

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

HOUSE BILL 1581

By: Caldwell

AS INTRODUCED

An Act relating to public health and safety; amending 63 O.S. 2011, Section 5052, which relates to a hearing for those adversely affected by a decision of the Oklahoma Health Care Authority; providing that healthcare provider adversely affected by a decision of the Authority on payments be given opportunity for hearing; requiring Authority to allow forty-five days for those adversely affected by a decision to request a hearing; and providing an effective date.

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

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

A. Any applicant, ~~or~~ recipient, or health care provider adversely affected by a decision of the Oklahoma Health Care Authority on benefits, ~~or~~ services or payments provided pursuant to the provisions of this title, shall be afforded an opportunity for a hearing pursuant to the provisions of subsection B of this section after such applicant or recipient has been notified of the adverse decision of the Authority.

1 B. 1. Upon timely receipt of a request for a hearing as
2 specified in subsection E of this section and the notice of adverse
3 decision and exhaustion of other available administrative remedies,
4 the Authority shall hold a hearing pursuant to the provisions of
5 rules promulgated by the Oklahoma Health Care Authority Board
6 pursuant to this section.

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

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

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

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

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

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

14 E. The Authority shall allow any applicant, recipient or health
15 care provider to request a hearing up to forty-five (45) days
16 following the notification by the Authority of an adverse decision.

17 SECTION 2. This act shall become effective November 1, 2017.

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