

FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3216 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Mark Lepak

Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

FLOOR SUBSTITUTE
FOR

HOUSE BILL NO. 3216

By: Lepak

FLOOR SUBSTITUTE

An Act relating to emergency medical services;
defining term; requiring certain insurance practices;
requiring certain conditions; providing for
codification; and providing an effective date.

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

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

A. As used in this section, "emergency care" means health care
services provided in a hospital emergency facility or other medical
care facility that is licensed in the state to provide emergency
services, to evaluate and stabilize medical conditions of a recent
and onset severity, including severe pain, regardless of the final
diagnosis that is given, that would lead a prudent layperson
possessing an average knowledge of medicine and health to believe

1 that the individual's condition, sickness, or injury is of such a
2 nature that failure to get immediate medical care could:

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

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

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

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

23 D. This section shall not be construed to prohibit an insurer
24 from imposing different cost-sharing amounts for out-of-network

1 services so long as the services provided are not related to the
2 evaluation and stabilization of an emergency medical care situation.

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

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

10 2. Must review the enrollee's medical records before making an
11 adverse determination.

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

15 SECTION 2. This act shall become effective November 1, 2022.

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17 58-2-11067 KN 03/08/22
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