

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 57th Legislature (2020)

4 ENGROSSED SENATE
5 BILL NO. 1073

 By: Thompson and Rader of the
 Senate

6 and

7 Wallace and Hilbert of the
8 House

9
10 An Act relating to Oklahoma Medicaid Program Reform
11 Act; amending 56 O.S. 2011, Section 1010.1, as
12 amended by Section 1, Chapter 136, O.S.L. 2017 (56
13 O.S. Supp. 2019, Section 1010.1), expanding
14 authorized use of Health Employee and Economy
15 Improvement Act (HEEIA) Revolving Fund; providing an
16 effective date; and declaring an emergency.

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

18 SECTION 1. AMENDATORY 56 O.S. 2011, Section 1010.1, as
19 amended by Section 1, Chapter 136, O.S.L. 2017 (56 O.S. Supp. 2019,
20 Section 1010.1), is amended to read as follows:

21 Section 1010.1. A. Section 1010.1 et seq. of this title shall
22 be known and may be cited as the "Oklahoma Medicaid Program Reform
23 Act of 2003".

24 B. Recognizing that many Oklahomans do not have health care
 benefits or health care coverage, that many small businesses cannot

1 afford to provide health care benefits to their employees, and that,
2 under federal law, barriers exist to providing Medicaid benefits to
3 the uninsured, the Oklahoma Legislature hereby establishes
4 provisions to lower the number of uninsured, assist businesses in
5 their ability to afford health care benefits and coverage for their
6 employees, and eliminate barriers to providing health coverage to
7 eligible enrollees under federal law.

8 C. Unless otherwise provided by law, the Oklahoma Health Care
9 Authority shall provide coverage under the state Medicaid program to
10 children under the age of eighteen (18) years whose family incomes
11 do not exceed one hundred eighty-five percent (185%) of the federal
12 poverty level.

13 D. 1. The Authority is directed to apply for a waiver or
14 waivers to the Centers for Medicaid and Medicare Services (CMS) that
15 will accomplish the purposes outlined in subsection B of this
16 section. The Authority is further directed to negotiate with CMS to
17 include in the waiver authority provisions to:

- 18 a. increase access to health care for Oklahomans,
- 19 b. reform the Oklahoma Medicaid Program to promote
20 personal responsibility for health care services and
21 appropriate utilization of health care benefits
22 through the use of public-private cost sharing,
- 23 c. enable small employers, and/or employed, uninsured
24 adults with or without children to purchase employer-

1 sponsored, state-approved private, or state-sponsored
2 health care coverage through a state premium
3 assistance payment plan. If by January 1, 2012, the
4 Employer/Employee Partnership for Insurance Coverage
5 Premium Assistance Program is not consuming more than
6 seventy-five percent (75%) of its dedicated source of
7 funding, then the program will be expanded to include
8 parents of children eligible for Medicaid, and

9 d. develop flexible health care benefit packages based
10 upon patient need and cost.

11 2. The Authority may phase in any waiver or waivers it receives
12 based upon available funding.

13 3. The Authority is authorized to develop and implement a
14 premium assistance plan to assist small businesses and/or their
15 eligible employees to purchase employer-sponsored insurance or "buy-
16 in" to a state-sponsored benefit plan.

17 4. a. The Authority is authorized to seek from the Centers
18 for Medicare and Medicaid Services any waivers or
19 amendments to existing waivers necessary to accomplish
20 an expansion of the premium assistance program to:

21 (1) include for-profit employers with two hundred
22 fifty employees or less up to any level supported
23 by existing funding resources, and
24

1 (2) include not-for-profit employers with five
2 hundred employees or less up to any level
3 supported by existing funding resources.

4 b. Foster parents employed by employers with greater than
5 two hundred fifty employees shall be exempt from the
6 qualifying employer requirement provided for in this
7 paragraph and shall be eligible to qualify for the
8 premium assistance program provided for in this
9 section if supported by existing funding.

10 E. For purposes of this paragraph, "for-profit employer" shall
11 mean an entity which is not exempt from taxation pursuant to the
12 provisions of Section 501(c)(3) of the Internal Revenue Code and
13 "not-for-profit employer" shall mean an entity which is exempt from
14 taxation pursuant to the provisions of Section 501(c)(3) of the
15 Internal Revenue Code.

16 F. The Authority is authorized to seek from the Centers for
17 Medicare and Medicaid Services any waivers or amendments to existing
18 waivers necessary to accomplish an extension of the premium
19 assistance program to include qualified employees whose family
20 income does not exceed two hundred fifty percent (250%) of the
21 federal poverty level, subject to the limit of federal financial
22 participation.

1 G. The Authority is authorized to create as part of the premium
2 assistance program an option to purchase a high-deductible health
3 insurance plan that is compatible with a health savings account.

4 H. 1. There is hereby created in the State Treasury a
5 revolving fund to be designated the "Health Employee and Economy
6 Improvement Act (HEEIA) Revolving Fund".

7 2. The fund shall be a continuing fund, not subject to fiscal
8 year limitations, and shall consist of:

- 9 a. all monies received by the Authority pursuant to this
10 section and otherwise specified or authorized by law,
11 b. monies received by the Authority due to federal
12 financial participation pursuant to Title XIX of the
13 Social Security Act, and
14 c. interest attributable to investment of money in the
15 fund.

16 3. All monies accruing to the credit of the fund are hereby
17 appropriated and shall be budgeted and expended by the Authority to
18 implement a premium assistance plan and to fund the state share for
19 the Oklahoma Medicaid program on or after the effective date of this
20 act, unless otherwise provided by law.

21 I. 1. The Authority shall establish a procedure for verifying
22 an applicant's individual income by utilizing available Oklahoma Tax
23 Commission records, new hire report data collected by the Oklahoma
24 Employment Security Commission, and child support payment data

1 collected by the Department of Human Services in accordance with
2 federal and state law.

3 2. The Oklahoma Tax Commission, Oklahoma Employment Security
4 Commission, and Department of Human Services shall cooperate in
5 accordance with federal and state law with the Authority to
6 establish procedures for the secure electronic transmission of an
7 applicant's individual income data to the Authority.

8 3. The Department of Public Safety shall cooperate in
9 accordance with federal and state law with the Authority to
10 establish procedures for the secure electronic transmission of an
11 applicant's individual identification data to the Authority.

12 SECTION 2. This act shall become effective July 1, 2020.

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

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18 DIRECT TO CALENDAR.
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