

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 SENATE BILL 1153

By: Montgomery

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5  
6 AS INTRODUCED

7 An Act relating to health insurance; creating the  
8 Oklahoma Health Insurance Mandate Legislation  
9 Actuarial Analysis Act; amending 36 O.S. 2021,  
10 Section 6011, which relates to mandated health  
11 insurance coverage; defining terms; requiring certain  
12 bills be sent to Legislative Actuary; establishing  
13 procedure for introduction of mandate bills;  
14 establishing procedure for consideration of mandate  
15 bills in committee; requiring certain bills be  
16 subject to full actuarial investigation; requiring  
17 Legislative Actuary to complete investigation on  
18 mandate bills by a certain date; requiring actuarial  
19 investigation be attached to certain documents;  
20 establishing procedure for amending mandate bills;  
21 establishing procedure for consideration of mandate  
22 bills in Legislature after investigation; requiring  
23 certain documents be attached to certain enrolled  
24 bills; amending 74 O.S. 2021, Section 452.15, which  
relates to Legislative Actuary duties; modifying  
purpose of hiring Actuary; adding required experience  
for certain hiring; providing for codification; and  
providing an effective date.

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

21 SECTION 1. NEW LAW A new section of law to be codified  
22 in the Oklahoma Statutes as Section 6010 of Title 36, unless there  
23 is created a duplication in numbering, reads as follows:  
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1 This act shall be known and may be cited as the "Oklahoma Health  
2 Insurance Mandate Legislation Actuarial Analysis Act".

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

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

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

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

13 a. by any committee, author, or committee member of the  
14 House of Representatives or Senate committee, as a  
15 committee amendment or substitute bill,

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

18 c. by a conference committee of the House of  
19 Representatives or Senate;

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

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

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

7 5. "Mandate bill" means any bill or joint resolution introduced  
8 or amended by a member or a committee of the Legislature that  
9 creates or amends any law mandating a health plan to provide  
10 coverage;

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

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

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

21 Prior to the introduction of any bill or joint resolution  
22 mandating a health plan to provide coverage, the applicable  
23 legislative staff, on behalf of the member of the Legislature who  
24 intends to be the primary author of the bill, shall present an exact

1 copy of the proposed bill that shall bear an Insurance Bill (IB)  
2 number to the Legislative Actuary. The Actuary shall determine  
3 whether the proposed bill is a mandate bill having a fiscal impact  
4 on insurance premiums or a mandate bill not having a fiscal impact  
5 on insurance premiums and provide a written certification of that  
6 determination to the member. If the proposed bill is then  
7 introduced into the Legislature, it shall have attached the  
8 certification of the Actuary. If the bill is certified as a mandate  
9 bill having a fiscal impact, its introduction shall be limited by  
10 the provisions of this act.

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

14 A. Any bill or joint resolution mandating a health plan to  
15 provide coverage that has a fiscal impact on insurance premiums may  
16 be introduced according to the applicable deadlines established by  
17 the House of Representatives or the Senate only in odd-numbered  
18 years during the regular session. It may be passed by the  
19 Legislature only in even-numbered years of the regular session. Any  
20 mandate bill determined by the Legislative Actuary in an even-  
21 numbered year to be a fiscal mandate bill may be introduced in an  
22 even-numbered year but shall not be considered by the Legislature.

23 B. When a mandate bill having a fiscal impact is introduced, it  
24 shall be assigned to the respective House of Representatives or

1 Senate standing committee or subcommittee that is responsible for  
2 the consideration of health insurance legislation. If a majority of  
3 the total membership of the committee is opposed to the bill on its  
4 merits, no actuarial investigation provided for in this act shall be  
5 necessary and the bill shall not be reported out by the committee or  
6 considered by the Legislature. If a majority of the committee votes  
7 in favor of an actuarial investigation of the bill, the  
8 investigation shall be required as provided in this act. No mandate  
9 bill having a fiscal impact may be reported out of the committee or  
10 considered by the House of Representatives or Senate without an  
11 actuarial investigation.

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

15 A. A bill or joint resolution mandating a health plan to  
16 provide coverage that has a fiscal impact on insurance premiums that  
17 the assigned committee may consider may be amended by the committee.  
18 If a mandate bill having a fiscal impact is changed by the  
19 committee, the change shall be accomplished only by a substitute  
20 bill.

21 B. Immediately after a mandate bill having a fiscal impact has  
22 been considered and the committee has voted in favor of an actuarial  
23 investigation, the chair of the committee or applicable legislative  
24 staff shall transmit an exact copy of the bill or substitute bill to

1 the Legislative Actuary. The submission of the bill to the Actuary  
2 shall have attached a letter signed by the chair of the committee  
3 requesting the Actuary to complete an actuarial investigation of the  
4 bill.

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

8 A. If an actuarial investigation of a bill or joint resolution  
9 mandating a health plan to provide coverage having a fiscal impact  
10 on insurance premiums is requested under this act, it shall be the  
11 duty of the Legislative Actuary to complete his or her investigation  
12 not later than December 1 of the same year during which the request  
13 for the actuarial investigation is made.

14 B. By no later than December 1 of the same year that the  
15 request for an actuarial investigation is made, the completed  
16 actuarial investigation shall be submitted by the Actuary to the  
17 applicable legislative staff and the chair of the committee who  
18 requested the investigation. It shall include a summary of the  
19 findings of the Actuary.

20 C. The chair of the committee, or applicable legislative staff,  
21 upon receipt of the information provided for under subsection B of  
22 this section, shall cause the summary of the actuarial investigation  
23 to be attached to all copies of the version of the bill that was  
24 submitted to the Actuary and shall make the bill available to  
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1 committee members, other legislators, and any other interested  
2 parties. The summary of the actuarial investigation shall be  
3 attached to the version of the bill sent to the Actuary for  
4 actuarial investigation.

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

8 A. When a bill or joint resolution mandating a health plan to  
9 provide coverage having a fiscal impact on insurance premiums has  
10 had an actuarial investigation pursuant to this act, the bill may be  
11 considered at the next regular session of the Legislature, if the  
12 bill as originally introduced was not changed by the committee and  
13 the original version was submitted to the Legislative Actuary for an  
14 actuarial investigation. Provided, however, that the original  
15 version of the bill is the only one, except as otherwise provided by  
16 this section, that may be considered by the assigned committee or by  
17 the House of Representatives or the Senate. If the original bill  
18 was substituted by the committee and the substitute version was the  
19 version submitted to the Actuary, the substitute bill is the only  
20 one, except as otherwise provided by this section, that may be  
21 considered by the committee or by the House of Representatives or  
22 the Senate.

23 B. After completion of an actuarial investigation, any  
24 amendment to a mandate bill having a fiscal impact shall be out of  
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1 order and shall not be allowed either by a committee or by the House  
2 of Representatives or the Senate without submission to the  
3 Legislative Actuary. Any amendment to a mandate bill having a  
4 fiscal impact shall be submitted to the Actuary by the chair of the  
5 committee or applicable staff, if a committee amendment, or by the  
6 Presiding Officer or applicable staff of the Senate or the House of  
7 Representatives on the day the amendment is filed, if a floor  
8 amendment. If the Actuary certifies in writing that the amendment  
9 is a nonfiscal amendment and provides an actuarial certification as  
10 required in this act, then the bill as amended, with the  
11 certification attached to the original of the amendment, may  
12 continue in the legislative process. If the Actuary issues a  
13 certification that the amendment is a fiscal amendment, the progress  
14 of the bill shall end and the bill shall not be considered further  
15 by either the House of Representatives or the Senate.

16 C. An amendment to a mandate bill having a fiscal impact that  
17 is prohibited by subsection B of this section may be withdrawn by  
18 the committee that made the amendment, if a committee amendment, or  
19 by the Senate or House of Representatives, if a floor amendment. If  
20 the amendment is withdrawn, the bill may continue in the legislative  
21 process as any other bill, unless it is subsequently amended.

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



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

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

8 Section 452.15. A. The Legislative Service Bureau is  
9 authorized and directed to enter into a contract with a person or  
10 firm for the purposes of performing the services and duties of the  
11 Legislative Actuary as provided for in the Oklahoma Pension  
12 Legislation Actuarial Analysis Act and the Oklahoma Health Insurance  
13 Mandate Legislation Actuarial Analysis Act.

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

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

20 2. Have substantially provided actuarial services for large,  
21 public retirement systems.

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

1        1. Be a member of the American Academy of Actuaries, an  
2 Associate or Fellow of the Society of Actuaries or an enrolled  
3 actuary;

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

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

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

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12        58-2-3078            RJ            1/3/2022 8:32:11 AM  
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