

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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4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2021.

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9 Presiding Officer of the House
10 of Representatives