

1 ENGROSSED HOUSE
2 BILL NO. 1270

By: Hall of the House

3 and

4 Leewright of the Senate

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6
7 [welfare – Act to Restore Hope, Opportunity and
8 Prosperity for Everyone or the HOPE Act – effective
9 date]
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12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 246 of Title 56, unless there is
15 created a duplication in numbering, reads as follows:

16 A. This act shall be known and may be cited as the "Act to
17 Restore Hope, Opportunity and Prosperity for Everyone" or the "HOPE
18 Act".

19 B. Prior to awarding assistance under Medicaid, the Oklahoma
20 Health Care Authority shall verify eligibility information of each
21 applicant.

22 C. The information verified by the Authority shall include, but
23 is not limited to:

24 1. Earned and unearned income;

1 2. Employment status and changes in employment;

2 3. Immigration status;

3 4. Residency status, including a nationwide best-address source
4 to verify individuals are residents of the state;

5 5. Enrollment status in other state-administered public
6 assistance programs;

7 6. Financial resources;

8 7. Incarceration status;

9 8. Death records;

10 9. Enrollment status in public assistance programs outside of
11 this state; and

12 10. Potential identity fraud or identity theft.

13 D. The Authority shall sign a memorandum of understanding with
14 any department, agency or division for information detailed in
15 subsection C of this section.

16 E. The Authority may contract with one or more independent
17 vendors to provide information detailed in subsection C of this
18 section. Any contract entered under this subsection shall establish
19 annualized savings that exceed the contract's total annual cost to
20 the state.

21 F. Nothing in this section shall preclude the Authority from
22 receiving, reviewing or verifying additional information related to
23 eligibility not detailed in this section or from contracting with
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1 one or more independent vendors to provide additional information
2 not detailed in this section.

3 SECTION 2. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 247 of Title 56, unless there is
5 created a duplication in numbering, reads as follows:

6 A. On an annual basis, the Oklahoma Health Care Authority shall
7 receive and review information concerning individuals enrolled in
8 Medicaid that indicates a change in circumstances that may affect
9 eligibility.

10 B. The information provided to the Authority shall include, but
11 is not limited to:

- 12 1. Earned and unearned income;
- 13 2. Employment status and changes in employment;
- 14 3. Residency status;
- 15 4. Enrollment status in other state-administered public
16 assistance programs;
- 17 5. Financial resources;
- 18 6. Incarceration status;
- 19 7. Death records;
- 20 8. Lottery winnings; and
- 21 9. Enrollment status in public assistance programs outside of
22 this state.

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1 C. The Authority shall sign a memorandum of understanding with
2 any department, agency or division for information detailed in
3 subsection B of this section.

4 D. The Authority may contract with one or more independent
5 vendors to provide information detailed in subsection B of this
6 section. Any contract entered under this subsection shall establish
7 annualized savings that exceed the contract's total annual cost to
8 the state.

9 E. The Authority shall explore joining any multistate
10 cooperative to identify individuals who are also enrolled in public
11 assistance programs outside of this state, including the National
12 Accuracy Clearinghouse.

13 F. Nothing in this section shall preclude the Authority from
14 receiving or reviewing additional information related to eligibility
15 not detailed in this section or from contracting with one or more
16 independent vendors to provide additional information not detailed
17 in this section.

18 G. If the Authority receives information concerning an
19 individual enrolled in Medicaid that indicates a change in
20 circumstances that may affect eligibility, the Authority shall
21 review the individual's case using the following procedures:

22 1. If the information does not result in the Authority finding
23 a discrepancy or change in an individual's circumstances that may
24 affect eligibility, the Authority shall take no further action;

1 2. If the information results in the Authority finding a
2 discrepancy or change in an individual's circumstances that may
3 affect eligibility, the Authority shall promptly redetermine
4 eligibility after receiving such information;

5 3. If the information results in the Authority finding a
6 discrepancy or change in an individual's circumstances that may
7 affect eligibility, the individual shall be given an opportunity to
8 explain the discrepancy; provided, however, that self-declarations
9 by applicants or recipients shall not be accepted as verification;

10 4. The Authority shall provide written notice to the individual
11 which shall describe in sufficient detail the circumstances of the
12 discrepancy or change, the manner in which the applicant or
13 recipient may respond, and the consequences of failing to take
14 action. The applicant or recipient shall have ten (10) business
15 days to respond in an attempt to resolve the discrepancy or change.
16 The explanation provided by the recipient or applicant shall be
17 given in writing. After receiving the explanation, the Authority
18 may request additional documentation if it determines that there is
19 risk of fraud, misrepresentation or inadequate documentation;

20 5. If the individual does not respond to the notice, the
21 Authority shall discontinue assistance for failure to cooperate, in
22 which case the Authority shall provide notice of intent to
23 discontinue assistance. Eligibility for assistance shall not be
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1 established or reestablished until the discrepancy or change has
2 been resolved;

3 6. If an individual responds to the notice and disagrees with
4 the findings, the Authority shall reinvestigate the matter. If the
5 Authority finds that there has been an error, the Authority shall
6 take immediate action to correct it and no further action shall be
7 taken. If, after an investigation, the Authority determines that
8 there is no error, the Authority shall determine the effect on the
9 individual's case and take appropriate action. Written notice of
10 the Authority action shall be given to the individual; and

11 7. If the individual agrees with the findings, the Authority
12 shall determine the effect on the individual's case and take
13 appropriate action. Written notice of the Authority action shall be
14 given to the individual. In no case shall the Authority discontinue
15 assistance upon finding a discrepancy or change in circumstances
16 until the individual has been given notice of the discrepancy and
17 the opportunity to respond as required under the HOPE Act.

18 SECTION 3. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 248 of Title 56, unless there is
20 created a duplication in numbering, reads as follows:

21 A. Prior to awarding assistance under Medicaid, the Oklahoma
22 Health Care Authority shall require applicants to complete an
23 identity authentication process to confirm that the applicant owns
24 the identity presented in the application.

1 B. The identity authentication process shall be conducted
2 through a knowledge-based quiz consisting of financial and personal
3 questions. The quiz shall attempt to accommodate unbanked or under-
4 banked applicants who do not have an established credit history.

5 C. The identity authentication process shall be available to be
6 submitted through multiple channels including online, in-person and
7 via phone.

8 SECTION 4. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 249 of Title 56, unless there is
10 created a duplication in numbering, reads as follows:

11 The Oklahoma Health Care Authority shall provide information
12 obtained under Sections 1 through 3 of the HOPE Act to the Medicaid
13 fraud control unit of the Office of the Attorney General for cases
14 of suspected Medicaid fraud.

15 SECTION 5. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 250 of Title 56, unless there is
17 created a duplication in numbering, reads as follows:

18 A. The Oklahoma Health Care Authority shall promulgate all
19 rules and regulations necessary for the purposes of carrying out the
20 HOPE Act.

21 B. On May 1, 2018, and annually thereafter, the Oklahoma Health
22 Care Authority shall publish a written report detailing the impact
23 of Sections 1 through 3 of the HOPE Act, including the number of
24 cases reviewed, the number of cases closed, the number of fraud

1 investigation referrals and the amount of savings and cost avoidance
2 that have resulted from implementation.

3 SECTION 6. This act shall become effective November 1, 2017.

4 Passed the House of Representatives the 22nd day of March, 2017.

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6 _____
7 Presiding Officer of the House
8 of Representatives

9 Passed the Senate the ____ day of _____, 2017.

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12 Presiding Officer of the Senate
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