

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 HOUSE BILL 2803

By: Derby

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5  
6 AS INTRODUCED

7 An Act relating to poor persons; amending 56 O.S.  
8 2011, Section 1010.1, which relates to the Oklahoma  
9 Medicaid Program Reform Act of 2003; clarifying  
10 language; and providing an effective date.

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

13 SECTION 1. AMENDATORY 56 O.S. 2011, Section 1010.1 is  
14 amended to read as follows:

15 Section 1010.1 A. ~~Section~~ Sections 1010.1 ~~et seq.~~ through  
16 1010.13 of this title shall be known ~~and may be cited~~ as the  
17 "Oklahoma Medicaid Program Reform Act of 2003".

18 B. Recognizing that many Oklahomans do not have health care  
19 benefits or health care coverage, that many small businesses cannot  
20 afford to provide health care benefits to their employees, and that,  
21 under federal law, barriers exist to providing Medicaid benefits to  
22 the uninsured, the Oklahoma Legislature hereby establishes  
23 provisions to lower the number of uninsured, assist businesses in  
24 their ability to afford health care benefits and coverage for their

1 employees, and eliminate barriers to providing health coverage to  
2 eligible enrollees under federal law.

3 C. Unless otherwise provided by law, the Oklahoma Health Care  
4 Authority shall provide coverage under the state Medicaid program to  
5 children under the age of eighteen (18) years whose family incomes  
6 do not exceed one hundred eighty-five percent (185%) of the federal  
7 poverty level.

8 D. 1. The Authority is directed to apply for a waiver or  
9 waivers to the Centers for ~~Medicaid~~ Medicare and ~~Medicare~~ Medicaid  
10 Services (CMS) that will accomplish the purposes outlined in  
11 subsection B of this section. The Authority is further directed to  
12 negotiate with CMS to include in the waiver authority provisions to:

- 13 a. increase access to health care for Oklahomans,
- 14 b. reform the Oklahoma Medicaid Program to promote  
15 personal responsibility for health care services and  
16 appropriate utilization of health care benefits  
17 through the use of public-private cost sharing,
- 18 c. enable small employers, and/or employed, uninsured  
19 adults with or without children to purchase employer-  
20 sponsored, state-approved private, or state-sponsored  
21 health care coverage through a state premium  
22 assistance payment plan. If by January 1, 2012, the  
23 Employer/Employee Partnership for Insurance Coverage  
24 Premium Assistance Program is not consuming more than

1           seventy-five percent (75%) of its dedicated source of  
2           funding, then the program will be expanded to include  
3           parents of children eligible for Medicaid, and

4           d.    develop flexible health care benefit packages based  
5           upon patient need and cost.

6           2.    The Authority may phase in any waiver or waivers it receives  
7           based upon available funding.

8           3.    The Authority is authorized to develop and implement a  
9           premium assistance plan to assist small businesses and/or their  
10           eligible employees to purchase employer-sponsored insurance or "buy-  
11           in" to a state-sponsored benefit plan.

12           4.    a.    The Authority is authorized to seek from the Centers  
13           for Medicare and Medicaid Services any waivers or  
14           amendments to existing waivers necessary to accomplish  
15           an expansion of the premium assistance program to:

16                   (1)   include for-profit employers with two hundred  
17                   fifty employees or less up to any level supported  
18                   by existing funding resources, and

19                   (2)   include not-for-profit employers with five  
20                   hundred employees or less up to any level  
21                   supported by existing funding resources.

22           b.    Foster parents employed by employers with greater than  
23           two hundred fifty employees shall be exempt from the  
24           qualifying employer requirement provided for in this

1 paragraph and shall be eligible to qualify for the  
2 premium assistance program provided for in this  
3 section if supported by existing funding.

4 E. For purposes of this paragraph, "for-profit employer" shall  
5 mean an entity which is not exempt from taxation pursuant to the  
6 provisions of Section 501(c)(3) of the Internal Revenue Code and  
7 "not-for-profit employer" shall mean an entity which is exempt from  
8 taxation pursuant to the provisions of Section 501(c)(3) of the  
9 Internal Revenue Code.

10 F. The Authority is authorized to seek from the Centers for  
11 Medicare and Medicaid Services any waivers or amendments to existing  
12 waivers necessary to accomplish an extension of the premium  
13 assistance program to include qualified employees whose family  
14 income does not exceed two hundred fifty percent (250%) of the  
15 federal poverty level, subject to the limit of federal financial  
16 participation.

17 G. The Authority is authorized to create as part of the premium  
18 assistance program an option to purchase a high-deductible health  
19 insurance plan that is compatible with a health savings account.

20 H. 1. There is hereby created in the State Treasury a  
21 revolving fund to be designated the "Health Employee and Economy  
22 Improvement Act (HEEIA) Revolving Fund".

23 2. The fund shall be a continuing fund, not subject to fiscal  
24 year limitations, and shall consist of:

- a. all monies received by the Authority pursuant to this section and otherwise specified or authorized by law,
- b. monies received by the Authority due to federal financial participation pursuant to Title XIX of the Social Security Act, and
- c. interest attributable to investment of money in the fund.

3. All monies accruing to the credit of the fund are hereby appropriated and shall be budgeted and expended by the Authority to implement a premium assistance plan, unless otherwise provided by law.

I. 1. The Authority shall establish a procedure for verifying an applicant's individual income by utilizing available Oklahoma Tax Commission records, new hire report data collected by the Oklahoma Employment Security Commission, and child support payment data collected by the Department of Human Services in accordance with federal and state law.

2. The Oklahoma Tax Commission, Oklahoma Employment Security Commission, and Department of Human Services shall cooperate in accordance with federal and state law with the Authority to establish procedures for the secure electronic transmission of an applicant's individual income data to the Authority.

1 SECTION 2. This act shall become effective November 1, 2016.

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3 55-2-8270 AM 12/31/15

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