

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 57th Legislature (2019)

4   HOUSE BILL 2591

                                  By: Echols and **Roberts (Sean)**

7                                   AS INTRODUCED

8                   An Act relating to Medicaid; creating the Defunding  
9                   Statutory Rape Cover-up Act; providing for  
10                  definitions; prohibiting certain provider from being  
11                  eligible for reimbursement under specified  
12                  conditions; providing for period of ineligibility to  
13                  participate in programs; requiring Oklahoma Health  
14                  Care Authority to promulgate certain rules;  
15                  prohibiting preclusion of prosecution; providing for  
16                  codification; and providing an effective date.

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

16           SECTION 1.       NEW LAW       A new section of law to be codified  
17   in the Oklahoma Statutes as Section 1007.1 of Title 56, unless there  
18   is created a duplication in numbering, reads as follows:

19           This act shall be known and may be cited as the "Defunding  
20   Statutory Rape Cover-up Act".

21           SECTION 2.       NEW LAW       A new section of law to be codified  
22   in the Oklahoma Statutes as Section 1007.2 of Title 56, unless there  
23   is created a duplication in numbering, reads as follows:

24           As used in the Defunding Statutory Rape Cover-up Act:

1        1. "Provider" shall mean a provider of services for  
2 compensation; and

3        2. "Affiliate" shall mean an entity which licenses the use of a  
4 trademark or other recognized name to the provider, and which  
5 exercises control over the use of part or all of the provider's  
6 name, or any entity so licensed or controlled.

7        SECTION 3.        NEW LAW        A new section of law to be codified  
8 in the Oklahoma Statutes as Section 1007.3 of Title 56, unless there  
9 is created a duplication in numbering, reads as follows:

10        A. No provider shall be eligible for reimbursement through  
11 Medicaid or any other federal or state program, directly or by  
12 subcontract with any other party, if:

13        1. That provider, or any affiliate of that provider, has been  
14 found by a court of law, either civilly or criminally, to have  
15 failed to report statutory rape as part of mandatory potential child  
16 abuse reporting laws applicable to the medical provider, when that  
17 provider, or the affiliate of that provider, provides services  
18 relating to pregnancy or termination of pregnancy to that minor  
19 female for compensation; or

20        2. The entity or an affiliate of the entity failed to report  
21 statutory rape of a patient as child abuse as required by law, where  
22 the abuser was later convicted of abusing that patient, whether or  
23 not the entity, or an affiliate of the entity, was itself  
24 adjudicated of failing to report statutory rape.

1 B. Any provider found to be ineligible for reimbursement under  
2 this section shall be able to reapply after a period of five (5)  
3 years and a showing that procedures have been put in place to  
4 provide for reporting to appropriate law enforcement authorities.

5 SECTION 4. NEW LAW A new section of law to be codified  
6 in the Oklahoma Statutes as Section 1007.4 of Title 56, unless there  
7 is created a duplication in numbering, reads as follows:

8 The Oklahoma Health Care Authority shall promulgate rules to  
9 investigate complaints pursuant to the Defunding Statutory Rape  
10 Cover-up Act. Nothing in the Defunding Statutory Rape Cover-up Act  
11 shall preclude the Oklahoma Attorney General or any district  
12 attorney with jurisdiction from prosecuting violations of the  
13 Defunding Statutory Rape Cover-up Act.

14 SECTION 5. This act shall become effective November 1, 2019.

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16 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 02/05/2019 -  
17 DO PASS, As Coauthored.