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CORRECTED

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

SENATE BILL 1518

By: Coleman

AS INTRODUCED

An Act relating to the Oklahoma Health Care Authority; amending 63 O.S. 2011, Section 5052, which relates to hearings; authorizing designee of Administrator of the Authority to perform certain duties; 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:

Section 5052. A. Any applicant or recipient, adversely affected by a decision of the Oklahoma Health Care Authority on benefits or services 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.

B. 1. Upon timely receipt of a request for a hearing as specified in the notice of adverse decision and exhaustion of other

1 available administrative remedies, the Authority shall hold a
2 hearing pursuant to the provisions of rules promulgated by the
3 Oklahoma Health Care Authority Board pursuant to this section.

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

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

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

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

1 district court in which the applicant or recipient resides within
2 thirty (30) days of the date of the decision of the Administrator or
3 designee as provided by the provisions of subsection D of this
4 section.

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

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

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