

1 ENGROSSED SENATE  
2 BILL NO. 456

By: Treat, Simpson and Boggs of  
the Senate

3 and

4 McCall, Lawson, Conley,  
5 Bush, Frix, Hasenbeck,  
6 Fetgatter, Vancuren, Moore,  
7 McEntire, Roberts (Dustin),  
8 Steagall, Townley, Burns,  
9 Randleman, Olsen, Strom,  
10 Sterling, Cornwell, Davis,  
11 Kiger, Manger, Marti,  
12 Dills, Fincher, Pae, May,  
13 Boles, McBride, Mize, West  
14 (Kevin), Talley, Stark,  
15 West (Josh), Taylor,  
16 Phillips, Smith, Grego,  
17 Boatman, Luttrell,  
18 Patzkowsky, Baker, Miller,  
19 Gann, Sims, Hill, Kerbs,  
20 Lepak, Echols, McDugle,  
21 Kannady and Wallace of the  
22 House

23 An Act relating to the Oklahoma Health Care  
24 Authority; amending 63 O.S. 2011, Sections 5007 and  
5008, which relate to the Oklahoma Health Care  
Authority Act; removing antiquated language;  
modifying appointments to the Oklahoma Health Care  
Authority Board; deleting Board authority to appoint  
the Administrator; authorizing Governor to appoint  
Administrator of the Oklahoma Health Care Authority;  
providing for determination of compensation;  
providing method for removal from office; updating  
statutory language; and declaring an emergency.

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

1       SECTION 1.       AMENDATORY       63 O.S. 2011, Section 5007, is  
2 amended to read as follows:

3       Section 5007. A. There is hereby created the Oklahoma Health  
4 Care Authority Board. ~~On and after July 1, 1994, as the terms of~~  
5 ~~the initially appointed members expire, the Board shall be composed~~  
6 ~~of seven appointed members who shall serve for terms of four (4)~~  
7 ~~years and shall be appointed as follows:~~

8       1. ~~Two members shall be appointed by the President Pro Tempore~~  
9 ~~of the Senate;~~

10       2. ~~Two members shall be appointed by the Speaker of the House~~  
11 ~~of Representatives; and~~

12       3. ~~Three members shall be appointed by the Governor. Two of~~  
13 ~~the members appointed by the Governor shall be consumers.~~

14       B. ~~Members appointed pursuant to this paragraph, with the~~  
15 ~~exception of the consumer members, shall include persons having~~  
16 ~~experience in medical care, health care services, health care~~  
17 ~~delivery, health care finance, health insurance and managed health~~  
18 ~~care. Consumer members shall have no financial or professional~~  
19 ~~interest in medical care, health care services, health care~~  
20 ~~delivery, health finance, health insurance or managed care. In~~  
21 ~~making the appointments, the appointing authority shall also give~~  
22 ~~consideration to urban, rural, gender and minority representation.~~

1       ~~C. 1. As the terms of office of members appointed before July~~  
2 ~~1, 1995, expire, appointments made on or after July 1, 1995, shall~~  
3 ~~be subject to the following requirements:~~

4           ~~a. One member appointed by the Governor shall be a~~  
5           ~~resident of the First Congressional District. The~~  
6           ~~term of office of the member appointed by the Governor~~  
7           ~~and serving as of the effective date of this act shall~~  
8           ~~expire on September 1, 2003;~~

9           ~~b. One member appointed by the President Pro Tempore of~~  
10          ~~the Senate shall be a resident of the Second~~  
11          ~~Congressional District and a consumer. The term of~~  
12          ~~office of the member appointed by the President Pro~~  
13          ~~Tempore of the Senate and serving as of the effective~~  
14          ~~date of this act shall expire on September 1, 1999;~~

15          ~~c. One member appointed by the President Pro Tempore of~~  
16          ~~the Senate shall be a resident of the Third~~  
17          ~~Congressional District. The term of office of the~~  
18          ~~member appointed by the President Pro Tempore of the~~  
19          ~~Senate and serving as of the effective date of this~~  
20          ~~act shall expire on September 1, 2004;~~

21          ~~d. One member appointed by the Speaker of the House of~~  
22          ~~Representatives shall be a resident of the Fourth~~  
23          ~~Congressional District. The term of office of the~~  
24          ~~member appointed by the Speaker of the House of~~

~~Representatives and serving as of the effective date of this act shall expire on September 1, 2001;~~

~~e. One member appointed by the Speaker of the House of Representatives shall be a resident of the Fifth Congressional District and a consumer. The term of office of the member appointed by the Speaker of the House of Representatives and serving as of the effective date of this act shall expire on September 1, 1998;~~

~~f. One member appointed by the Governor shall be a resident of the Sixth Congressional District and a consumer. The term of office of the member appointed by the Governor and serving as of the effective date of this act shall expire on September 1, 2000; and~~

~~g. The second consumer member appointed by the Governor shall be appointed at large. The term of office of the member appointed by the Governor and serving as of the effective date of this act shall expire on September 1, 2002.~~

~~2. Appointments made subsequent to the effective date of this act shall not be restricted to any particular congressional district. Appointments made after July 1 of the year in which a redrawing of a congressional district becomes effective shall be from the state at large. However, no appointments may be made after~~

1 ~~July 1 of the year in which such modification becomes effective if~~  
2 ~~such appointment would result in more than two members serving from~~  
3 ~~the same modified district.~~

4 ~~D. The terms of the members serving on the Board as of the~~  
5 ~~effective date of this act shall expire on September 1 of the year~~  
6 ~~in which the respective terms expire. Thereafter, as new terms~~  
7 ~~begin, members shall be appointed to four year staggered terms which~~  
8 ~~shall expire on September 1. Should a member serve less than a~~  
9 ~~four-year term, the term of office of the member subsequently~~  
10 ~~appointed shall be for the remainder of the four-year term.~~

11 ~~E. On and after July 1, 1994, any subsequently appointed~~  
12 ~~administrator of the Authority shall be appointed by the Board. The~~  
13 ~~administrator shall have the training and experience necessary for~~  
14 ~~the administration of the Authority, as determined by the Board,~~  
15 ~~including, but not limited to, prior experience in the~~  
16 ~~administration of managed health care. The administrator shall~~  
17 ~~serve at the pleasure of the Board which shall consist of the~~  
18 ~~following nine (9) members:~~

19 ~~1. Five members appointed by the Governor;~~

20 ~~2. Two members appointed by the Speaker of the House of~~  
21 ~~Representatives; and~~

22 ~~3. Two members appointed by the President Pro Tempore of the~~  
23 ~~Senate.~~

1        B. Each member shall serve at the pleasure of his or her  
2        appointing authority and may be removed or replaced without cause.  
3        Any member of the Board shall be prohibited from voting on any issue  
4        in which the member has a direct financial interest. The  
5        Administrator of the Oklahoma Health Care Authority shall be an ex  
6        officio member of the Board, but shall be entitled to vote only in  
7        case of a tie vote.

8        ~~F.~~ C. The Board shall have the power and duty to:

9        1. Establish the policies of the Oklahoma Health Care  
10       Authority;

11       2. ~~Appoint the Administrator of the Authority;~~

12       3. ~~Adopt and promulgate rules as necessary and appropriate to~~  
13       ~~carry out the duties and responsibilities of the Authority. The~~  
14       ~~Board shall be the rulemaking body for the Authority; and~~

15       4. ~~3.~~ Adopt, publish and submit by January 1 of each year to  
16       the Governor, the President Pro Tempore of the Senate, and the  
17       Speaker of the House of Representatives appropriate administrative  
18       policies and the business plan for that year. All actions governed  
19       by ~~said~~ the administrative policies and annual business plan shall  
20       be examined annually in an independent audit.

21       ~~G. 1. A vacancy in a position shall be filled in the same~~  
22       ~~manner as provided in subsection A of this section.~~

23       2. ~~D.~~ A majority of the members of the Board shall constitute a  
24       quorum for the transaction of business and for taking any official

1 action. Official action of the Board must have a favorable vote by  
2 a majority of the members present.

3 ~~3.~~ E. Members appointed pursuant to subsection A of this  
4 section shall serve without compensation but shall be reimbursed for  
5 expenses incurred in the performance of their duties in accordance  
6 with the State Travel Reimbursement Act.

7 ~~H.~~ F. The Board and the Authority shall act in accordance with  
8 the provisions of the Oklahoma Open Meeting Act, the Oklahoma Open  
9 Records Act and the Administrative Procedures Act.

10 SECTION 2. AMENDATORY 63 O.S. 2011, Section 5008, is  
11 amended to read as follows:

12 Section 5008. A. The Administrator of the Oklahoma Health Care  
13 Authority shall have the training and experience necessary for the  
14 administration of the Authority, ~~as determined by the Oklahoma~~  
15 ~~Health Care Authority Board, including, but not limited to, prior~~  
16 ~~experience in the administration of managed health care.~~ The  
17 Administrator shall be appointed by the Governor with the advice and  
18 consent of the Senate and shall serve at the pleasure of the ~~Board~~  
19 Governor and may be removed or replaced without cause. Compensation  
20 for the Administrator shall be determined by the Governor. The  
21 Administrator may be removed from office by a two-thirds (2/3) vote  
22 of the members elected to and constituting each chamber of the  
23 Legislature.

1       B. The Administrator of the Oklahoma Health Care Authority  
2 shall be the chief executive officer of the Authority and shall act  
3 for the Authority in all matters except as may be otherwise provided  
4 by law. The powers and duties of the Administrator shall include  
5 but not be limited to:

6       1. Supervision of the activities of the Authority;

7       2. Formulation and recommendation of rules for approval or  
8 rejection by the Oklahoma Health Care Authority Board and  
9 enforcement of rules and standards promulgated by the Board;

10       3. Preparation of the plans, reports and proposals required by  
11 the Oklahoma Health Care Authority Act, Section 5003 et seq. of this  
12 title, other reports as necessary and appropriate, and an annual  
13 budget for the review and approval of the Board;

14       4. Employment of such staff as may be necessary to perform the  
15 duties of the Authority including but not limited to an attorney to  
16 provide legal assistance to the Authority for the state Medicaid  
17 program; and

18       5. Establishment of a contract bidding process which:

19       a. encourages competition among entities contracting with  
20 the Authority for state-purchased and state-subsidized  
21 health care; provided, however, the Authority may make  
22 patient volume adjustments to any managed care plan  
23 whose prime contractor is a state-sponsored,  
24 nationally accredited medical school. The Authority



1           may also make education or research supplemental  
2           payments to state-sponsored, nationally accredited  
3           medical schools based on the level of participation in  
4           any managed care plan by managed care plan  
5           participants,

6           b.    coincides with the state budgetary process, and

7           c.    specifies conditions for awarding contracts to any  
8           insuring entity.

9           C.    The Administrator may appoint advisory committees as  
10          necessary to assist the Authority with the performance of its duties  
11          or to provide the Authority with expertise in technical matters.

12          SECTION 3.  It being immediately necessary for the preservation  
13          of the public peace, health or safety, an emergency is hereby  
14          declared to exist, by reason whereof this act shall take effect and  
15          be in full force from and after its passage and approval.

1 Passed the Senate the 6th day of March, 2019.

2  
3 \_\_\_\_\_  
4 Presiding Officer of the Senate

5 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
6 2019.

7  
8 \_\_\_\_\_  
9 Presiding Officer of the House  
10 of Representatives