering, reads as follows:

10 A. No provider shall be eligible for reimbursement through
11 Medicaid or any other federal or state program, directly or by
12 subcontract with any other party, if:

13 1. That provider, or any affiliate of that provider, has been
14 found by a court of law, either civilly or criminally, to have
15 failed to report statutory rape as part of mandatory potential child
16 abuse reporting laws applicable to the medical provider, when that
17 provider, or the affiliate of that provider, provides services
18 relating to pregnancy or termination of pregnancy to that minor
19 female for compensation; or

20 2. The entity or an affiliate of the entity failed to report
21 statutory rape of a patient as child abuse as required by law, where
22 the abuser was later convicted of abusing that patient, whether or
23 not the entity or an affiliate of the entity was itself adjudicated
24 of failing to report statutory rape.

1 B. Any provider found to be ineligible for reimbursement under
2 this section shall be able to reapply after a period of five (5)
3 years and a showing that procedures have been put in place to
4 provide for reporting to appropriate law enforcement authorities.

5 SECTION 4. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 1007.4 of Title 56, unless there
7 is created a duplication in numbering, reads as follows:

8 The Oklahoma Health Care Authority shall promulgate rules to
9 investigate complaints pursuant to the Defunding Statutory Rape
10 Cover-up Act. Nothing in the Defunding Statutory Rape Cover-up Act
11 shall preclude the Oklahoma Attorney General or any district
12 attorney with jurisdiction from prosecuting violations of the
13 Defunding Statutory Rape Cover-up Act.

14 SECTION 5. This act shall become effective November 1, 2018.

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