

SENATE FLOOR VERSION

March 1, 2023

COMMITTEE SUBSTITUTE
FOR

SENATE BILL NO. 712

By: Rosino of the Senate

and

McEntire and Waldron of the
House

[hospitals - emergency opioid antagonists -
technical assistance - reimbursement - information -
immunities - codification - effective date]

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 2-401.2 of Title 43A, unless
there is created a duplication in numbering, reads as follows:

A. As used in this section:

1. "Emergency opioid antagonist" means a drug including but not
limited to naloxone that blocks the effects of opioids and that is
approved by the United States Food and Drug Administration for the
treatment of an opioid overdose; and

2. "Health benefit plan" has the same meaning as provided by
Section 6060.4 of Title 36 of the Oklahoma Statutes.

B. Subject to allocation of federal funding for the purchase of
emergency opioid antagonists, the Department of Mental Health and

1 Substance Abuse Services shall provide emergency opioid antagonists
2 to hospitals for provision by hospitals of emergency opioid
3 antagonists to patients not covered by the state Medicaid program or
4 by a health benefit plan as described in subsection C of Section 2
5 of this act.

6 C. The State Department of Health shall provide necessary
7 technical assistance for the implementation of this section and
8 Section 2 of this act.

9 SECTION 2. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 1-706.21 of Title 63, unless
11 there is created a duplication in numbering, reads as follows:

12 A. As used in this section:

13 1. "Emergency opioid antagonist" means a drug including but not
14 limited to naloxone that blocks the effects of opioids and that is
15 approved by the United States Food and Drug Administration for the
16 treatment of an opioid overdose; and

17 2. "Health benefit plan" has the same meaning as provided by
18 Section 6060.4 of Title 36 of the Oklahoma Statutes.

19 B. A hospital shall provide a person who presents to an
20 emergency department with symptoms of an opioid overdose, opioid use
21 disorder, or other adverse event related to opioid use with two
22 doses of an emergency opioid antagonist upon discharge, unless:

23 1. The treating practitioner determines in his or her clinical
24 and professional judgment that dispensing or distributing the

1 emergency opioid antagonist is not appropriate or the practitioner
2 has confirmed that the patient already has at least two doses of an
3 emergency opioid antagonist; or

4 2. The hospital is not required to provide the emergency opioid
5 antagonist due to the conditions described in paragraph 2 of
6 subsection C of this section.

7 C. 1. The provisions of subsection B of this section shall
8 apply without exception in cases where a patient is covered by the
9 state Medicaid program or by a health benefit plan.

10 2. The provisions of subsection B of this section shall apply
11 in cases where a patient is not covered by the state Medicaid
12 program or by a health benefit plan only if the hospital receives a
13 supply of one or more emergency opioid antagonists from the
14 Department of Mental Health and Substance Abuse Services under
15 Section 1 of this act.

16 D. 1. In cases where a patient who is provided an emergency
17 opioid antagonist under this section is covered under the state
18 Medicaid program, the hospital may bill the state Medicaid program
19 for the emergency opioid antagonist utilizing the appropriate
20 billing codes established by the Oklahoma Health Care Authority.
21 The state Medicaid program shall reimburse such claims in accordance
22 with applicable law, rules, and contract terms. This billing shall
23 be separate from and in addition to the payment for the other
24 services provided during the hospital visit.

1 2. In cases where a patient who is provided an emergency opioid
2 antagonist under this section is covered by a health benefit plan,
3 the hospital may bill the patient's health benefit plan for the cost
4 of the emergency opioid antagonist, and the health plan shall
5 reimburse such claims.

6 E. When a hospital dispenses or distributes an emergency opioid
7 antagonist, it shall provide:

8 1. Directions for use; and

9 2. Information and resources about medication for opioid use
10 disorder and harm reduction strategies and services which may be
11 available, such as substance use disorder treatment services and
12 substance use disorder peer counselors.

13 This information shall be available in all languages relevant to
14 the communities that the hospital serves.

15 F. This section does not prohibit a hospital from dispensing an
16 emergency opioid antagonist to a patient at no cost to the patient
17 and at no cost to a third-party payor out of the hospital's
18 prepurchased supply.

19 G. Nothing in this section prohibits or modifies a hospital's
20 ability or responsibility to bill a patient's health benefit plan or
21 to provide financial assistance as required by state or federal law.

22 H. A hospital, its employees, and its practitioners are immune
23 from suit in any action, civil or criminal, or from professional or
24

1 other disciplinary action, for action or inaction in compliance with
2 this section.

3 SECTION 3. This act shall become effective November 1, 2023.

4 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
5 March 1, 2023 - DO PASS AS AMENDED BY CS
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