

1 **SENATE FLOOR VERSION**

2 March 3, 2022

3 **AS AMENDED**

4 SENATE BILL NO. 1153

By: Montgomery of the Senate

and

Sneed of the House

6
7
8 **[health insurance - Oklahoma Health Insurance**
9 **Mandate Legislation Actuarial Analysis Act -**
10 **codification - effective date]**

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

13 SECTION 1. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 6010 of Title 36, unless there
15 is created a duplication in numbering, reads as follows:

16 This act shall be known and may be cited as the "Oklahoma Health
17 Insurance Mandate Legislation Actuarial Analysis Act".

18 SECTION 2. AMENDATORY 36 O.S. 2021, Section 6011, is
19 amended to read as follows:

20 Section 6011. A. Any mandated health insurance coverage signed
21 into law after November 1, 2016, for specific health services,
22 benefits, diseases, copay structure, formulary structure or for
23 certain providers of health care services shall also apply to the
24 Oklahoma Employees Health Insurance Plan.

1 B. As used in this ~~section~~, act:

2 1. "Amendment" means any amendment including a substitute bill,
3 which includes a mandate on a health plan, and is made:

4 a. by any committee, author, or committee member of the
5 House of Representatives or Senate committee, as a
6 committee amendment or substitute bill,

7 b. by any member of the Legislature, as a floor amendment
8 or substitute bill, or

9 c. by a conference committee of the House of
10 Representatives or Senate;

11 2. "Health plan" means any plan or arrangement as defined in
12 subsection C of Section 6060.4 of this title;

13 3. "Legislative Actuary" means the firm or entity that enters
14 into a contract with the Legislative Service Bureau pursuant to
15 Section 452.15 of Title 74 of the Oklahoma Statutes to provide the
16 actuarial services and other duties provided for in this act;

17 4. "Mandate" means required coverage for services specified by
18 law, treatments, benefits, productions, drugs, conditions,
19 providers, provider reimbursement levels, copay structures, or
20 utilization of specific administrative services;

21 5. "Mandate bill" means any bill or joint resolution introduced
22 or amended by a member or a committee of the Legislature that
23 creates or amends any law mandating a health plan to provide
24 coverage;

1 6. "Oklahoma Employees Health Insurance Plan" shall have the
2 same meaning as "health insurance plan" as defined in Section 1303
3 of Title 74 of the Oklahoma Statutes; and

4 7. "Physician" means a doctor of medicine or a doctor of
5 osteopathic medicine licensed by and in good standing with the State
6 Board of Medical Licensure and Supervision, the State Board of
7 Osteopathic Examiners, or the Board of Podiatric Medical Examiners.

8 SECTION 3. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 6012 of Title 36, unless there
10 is created a duplication in numbering, reads as follows:

11 Prior to the introduction of any bill or joint resolution
12 mandating a health plan to provide coverage, the applicable
13 legislative staff, on behalf of the member of the Legislature who
14 intends to be the primary author of the bill, shall present an exact
15 copy of the proposed bill that shall bear an Insurance Bill (IB)
16 number to the Legislative Actuary. The Actuary shall determine
17 whether the proposed bill is a mandate bill having a fiscal impact
18 on insurance premiums or a mandate bill not having a fiscal impact
19 on insurance premiums and provide a written certification of that
20 determination to the member. If the proposed bill is then
21 introduced into the Legislature, it shall have attached the
22 certification of the Actuary. If the bill is certified as a mandate
23 bill having a fiscal impact, its introduction shall be limited by
24 the provisions of this act.

1 SECTION 4. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 6013 of Title 36, unless there
3 is created a duplication in numbering, reads as follows:

4 A. Any bill or joint resolution mandating a health plan to
5 provide coverage that has a fiscal impact on insurance premiums may
6 be introduced according to the applicable deadlines established by
7 the House of Representatives or the Senate only in odd-numbered
8 years during the regular session. It may be passed by the
9 Legislature only in even-numbered years of the regular session. Any
10 mandate bill determined by the Legislative Actuary in an even-
11 numbered year to be a fiscal mandate bill may be introduced in an
12 even-numbered year but shall not be considered by the Legislature.

13 B. When a mandate bill having a fiscal impact is introduced, it
14 shall be assigned to the respective House of Representatives or
15 Senate standing committee or subcommittee that is responsible for
16 the consideration of health insurance legislation. If a majority of
17 the total membership of the committee is opposed to the bill on its
18 merits, no actuarial investigation provided for in this act shall be
19 necessary and the bill shall not be reported out by the committee or
20 considered by the Legislature. If a majority of the committee votes
21 in favor of an actuarial investigation of the bill, the
22 investigation shall be required as provided in this act. No mandate
23 bill having a fiscal impact may be reported out of the committee or

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1 considered by the House of Representatives or Senate without an
2 actuarial investigation.

3 SECTION 5. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 6014 of Title 36, unless there
5 is created a duplication in numbering, reads as follows:

6 A. A bill or joint resolution mandating a health plan to
7 provide coverage that has a fiscal impact on insurance premiums that
8 the assigned committee may consider may be amended by the committee.
9 If a mandate bill having a fiscal impact is changed by the
10 committee, the change shall be accomplished only by a substitute
11 bill.

12 B. Immediately after a mandate bill having a fiscal impact has
13 been considered and the committee has voted in favor of an actuarial
14 investigation, the chair of the committee or applicable legislative
15 staff shall transmit an exact copy of the bill or substitute bill to
16 the Legislative Actuary. The submission of the bill to the Actuary
17 shall have attached a letter signed by the chair of the committee
18 requesting the Actuary to complete an actuarial investigation of the
19 bill.

20 SECTION 6. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 6015 of Title 36, unless there
22 is created a duplication in numbering, reads as follows:

23 A. If an actuarial investigation of a bill or joint resolution
24 mandating a health plan to provide coverage having a fiscal impact

1 on insurance premiums is requested under this act, it shall be the
2 duty of the Legislative Actuary to complete his or her investigation
3 not later than December 1 of the same year during which the request
4 for the actuarial investigation is made.

5 B. By no later than December 1 of the same year that the
6 request for an actuarial investigation is made, the completed
7 actuarial investigation shall be submitted by the Actuary to the
8 applicable legislative staff and the chair of the committee who
9 requested the investigation. It shall include a summary of the
10 findings of the Actuary.

11 C. The chair of the committee, or applicable legislative staff,
12 upon receipt of the information provided for under subsection B of
13 this section, shall cause the summary of the actuarial investigation
14 to be attached to all copies of the version of the bill that was
15 submitted to the Actuary and shall make the bill available to
16 committee members, other legislators, and any other interested
17 parties. The summary of the actuarial investigation shall be
18 attached to the version of the bill sent to the Actuary for
19 actuarial investigation.

20 SECTION 7. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 6016 of Title 36, unless there
22 is created a duplication in numbering, reads as follows:

23 A. When a bill or joint resolution mandating a health plan to
24 provide coverage having a fiscal impact on insurance premiums has

1 had an actuarial investigation pursuant to this act, the bill may be
2 considered at the next regular session of the Legislature, if the
3 bill as originally introduced was not changed by the committee and
4 the original version was submitted to the Legislative Actuary for an
5 actuarial investigation. Provided, however, that the original
6 version of the bill is the only one, except as otherwise provided by
7 this section, that may be considered by the assigned committee or by
8 the House of Representatives or the Senate. If the original bill
9 was substituted by the committee and the substitute version was the
10 version submitted to the Actuary, the substitute bill is the only
11 one, except as otherwise provided by this section, that may be
12 considered by the committee or by the House of Representatives or
13 the Senate.

14 B. After completion of an actuarial investigation, any
15 amendment to a mandate bill having a fiscal impact shall be out of
16 order and shall not be allowed either by a committee or by the House
17 of Representatives or the Senate without submission to the
18 Legislative Actuary. Any amendment to a mandate bill having a
19 fiscal impact shall be submitted to the Actuary by the chair of the
20 committee or applicable staff, if a committee amendment, or by the
21 Presiding Officer or applicable staff of the Senate or the House of
22 Representatives on the day the amendment is filed, if a floor
23 amendment. If the Actuary certifies in writing that the amendment
24 is a nonfiscal amendment and provides an actuarial certification as

1 required in this act, then the bill as amended, with the
2 certification attached to the original of the amendment, may
3 continue in the legislative process. If the Actuary issues a
4 certification that the amendment is a fiscal amendment, the progress
5 of the bill shall end and the bill shall not be considered further
6 by either the House of Representatives or the Senate.

7 C. An amendment to a mandate bill having a fiscal impact that
8 is prohibited by subsection B of this section may be withdrawn by
9 the committee that made the amendment, if a committee amendment, or
10 by the Senate or House of Representatives, if a floor amendment. If
11 the amendment is withdrawn, the bill may continue in the legislative
12 process as any other bill, unless it is subsequently amended.

13 SECTION 8. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 6017 of Title 36, unless there
15 is created a duplication in numbering, reads as follows:

16 The enrolled act resulting from a bill that is subject to the
17 legislative procedures provided for in this act shall have attached
18 thereto the original or a true and correct copy of all certificates
19 and summaries of actuarial investigations submitted by the
20 Legislative Actuary pursuant to the requirements of this act.

21 SECTION 9. AMENDATORY 74 O.S. 2021, Section 452.15, is
22 amended to read as follows:

23 Section 452.15. A. The Legislative Service Bureau is
24 authorized and directed to enter into a contract with a person or

1 firm for the purposes of performing the services and duties of the
2 Legislative Actuary as provided for in the Oklahoma Pension
3 Legislation Actuarial Analysis Act and the Oklahoma Health Insurance
4 Mandate Legislation Actuarial Analysis Act.

5 B. The person or firm who shall perform the duties of the
6 Legislative Actuary for an analysis for the Oklahoma Pension
7 Legislation Actuarial Analysis Act shall:

8 1. Be a member of the American Academy of Actuaries, an
9 Associate or Fellow of the Society of Actuaries or an enrolled
10 actuary; and

11 2. Have substantially provided actuarial services for large,
12 public retirement systems.

13 C. The person or firm who shall perform the duties of the
14 Legislative Actuary for an analysis for the Oklahoma Health
15 Insurance Mandate Legislation Actuarial Analysis Act shall:

16 1. Be a member of the American Academy of Actuaries, an
17 Associate or Fellow of the Society of Actuaries, or an enrolled
18 actuary;

19 2. Have substantially provided actuarial services for a large
20 health plan when selected for an analysis for the Oklahoma Health
21 Insurance Mandate Legislation Actuarial Analysis Act; and

22 3. Not currently be employed by or have any contract for
23 employment with an insurer offering a health plan in this state, as
24 defined in this act.

1 SECTION 10. This act shall become effective November 1, 2022.

2 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS

3 March 3, 2022 - DO PASS AS AMENDED
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