

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 404

By: Dossett (J.A.)

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7 AS INTRODUCED

8 An Act relating to the state Medicaid program;
9 requiring coverage of medically necessary pasteurized
10 donor breast milk under certain conditions; directing
11 promulgation of rules; authorizing adoption of
12 certain policy or procedure; directing the Authority
to seek certain federal approval; providing for
codification; providing an effective date; and
declaring an emergency.

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

16 SECTION 1. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 5026.1 of Title 63, unless there
18 is created a duplication in numbering, reads as follows:

19 A. The Oklahoma Health Care Authority, to the extent
20 permissible under federal law, shall provide Medicaid coverage for
21 medically necessary pasteurized donor breast milk provided:

22 1. A physician, physician assistant or Advanced Practice
23 Registered Nurse licensed in this state signs an order stating that

1 such milk is medically necessary for an infant Medicaid beneficiary;
2 and

3 2. a. the infant is medically or physically unable to
4 receive maternal breast milk or participate in
5 breastfeeding, or

6 b. the infant's mother is medically or physically unable
7 to produce maternal breast milk in sufficient
8 quantities.

9 B. The Oklahoma Health Care Authority Board shall promulgate
10 rules to implement the provisions of this section including, but not
11 limited to, establishing infant birth weight and health conditions
12 that may make the provision of pasteurized donor breast milk
13 medically necessary and time limits for Medicaid coverage of
14 pasteurized donor breast milk. The Board may adopt a policy or
15 procedure to implement the provisions of this section while in the
16 process of promulgating rules; provided, such policy or procedure is
17 posted on the Internet website of the Authority prior to adoption of
18 the policy.

19 C. The Authority shall seek any federal approval necessary to
20 implement this section.

21 SECTION 2. This act shall become effective July 1, 2021.

22 SECTION 3. It being immediately necessary for the preservation
23 of the public peace, health or safety, an emergency is hereby
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1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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