

**COMMITTEE AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2418 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by  
inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Amendment submitted by: Lewis Moore

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

PROPOSED COMMITTEE  
SUBSTITUTE  
FOR  
HOUSE BILL NO. 2418

By: Moore

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to ambulatory surgical centers;  
providing for use agreements between ambulatory  
surgical centers and physicians or physician groups;  
providing an exception; requiring fair fees;  
directing State Department of Health to promulgate  
certain rules; providing for codification; and  
providing an effective date.

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 2658a of Title 63, unless there  
is created a duplication in numbering, reads as follows:

A. Except as provided in subsection B of this section, a  
license is not transferable or assignable.

B. Except as provided in subsection C of this section and  
subject to subsection D of this section, an ambulatory surgical  
center may share its license under a sublicense agreement with one

1 or more designated physicians or physician groups that is entered  
2 into under the terms of a use agreement, if:

3 1. The ambulatory surgical center:

- 4 a. remains responsible for ensuring that the facility and  
5 all surgical and other ambulatory surgical center  
6 services provided in that facility by any designated  
7 physician or physician group comply with this act, and  
8 b. at least annually, provides the State Department of  
9 Health with:

- 10 (1) a list of the designated physicians or physician  
11 groups with which the ambulatory surgical center  
12 has entered into a use agreement, and  
13 (2) any other information that the State Department  
14 of Health requires by rule about the designated  
15 physicians or physician groups or use agreements;  
16 and

17 2. The designated physician or physician group notifies each  
18 patient to whom the group provides ambulatory surgical center  
19 services at the facility that the group has a financial relationship  
20 through a use agreement with the ambulatory surgical center and of  
21 the impact of that agreement on the network status of the ambulatory  
22 surgical center services provided.

1 C. A use agreement under subsection B of this section shall not  
2 cover a transaction paid for under the Medicare or Medicaid program  
3 except as recognized by the Centers for Medicare and Medicaid.

4 D. A use agreement entered into under this section must comply  
5 with all applicable federal rules and regulations from the Centers  
6 for Medicare and Medicaid.

7 E. Fees under a use agreement entered into under this act must  
8 be equal to the fair market value, as mutually agreed between  
9 parties and based upon local development and operational cost of the  
10 specific facility.

11 F. An insurer or other entity authorized to offer a health  
12 benefit plan, as defined in subsection C of Section 6060.4 of Title  
13 36 of the Oklahoma Statutes, is not required to contract or is not  
14 prohibited from contracting with a designated physician or physician  
15 group that is operating under a use agreement.

16 G. The State Department of Health shall promulgate rules  
17 prescribing minimum requirements for a use agreement entered into  
18 under this section.

19 SECTION 2. This act shall become effective November 1, 2019.  
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