

1 ENGROSSED SENATE
2 BILL NO. 1518

By: Coleman of the Senate

3 and

4 McEntire of the House

5
6 An Act relating to the Oklahoma Health Care
7 Authority; amending 63 O.S. 2011, Section 5052, which
8 relates to hearings; authorizing designee of
Administrator of the Authority to perform certain
duties; and providing an effective date.

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

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

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

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

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

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

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

16 C. Any decision of the Authority after such a hearing pursuant
17 to subsection B of this section shall be subject to review by the
18 Administrator of the Oklahoma Health Care Authority or designee upon
19 a timely request for review by the applicant or recipient. The
20 Administrator or designee shall issue a decision after review. A
21 hearing decision of the Authority shall be final and binding unless
22 a review is requested pursuant to the provisions of this subsection.
23 The decision of the Administrator or designee may be appealed to the
24 district court in which the applicant or recipient resides within

1 thirty (30) days of the date of the decision of the Administrator or
2 designee as provided by the provisions of subsection D of this
3 section.

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

11 SECTION 2. This act shall become effective November 1, 2020.

12 Passed the Senate the 18th day of February, 2020.

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15 Presiding Officer of the Senate

16 Passed the House of Representatives the ____ day of _____,
17 2020.

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20 Presiding Officer of the House
21 of Representatives
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