

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 56th Legislature (2018)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3447

By: Calvey of the House

and

Treat of the Senate

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10 COMMITTEE SUBSTITUTE

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

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

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

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

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

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

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

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

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

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

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

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1 2. The entity or an affiliate of the entity failed to report
2 statutory rape of a patient as child abuse as required by law, where
3 the abuser was later convicted of abusing that patient, whether or
4 not the entity or an affiliate of the entity was itself adjudicated
5 of failing to report statutory rape.

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

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

13 The Oklahoma Health Care Authority shall promulgate rules to
14 investigate complaints pursuant to the Defunding Statutory Rape
15 Cover-up Act. Nothing in the Defunding Statutory Rape Cover-up Act
16 shall preclude the Oklahoma Attorney General or any district
17 attorney with jurisdiction from prosecuting violations of the
18 Defunding Statutory Rape Cover-up Act.

19 SECTION 5. This act shall become effective November 1, 2018.
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21 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 03/05/2018 - DO PASS,
22 As Amended and Coauthored.
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