

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

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

4   ENGROSSED SENATE  
5   BILL NO. 1267

By: Treat of the Senate

and

Calvey of the House

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

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

21       SECTION 1.       NEW LAW       A new section of law to be codified  
22      in the Oklahoma Statutes as Section 1005.2 of Title 56, unless there  
23      is created a duplication in numbering, reads as follows:

24       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:

1 For purposes of this act:

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

3 2. "Affiliate" means 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; and

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

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

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

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

23 C. Within sixty (60) calendar days of receipt of a complaint of  
24 a violation under this section, the Oklahoma Health Care Authority

1 shall publish the findings of its investigation of the complaint and  
2 issue a determination of whether a provider has committed a  
3 violation of the provisions of this section. Nothing in this act  
4 shall preclude other law enforcement entities or a party in qui tam  
5 litigation from initiating action regarding this section.

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

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8 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 04/12/2018 - DO PASS.

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