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March 3, 2021

SENATE BILL NO. 207

By: Garvin of the Senate

and

McEntire of the House

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.

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

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

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

B. 1. Upon timely receipt of a request for a hearing as specified in the notice of adverse decision and exhaustion of other

1 available administrative remedies, the Authority shall hold a  
2 hearing pursuant to the provisions of rules promulgated by the  
3 Oklahoma Health Care Authority Board pursuant to this section.

4 2. The record of the hearing shall include, but shall not be  
5 limited to:

- 6 a. all pleadings, motions, and intermediate rulings,
- 7 b. evidence received or considered,
- 8 c. any decision, opinion, or report by the officer  
9 presiding at the hearing, and
- 10 d. all staff memoranda or data submitted to the hearing  
11 officer or members of the agency in connection with  
12 their consideration of the case.

13 3. Oral proceedings shall be electronically recorded by the  
14 Authority. Any party may request a copy of the tape recording of  
15 such person's administrative hearing or may request a transcription  
16 of the tape recording to comply with any federal or state law.

17 C. Any decision of the Authority after such a hearing pursuant  
18 to subsection B of this section shall be subject to review by the  
19 Administrator of the Oklahoma Health Care Authority or designated  
20 administrative law judge upon a timely request for review by the  
21 applicant or recipient. The Administrator may only designate an  
22 administrative law judge at another state agency, as established in  
23 the State Medicaid Plan and approved by the Centers for Medicare and  
24 Medicaid Services. The Administrator or designated administrative

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

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

17 SECTION 2. This act shall become effective November 1, 2021.

18 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS  
19 March 3, 2021 - DO PASS  
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