

1 ENGROSSED HOUSE
2 BILL NO. 3216

By: Lepak and Sneed of the
House

3 and

4 Jett of the Senate

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7 An Act relating to emergency medical services;
8 defining term; providing for unfair method of
9 competition or unfair or deceptive act or practice
10 for certain purposes; prohibiting distinction in
11 health care coverage related to network status of
12 emergency care providers or facilities; prohibiting
13 construction of statutory provisions with respect to
14 cost-sharing amounts; imposing requirements related
15 to emergency care claims; prescribing procedures for
16 utilization review process; providing for statutory
17 construction with respect to utilization review;
18 providing for codification; and providing an
19 effective date.

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

23 SECTION 1. NEW LAW A new section of law to be codified
24 in the Oklahoma Statutes as Section 4420 of Title 36, unless there
is created a duplication in numbering, reads as follows:

25 A. As used in this section, "emergency care" means health care
26 services provided in a hospital emergency facility or other medical
27 care facility that is licensed in the state to provide emergency
28 services, to evaluate and stabilize medical conditions of a recent
29 and onset severity, including severe pain, regardless of the final

1 diagnosis that is given, that would lead a prudent layperson
2 possessing an average knowledge of medicine and health to believe
3 that the individual's condition, sickness, or injury is of such a
4 nature that failure to get immediate medical care could:

- 5 1. Place the individual's health in serious jeopardy;
- 6 2. Result in serious impairment to bodily function;
- 7 3. Result in serious disfunction of a bodily organ or part;
- 8 4. Result in serious disfigurement; or
- 9 5. For pregnant women, result in serious jeopardy to the health
10 of the fetus.

11 B. It shall be an unfair method of competition or an unfair or
12 deceptive act or practice in the business of insurance for an
13 insurer or an individual or entity acting on behalf of an insurer
14 to:

- 15 1. Deter enrollees from seeking care consistent with the
16 prudent layperson standard for emergency care; or
- 17 2. Engage in a pattern of wrongful denials of claims for
18 emergency care.

19 C. If an individual's health insurance coverage includes any
20 benefits for emergency services, there shall be no distinction made
21 in regard to network status of an emergency care provider or
22 facility. An enrollee's cost-sharing amount shall not be greater
23 than that which would be imposed if the services were provided in-
24 network for emergency services.

1 D. This section shall not be construed to prohibit an insurer
2 from imposing different cost-sharing amounts for out-of-network
3 services so long as the services provided are not related to the
4 evaluation and stabilization of an emergency medical care situation.

5 E. Utilization review of an emergency care claim must be
6 performed by a physician board-certified in emergency medicine. A
7 utilization review agent:

8 1. May not make an adverse determination for the emergency care
9 claim based on the final diagnosis that is given, including the
10 classification under a Current Procedural Terminology or
11 International Classification of Diseases code; and

12 2. Must review the enrollee's medical records before making an
13 adverse determination.

14 F. Nothing in this section may be construed as authorizing
15 utilization review of emergency care when otherwise prohibited by
16 law.

17 SECTION 2. This act shall become effective November 1, 2022.
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1 Passed the House of Representatives the 23rd day of March, 2022.

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4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2022.

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8 Presiding Officer of the Senate