

1 STATE OF OKLAHOMA

2 1st Extraordinary Session of the 56th Legislature (2017)

3 HOUSE BILL 1068

By: Calvey

4  
5 AS INTRODUCED

6 An Act relating to welfare; creating the Act to  
7 Restore Hope, Opportunity and Prosperity for Everyone  
8 or the HOPE Act; directing Oklahoma Health Care  
9 Authority to verify eligibility prior to awarding  
10 assistance; providing certain exclusions; listing  
11 information to be verified; mandating memorandum of  
12 understanding for information; requiring contracting  
13 with independent vendors; requiring annualized  
14 savings to exceed cost; allowing verification of  
15 additional information; requiring eligibility  
16 information review at least quarterly; providing  
17 certain exclusions; listing types of information for  
18 review; directing memorandum of understanding for  
19 information; requiring contracting with independent  
20 vendors; directing exploration of joining a  
21 multistate cooperative; authorizing review of  
22 additional information; describing procedures when  
23 there is a change in circumstances; requiring  
24 applicants to complete an identity authentication  
process; providing description of authentication  
process; directing dissemination of information for  
cases of suspected fraud; mandating Authority to  
promulgate rules; requiring publication of written  
report; providing for frequency of report; listing  
contents of report; providing for codification; and  
declaring an emergency.

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 246 of Title 56, unless there is  
created a duplication in numbering, reads as follows:

1 A. This act shall be known and may be cited as the "Act to  
2 Restore Hope, Opportunity and Prosperity for Everyone" or the "HOPE  
3 Act".

4 B. Prior to awarding assistance under Medicaid, the Oklahoma  
5 Health Care Authority shall verify eligibility information of each  
6 applicant, excluding those applicants who would be eligible under  
7 the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) and  
8 excluding those applicants with intellectual disabilities receiving  
9 Home and Community-Based Medicaid waivers and state-funded services.

10 C. The information verified by the Authority shall include, but  
11 is not limited to:

- 12 1. Earned and unearned income;
- 13 2. Employment status and changes in employment;
- 14 3. Immigration status;
- 15 4. Residency status, including a nationwide best-address source  
16 to verify individuals are residents of the state;
- 17 5. Enrollment status in other state-administered public  
18 assistance programs;
- 19 6. Financial resources;
- 20 7. Incarceration status;
- 21 8. Death records;
- 22 9. Enrollment status in public assistance programs outside of  
23 this state; and
- 24 10. Potential identity fraud or identity theft.

1 D. The Authority shall sign a memorandum of understanding with  
2 any department, agency or division for information detailed in  
3 subsection C of this section.

4 E. The Authority shall contract with one or more independent  
5 vendors to provide information detailed in subsection C of this  
6 section. Any contract entered under this subsection shall establish  
7 annualized savings that exceed the contract's total annual cost to  
8 the state.

9 F. Nothing in this section shall preclude the Authority from  
10 receiving, reviewing or verifying additional information related to  
11 eligibility not detailed in this section or from contracting with  
12 one or more independent vendors to provide additional information  
13 not detailed in this section.

14 SECTION 2. NEW LAW A new section of law to be codified  
15 in the Oklahoma Statutes as Section 247 of Title 56, unless there is  
16 created a duplication in numbering, reads as follows:

17 A. On a quarterly basis, the Oklahoma Health Care Authority  
18 shall receive and review information concerning individuals enrolled  
19 in Medicaid that indicates a change in circumstances that may affect  
20 eligibility, excluding those individuals who would be eligible under  
21 the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) and  
22 excluding those individuals with intellectual disabilities receiving  
23 Home and Community-Based Medicaid waivers and state-funded services.  
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1 B. The information provided to the Authority shall include, but  
2 is not limited to:

- 3 1. Earned and unearned income;
- 4 2. Employment status and changes in employment;
- 5 3. Residency status;
- 6 4. Enrollment status in other state-administered public  
7 assistance programs;
- 8 5. Financial resources;
- 9 6. Incarceration status;
- 10 7. Death records;
- 11 8. Lottery winnings; and
- 12 9. Enrollment status in public assistance programs outside of  
13 this state.

14 C. The Authority shall sign a memorandum of understanding with  
15 any department, agency or division for information detailed in  
16 subsection B of this section.

17 D. The Authority shall contract with one or more independent  
18 vendors to provide information detailed in subsection B of this  
19 section. Any contract entered under this subsection shall establish  
20 annualized savings that exceed the contract's total annual cost to  
21 the state.

22 E. The Authority shall explore joining any multistate  
23 cooperative to identify individuals who are also enrolled in public  
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1 assistance programs outside of this state, including the National  
2 Accuracy Clearinghouse.

3 F. Nothing in this section shall preclude the Authority from  
4 receiving or reviewing additional information related to eligibility  
5 not detailed in this section or from contracting with one or more  
6 independent vendors to provide additional information not detailed  
7 in this section.

8 G. If the Authority receives information concerning an  
9 individual enrolled in Medicaid that indicates a change in  
10 circumstances that may affect eligibility, the Authority shall  
11 review the individual's case using the following procedures:

12 1. If the information does not result in the Authority finding  
13 a discrepancy or change in an individual's circumstances that may  
14 affect eligibility, the Authority shall take no further action;

15 2. If the information results in the Authority finding a  
16 discrepancy or change in an individual's circumstances that may  
17 affect eligibility, the Authority shall promptly redetermine  
18 eligibility after receiving such information;

19 3. If the information results in the Authority finding a  
20 discrepancy or change in an individual's circumstances that may  
21 affect eligibility, the individual shall be given an opportunity to  
22 explain the discrepancy; provided, however, that self-declarations  
23 by applicants or recipients shall not be accepted as verification;

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1           4. The Authority shall provide written notice to the individual  
2 which shall describe in sufficient detail the circumstances of the  
3 discrepancy or change, the manner in which the applicant or  
4 recipient may respond and the consequences of failing to take  
5 action. The applicant or recipient shall have ten (10) business  
6 days to respond in an attempt to resolve the discrepancy or change.  
7 The explanation provided by the recipient or applicant shall be  
8 given in writing. After receiving the explanation, the Authority  
9 may request additional documentation if it determines that there is  
10 risk of fraud, misrepresentation or inadequate documentation;

11           5. If the individual does not respond to the notice, the  
12 Authority shall discontinue assistance for failure to cooperate, in  
13 which case the Authority shall provide notice of intent to  
14 discontinue assistance. Eligibility for assistance shall not be  
15 established or reestablished until the discrepancy or change has  
16 been resolved;

17           6. If an individual responds to the notice and disagrees with  
18 the findings, the Authority shall reinvestigate the matter. If the  
19 Authority finds that there has been an error, the Authority shall  
20 take immediate action to correct it, and no further action shall be  
21 taken. If, after an investigation, the Authority determines that  
22 there is no error, the Authority shall determine the effect on the  
23 individual's case and take appropriate action. Written notice of  
24 the Authority action shall be given to the individual; and

1           7. If the individual agrees with the findings, the Authority  
2 shall determine the effect on the individual's case and take  
3 appropriate action. Written notice of the Authority action shall be  
4 given to the individual. In no case shall the Authority discontinue  
5 assistance upon finding a discrepancy or change in circumstances  
6 until the individual has been given notice of the discrepancy and  
7 the opportunity to respond as required under the HOPE Act.

8           SECTION 3.           NEW LAW           A new section of law to be codified  
9 in the Oklahoma Statutes as Section 248 of Title 56, unless there is  
10 created a duplication in numbering, reads as follows:

11           A. Prior to awarding assistance under Medicaid, the Oklahoma  
12 Health Care Authority shall require applicants to complete an  
13 identity authentication process to confirm that the applicant owns  
14 the identity presented in the application.

15           B. The identity authentication process shall be conducted  
16 through a knowledge-based quiz consisting of financial and personal  
17 questions. The quiz shall attempt to accommodate unbanked or under-  
18 banked applicants who do not have an established credit history.

19           C. The identity authentication process shall be available to be  
20 submitted through multiple channels including online, in-person and  
21 via phone.

22           SECTION 4.           NEW LAW           A new section of law to be codified  
23 in the Oklahoma Statutes as Section 249 of Title 56, unless there is  
24 created a duplication in numbering, reads as follows:

1 The Oklahoma Health Care Authority shall provide information  
2 obtained under Sections 1 through 3 of this act to the Medicaid  
3 fraud control unit of the Office of the Attorney General for cases  
4 of suspected Medicaid fraud.

5 SECTION 5. NEW LAW A new section of law to be codified  
6 in the Oklahoma Statutes as Section 250 of Title 56, unless there is  
7 created a duplication in numbering, reads as follows:

8 A. The Oklahoma Health Care Authority shall promulgate all  
9 rules and regulations necessary for the purposes of carrying out the  
10 HOPE Act.

11 B. On May 1, 2018, and annually thereafter, the Oklahoma Health  
12 Care Authority shall publish a written report detailing the impact  
13 of Sections 1 through 3 of this act, including the number of cases  
14 reviewed, the number of cases closed, the number of fraud  
15 investigation referrals and the amount of savings and cost avoidance  
16 that have resulted from implementation.

17 SECTION 6. It being immediately necessary for the preservation  
18 of the public peace, health or safety, an emergency is hereby  
19 declared to exist, by reason whereof this act shall take effect and  
20 be in full force from and after its passage and approval.

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