



## PRACTICE GROUP

*email alert*

To: Healthcare Reform Educational Task Force Members

From: Robert Kessler, Chair  
Katherine Keefe, Vice Chair of Educational Programs  
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### **Oklahoma 2010 Interim Legislative Report**

By Cori Loomis\*

Oklahoma's legislature is about half way through its 2010 session which began on February 1, 2010, and ends on May 28, 2010. Below is a summary of proposed key bills impacting the healthcare industry.

#### **Health Insurance**

##### [HJR 1054](#)

HJR 1054 proposes a constitutional amendment stating that a law or rule cannot compel, directly or indirectly, any person, employer, or healthcare provider to participate in any healthcare system, and that a person or employer may pay directly for lawful healthcare services and cannot be required to pay penalties or fines for paying directly for such services. It allows a healthcare provider to accept direct payment for lawful healthcare services and prohibits the provider from being required to pay penalties or fines for accepting such direct payment. The bill states that the purchase or sale of health insurance in private systems cannot be prohibited by rule or law, subject to reasonable and necessary rules.

##### [SB 1251](#)

SB 1251 prohibits health benefit plans from denying coverage, refusing to issue or renew coverage, cancel or otherwise terminate, restrict or exclude any person from any health benefit plan issued or renewed on or after November 1, 2010, on the basis of the applicant's or insured's status as a domestic abuse victim. It also prohibits health benefit plans from denying a claim on the basis of the insured's status as a victim of domestic violence, and it prohibits domestic abuse from being considered a preexisting condition.

### [SB 2046](#)

SB 2046 creates the Health Care Choice Act to increase the availability of health insurance coverage by allowing insurers authorized to engage in the business of insurance in other states to issue accident and health policies in Oklahoma. The bill requires certain disclosures and permits the insurance commissioner to promulgate rules necessary to implement the act. The bill also prohibits insurance companies from using preexisting conditions as a basis for denying a claim during certain time periods. (Amended by Senate, Stricken Title)

### [SJR 0058](#)

SJR 0058 petitions the federal government: (1) to opt out of any federal mandates related to healthcare reform; (2) for waivers to the state Medicaid program to enable Oklahoma to implement its own healthcare reform measures; and (3) to return any taxes collected from Oklahoma citizens or businesses under federal healthcare reform.

### [SJR 0059](#)

SJR 0059 proposes a constitutional amendment prohibiting a law from compelling any person, employer, or healthcare provider from participating in any healthcare system and allowing a person or employer to pay directly for healthcare services without being required to pay penalties or fines, and allowing a healthcare provider to accept payment for healthcare services without being required to pay penalties or fines. It prohibits the purchase or sale of health insurance in private healthcare systems from being prohibited by law or rule, subject to reasonable and necessary rules that do not substantially limit a person's options. (Amended by House, Constitutional Amendment)

### [SJR 0064](#)

SJR 0064 directs the Oklahoma attorney general (AG) to file lawsuit against Congress, the president, and the U.S. Department of Health and Human Services Secretary (HHS Secretary) to prevent the provisions of federal healthcare legislation from taking effect.

### [SB 0839](#)

SB 0839 requires any individual or group health benefit plan that is offered or renewed after January 1, 2010, including the State and Education Employees Group Insurance Plan, and provides coverage for cancer chemotherapy treatment, to provide coverage for a prescribed, orally administered anticancer medication used to kill or slow the growth of cancerous cells on a basis no less favorable than intravenously administered or injected cancer medications that are covered by medical benefits. The bill also creates the Medical Care for the Uninsured Revolving Fund as a revolving fund for the Oklahoma Health Care Authority.

## Medicaid

### [SB 1349](#)

SB 1349 authorizes the Oklahoma Health Care Authority to develop and implement an obesity treatment program to treat a Medicaid patient who has a body mass index equal to or greater than thirty and who has a comorbidity related to obesity, including diabetes, hypertension, or coronary heart disease. It states legislative intent that the program be cost effective for the state's medical assistance program and operate within the context of the authority's disease management program. (Amended by Senate, Stricken Title)

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### [SJR 0064](#)

SJR 0064 directs the Oklahoma AG to file lawsuit against Congress, the president, and the HHS Secretary to prevent the provisions of federal healthcare legislation from taking effect.

*\*We would like to thank Cori H. Loomis, Esquire (Crowe & Dunlevy PC, Oklahoma City, OK), for providing this email alert.*

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Member benefit educational opportunity:

Participate in the [webinar](#) on hospital patient status: case management approaches, current interpretations, and coming audit risks (May 12, 2010).

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