

1 ENGROSSED HOUSE AMENDMENT

TO

2 ENGROSSED SENATE BILL NO. 744

By: Thompson (Roger) of the
Senate

3

and

4

Wallace of the House

5

6 An Act relating to the Ambulance Service Provider
7 Access Payment Program; amending 63 O.S. 2021,
8 Section 3242, which relates to supplemental Medicaid
9 reimbursement for ground emergency transportation;
10 deleting certain requirement for reimbursement;
11 providing calculation and payment methodology for
12 certain services; allowing intergovernmental
13 agreements to substitute for certain requirements;
14 and declaring an emergency.

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14 AUTHOR: Add the following House Coauthors: West (Josh), Hasenbeck,
15 Swope, and Pittman

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16 AMENDMENT NO. 1. Strike the title, enacting clause, and entire bill
17 and insert:

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18 "An Act relating to state Medicaid program; requiring
19 coverage of medically necessary donor human milk-
20 derived products under certain conditions; requiring
21 certain reimbursement; directing promulgation of
22 rules; authorizing adoption of certain policy or
23 procedure; directing the Oklahoma Health Care
24 Authority to seek certain federal approval; providing
for codification; providing an effective date; and
declaring an emergency.

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

2 SECTION 1. NEW LAW A new section of law to be codified
3 in the Oklahoma Statutes as Section 5026.2 of Title 63, unless there
4 is created a duplication in numbering, reads as follows:

5 A. The Oklahoma Health Care Authority shall, to the extent
6 permissible under federal law and subject to the federal approval
7 described in subsection D of this section, provide Medicaid coverage
8 for medically necessary donor human milk-derived products in an
9 inpatient or outpatient setting for an infant whose gestationally
10 corrected age is under twelve (12) months, provided:

11 1. A physician, physician assistant, or Advanced Practice
12 Registered Nurse licensed in this state signs an order stating that
13 donor human milk-derived products are medically necessary for the
14 infant Medicaid beneficiary due to any of the following:

15 a. the infant has a birth weight of less than one
16 thousand five hundred (1,500) grams or an infant body
17 weight below healthy levels, as determined by the
18 ordering provider,

19 b. the infant's gestational age at birth was thirty-four
20 (34) weeks or less, or

21 c. the infant has any congenital or acquired condition
22 for which the ordering provider determines that the
23 use of donor human milk-derived products is medically
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1 necessary and will support the treatment and recovery
2 of the infant; and

3 2. The donor human milk-derived products adhere to such quality
4 standards as may be required by the Oklahoma Health Care Authority
5 Board.

6 B. Reimbursement under subsection A of this section for donor
7 human milk-derived products for an infant in an inpatient setting
8 shall be provided separately from the existing hospital payment for
9 inpatient services.

10 C. The Board shall promulgate rules to implement the provisions
11 of this section, and may adopt a policy or procedure to implement
12 the provisions of this section while in the process of promulgating
13 rules; provided, such policy or procedure shall be posted on the
14 Internet website of the Authority prior to adoption of the policy.

15 D. The Authority shall seek any federal approval necessary to
16 implement this section.

17 SECTION 2. This act shall become effective July 1, 2024.

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

1 Passed the House of Representatives the 25th day of April, 2024.

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4 Presiding Officer of the House of
Representatives
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6 Passed the Senate the ____ day of _____, 2024.

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9 Presiding Officer of the Senate
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1 ENGROSSED SENATE
2 BILL NO. 744

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4 Wallace of the House

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6 An Act relating to the Ambulance Service Provider
7 Access Payment Program; amending 63 O.S. 2021,
8 Section 3242, which relates to supplemental Medicaid
9 reimbursement for ground emergency transportation;
10 deleting certain requirement for reimbursement;
11 providing calculation and payment methodology for
12 certain services; allowing intergovernmental
13 agreements to substitute for certain requirements;
14 and declaring an emergency.

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

16 SECTION 4. AMENDATORY 63 O.S. 2021, Section 3242, is
17 amended to read as follows:

18 Section 3242. A. An eligible provider, as described in
19 subsection B of this section, in addition to the rate of payment
20 that the provider would otherwise receive for Medicaid ground
21 emergency medical transportation services, shall receive
22 supplemental Medicaid reimbursement to the extent provided by law.

23 B. A provider shall be eligible for supplemental reimbursement
24 only if the provider meets the following conditions during the state
fiscal year:

1. Provides ground emergency medical transportation services to
Medicaid beneficiaries;

1 2. Is a provider that is enrolled as a Medicaid provider for
2 the period being claimed; and

3 3. Is owned or operated by the state, a political subdivision
4 or local government, that employs or contracts with persons who are
5 licensed to provide emergency medical services in the State of
6 Oklahoma, and includes private entities to the extent permissible
7 under federal law.

8 C. An eligible provider's supplemental reimbursement pursuant
9 to this section shall be calculated and paid as follows:

10 1. ~~The supplemental reimbursement to an eligible provider, as~~
11 ~~described in subsection B of this section, shall be equal to~~

12 a. for services reimbursed through fee-for-service
13 contracts, the amount of federal financial
14 participation received because of the claims submitted
15 pursuant to paragraph 3 of subsection F of this
16 section, and

17 b. for services reimbursed through capitated contracts,
18 an amount to be determined in accordance with the
19 approved directed payment pre-print, based on claims
20 submitted pursuant to paragraph 3 of subsection F of
21 this section;

22 2. In no instance shall the amount certified pursuant to
23 paragraph 1 of subsection E of this section, when combined with the
24 amount received from all other sources of reimbursement from the

1 Medicaid program, exceed one hundred percent (100%) of actual costs,
2 as determined pursuant to the Medicaid state plan, for ground
3 emergency medical transportation services; and

4 3. The supplemental Medicaid reimbursement provided by this
5 section shall be distributed exclusively to eligible providers under
6 a payment methodology based on ground emergency medical
7 transportation services provided to Medicaid beneficiaries by
8 eligible providers on a per-transport basis or other federally
9 permissible basis. The Oklahoma Health Care Authority shall obtain
10 approval from the Centers for Medicare and Medicaid Services for the
11 payment methodology to be utilized, and shall not make any payment
12 pursuant to this section prior to obtaining that approval.

13 D. 1. It is the Legislature's intent in enacting this section
14 to provide the supplemental reimbursement described in this section
15 without any expenditure from the state General Revenue Fund. An
16 eligible provider, as a condition of receiving supplemental
17 reimbursement pursuant to this section, shall enter into, and
18 maintain, an agreement with the Authority for the purposes of
19 implementing this section and reimbursing the state for the costs of
20 administering this section.

21 2. The nonfederal share of the supplemental reimbursement
22 submitted to the federal Centers for Medicare and Medicaid Services
23 for purposes of claiming federal financial participation shall be
24 paid only with funds from the governmental entities described in

1 paragraph 3 of subsection B of this section and certified to the
2 state as provided in subsection E of this section.

3 E. Participation in the reimbursement program provided by this
4 section by an eligible provider as set forth in subsection B of this
5 section is voluntary. If an applicable governmental entity elects
6 to seek supplemental reimbursement pursuant to this section on
7 behalf of an eligible provider, the governmental entity shall do the
8 following:

9 1. ~~Certify~~

10 a. certify, in conformity with the requirements of 42
11 C.F.R. § 433.51, that the claimed expenditures for the
12 ground emergency medical transportation services are
13 eligible for federal financial participation~~†~~†

14 2. ~~Provide~~

15 b. provide evidence supporting the certification as
16 specified by the Oklahoma Health Care Authority~~†~~†

17 3. ~~Submit~~

18 c. submit data as specified by the Authority to determine
19 the appropriate amounts to claim as expenditures
20 qualifying for federal financial participation~~†~~† and

21 4. ~~Keep~~

22 d. keep, maintain, and have readily retrievable any
23 records specified by the Authority to fully disclose
24 reimbursement amounts to which the eligible provider

1 is entitled, and any other records required by the
2 Centers for Medicare and Medicaid Services; or

3 2. Enter into and maintain an intergovernmental agreement with
4 the Authority, as specified by the Authority.

5 F. 1. The Authority shall promptly seek any necessary federal
6 approvals for the implementation of this section. The Authority may
7 limit the program to those costs that are allowable expenditures
8 under Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq.
9 If federal approval is not obtained for implementation of this
10 section, this section shall not be implemented.

11 2. The Authority shall submit claims for federal financial
12 participation for the expenditures for the services delineated in
13 subsection E of this section that are allowable expenditures under
14 federal law.

15 3. The Authority shall submit any necessary materials to the
16 federal government to provide assurances that claims for federal
17 financial participation will include only those expenditures that
18 are allowable under federal law.

19 SECTION 5. It being immediately necessary for the preservation
20 of the public peace, health or safety, an emergency is hereby
21 declared to exist, by reason whereof this act shall take effect and
22 be in full force from and after its passage and approval.

