

OKLAHOMA STATE SENATE  
CONFERENCE  
COMMITTEE REPORT

May 10, 2021

Mr. President:

Mr. Speaker:

The Conference Committee, to which was referred

SB207

By: Garvin of the Senate and McEntire of the House

Title: Oklahoma Health Care Authority; authorizing the Administrator of the Authority to designate an administrative law judge to perform certain duties. Effective date.

together with Engrossed House Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the House recede from all Amendments.
2. By restoring the Enacting Clause.
3. By restoring the title as follows:


"An Act relating to the Oklahoma Health Care Authority; amending 63 O.S. 2011, Section 5052, which relates to hearings; authorizing the Administrator of the Authority to designate an administrative law judge to perform certain duties; and providing an effective date."

Respectfully submitted,

SENATE CONFEREES:

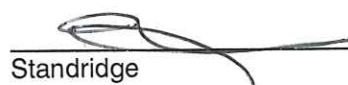
  
Garvin

  
McCortney

  
Dossett (J.A.)

  
Haste

  
Hicks

  
Standridge

HOUSE CONFEREES:

Conference Committee on General Conference Committee on Appropriations

Senate Action \_\_\_\_\_ Date \_\_\_\_\_ House Action \_\_\_\_\_ Date \_\_\_\_\_

## SB207 CCR (A)

**HOUSE CONFEREES**

Baker, Rhonda



Bennett, Forrest

Blancett, Meloyde

Boatman, Jeff



Dills, Sheila

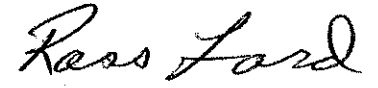


Echols, Jon

Fetgatter, Scott



Ford, Ross

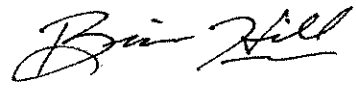


Goodwin, Regina

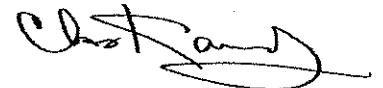
Hilbert, Kyle



Hill, Brian



Kannady, Chris



Lawson, Mark



Lepak, Mark



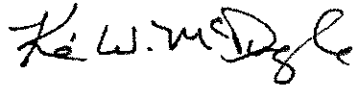
Martinez, Ryan



McBride, Mark



McDugle, Kevin



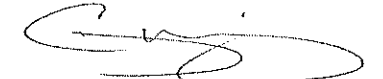
McEntire, Marcus



Miller, Nicole

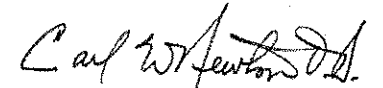


Mize, Garry



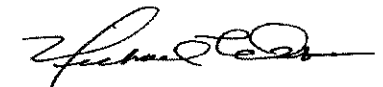
Munson, Cyndi

Newton, Carl



Nichols, Monroe

Osburn, Mike



Pfeiffer, John



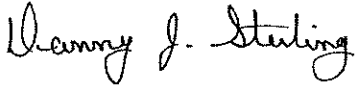
Roberts, Dustin



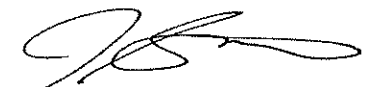
Roberts, Sean

Russ, Todd

Sterling, Danny



Strom, Judd

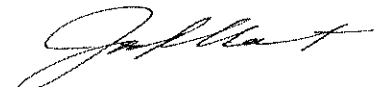


Virgin, Emily

Walke, Collin

Wallace, Kevin

West, Josh



West, Tammy

1 ENGROSSED HOUSE AMENDMENTS  
2 TO

3 ENGROSSED SENATE BILL NO. 207

By: Garvin of the Senate

and

McEntire of the House

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6  
7 An Act relating to the Oklahoma Health Care  
8 Authority; amending 63 O.S. 2011, Section 5052, which  
9 relates to hearings; authorizing the Administrator of  
10 the Authority to designate an administrative law  
11 judge to perform certain duties; and providing an  
12 effective date.

13 AUTHOR: Add the following House Coauthor: Manger

14 AMENDMENT NO. 1. Page 1, Lines 6 through 8 1/2, strike the title to  
15 read:

16 "[ Oklahoma Health Care Authority - authorizing the  
17 Administrator of the Authority to designate an  
18 administrative law judge to perform certain duties  
19 - effective date ]"

20 AMENDMENT NO. 2. Page 1, Line 11, strike the enacting clause  
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1 Passed the House of Representatives the 21st day of April, 2021.

2  
3  
4 Presiding Officer of the House of  
Representatives

5  
6 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2021.

7  
8  
9 Presiding Officer of the Senate

1 ENGROSSED SENATE  
2 BILL NO. 207

By: Garvin 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 the Administrator of  
9 the Authority to designate an administrative law  
10 judge to perform certain duties; and providing an  
11 effective date.

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

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

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

22 B. 1. Upon timely receipt of a request for a hearing as  
23 specified in the notice of adverse decision and exhaustion of other  
24 available administrative remedies, the Authority shall hold a

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 designated  
19 administrative law judge upon a timely request for review by the  
20 applicant or recipient. The Administrator may only designate an  
21 administrative law judge at another state agency, as established in  
22 the State Medicaid Plan and approved by the Centers for Medicare and  
23 Medicaid Services. The Administrator or designated administrative  
24 law judge shall issue a decision after review. A hearing decision

1 of the Authority shall be final and binding unless a review is  
2 requested pursuant to the provisions of this subsection. The  
3 decision of the Administrator or designated administrative law judge  
4 may be appealed to the district court in which the applicant or  
5 recipient resides within thirty (30) days of the date of the  
6 decision of the Administrator or designated administrative law judge  
7 as provided by the provisions of subsection D of this section.

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

16 SECTION 2. This act shall become effective November 1, 2021.  
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1 Passed the Senate the 10th day of March, 2021.

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

5 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
6 2021.

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