

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1284

By: Bergstrom

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5
6 AS INTRODUCED

7 An Act relating to hearings; amending 63 O.S. 2011,
8 Section 5052, which relates to opportunity for
9 hearing before Oklahoma Health Care Authority;
10 requiring Authority to hold certain hearing within
11 specified time frame; providing that failure to hold
12 hearing in specified time frame results in ruling in
13 favor of applicant or recipient; and providing an
14 effective date.

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

16 SECTION 1. AMENDATORY 63 O.S. 2011, Section 5052, is
17 amended to read as follows:

18 Section 5052. A. Any applicant or recipient, adversely
19 affected by a decision of the Oklahoma Health Care Authority on
20 benefits or services provided pursuant to the provisions of this
21 title, shall be afforded an opportunity for a hearing pursuant to
22 the provisions of subsection B of this section after such applicant
23 or recipient has been notified of the adverse decision of the
24 Authority.

B. 1. Upon timely receipt of a request for a hearing as
specified in the notice of adverse decision and exhaustion of other

1 available administrative remedies, the Authority shall hold a
2 hearing within thirty (30) calendar days from receipt of the request
3 and pursuant to the provisions of rules promulgated by the Oklahoma
4 Health Care Authority Board pursuant to this section. If the
5 Authority fails to hold a hearing within thirty (30) calendar days
6 from receipt of the request, the Authority shall rescind its
7 original ruling and rule in favor of the applicant or recipient.

8 2. The record of the hearing shall include, but shall not be
9 limited to:

- 10 a. all pleadings, motions, and intermediate rulings,
- 11 b. evidence received or considered,
- 12 c. any decision, opinion, or report by the officer
13 presiding at the hearing, and
- 14 d. all staff memoranda or data submitted to the hearing
15 officer or members of the agency in connection with
16 their consideration of the case.

17 3. Oral proceedings shall be electronically recorded by the
18 Authority. Any party may request a copy of the tape recording of
19 such person's administrative hearing or may request a transcription
20 of the tape recording to comply with any federal or state law.

21 C. Any decision of the Authority after such a hearing pursuant
22 to subsection B of this section shall be subject to review by the
23 Administrator of the Oklahoma Health Care Authority upon a timely
24 request for review by the applicant or recipient. The Administrator

1 shall issue a decision after review. A hearing decision of the
2 Authority shall be final and binding unless a review is requested
3 pursuant to the provisions of this subsection. The decision of the
4 Administrator may be appealed to the district court in which the
5 applicant or recipient resides within thirty (30) days of the date
6 of the decision of the Administrator as provided by the provisions
7 of subsection D of this section.

8 D. Any applicant or recipient under this title who is aggrieved
9 by a decision of the Administrator rendered pursuant to this section
10 may petition the district court in which the applicant or recipient
11 resides for a judicial review of the decision pursuant to the
12 provisions of Sections 318 through 323 of Title 75 of the Oklahoma
13 Statutes. A copy of the petition shall be served by mail upon the
14 general counsel of the Authority.

15 SECTION 2. This act shall become effective November 1, 2018.

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