

An Act

ENROLLED SENATE
BILL NO. 1267

By: Treat of the Senate

and

Calvey, Dunlap, Faught,
Lepak, McEachin, Roberts
(Sean) and Gann of the
House

An Act relating to Medicaid provider eligibility;
creating the Defunding Fetal-Body-Parts Trafficking
Act; providing short title; providing definitions;
excluding certain providers from receiving
reimbursement; allowing ineligible provider to
reapply under certain conditions; requiring Oklahoma
Health Care Authority to publish certain findings;
providing certain construction; providing for
codification; and providing an effective date.

SUBJECT: Medicaid provider eligibility

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 1005.2 of Title 56, unless there
is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Defunding
Fetal-Body-Parts Trafficking Act".

SECTION 2. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 1005.3 of Title 56, unless there
is created a duplication in numbering, reads as follows:

For purposes of this act:

1. "Provider" means a provider of services for compensation;

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

3. "Fetal body parts" means tissue or cells obtained from a dead human embryo or fetus.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1005.4 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. No provider shall be eligible for reimbursement through Medicaid or any other federal or state program, directly or by subcontract with any other party, if that provider, or any affiliate of that provider, has been found by a court of law, either civilly or criminally, to have violated 42 U.S.C., Section 289g-2 (2010) or any other federal or state law prohibiting trafficking in fetal body parts.

B. Any provider found to be ineligible for reimbursement pursuant to this section shall be able to reapply after a period of five (5) years and a showing that they and their affiliates no longer participate in the trafficking of fetal body parts.

C. Within sixty (60) calendar days of receipt of a complaint of a violation under this section, the Oklahoma Health Care Authority shall publish the findings of its investigation of the complaint and issue a determination of whether a provider has committed a violation of the provisions of this section. Nothing in this act shall preclude other law enforcement entities or a party in qui tam litigation from initiating action regarding this section.

SECTION 4. This act shall become effective November 1, 2018.

Passed the Senate the 13th day of March, 2018.

Presiding Officer of the Senate

Passed the House of Representatives the 25th day of April, 2018.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____