

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 SENATE BILL 1556

By: Hicks

4  
5  
6 AS INTRODUCED

7 An Act relating to the state Medicaid program;  
8 requiring coverage of medically necessary pasteurized  
9 donor human milk and donor human milk-derived  
10 products under certain conditions; directing  
11 promulgation of rules; authorizing adoption of  
12 certain policy or procedure; directing the Authority  
13 to seek certain federal approval; providing for  
14 codification; providing an effective date; and  
15 declaring an emergency.

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

17 SECTION 1. NEW LAW A new section of law to be codified  
18 in the Oklahoma Statutes as Section 5026.1 of Title 63, unless there  
19 is created a duplication in numbering, reads as follows:

20 A. The Oklahoma Health Care Authority, to the extent  
21 permissible under federal law, shall provide Medicaid coverage for  
22 medically necessary pasteurized donor human milk and donor human  
23 milk-derived products in a home setting; provided:

24 1. A physician, physician assistant or Advanced Practice  
Registered Nurse licensed in this state signs an order stating that

1 pasteurized donor human milk or donor human milk-derived products  
2 are medically necessary for an infant Medicaid beneficiary;

3 2. a. The infant is medically or physically unable to  
4 receive maternal breast milk or participate in  
5 breastfeeding, or

6 b. The infant's mother is medically or physically unable  
7 to produce maternal breast milk in sufficient  
8 quantities; and

9 3. The pasteurized donor human milk or donor human milk-derived  
10 products are provided by a donor human milk bank that adheres to  
11 quality standards of and is accredited by the Human Milk Banking  
12 Association of North America or such other standards or  
13 accreditation as may be required by the Authority.

14 B. The Oklahoma Health Care Authority Board shall promulgate  
15 rules to implement the provisions of this section including, but not  
16 limited to, establishing infant birth weight and health conditions  
17 that may make the provision of pasteurized donor human milk or donor  
18 human milk-derived products medically necessary and time limits for  
19 Medicaid coverage of pasteurized donor human milk and donor human  
20 milk-derived products. The Board may adopt a policy or procedure to  
21 implement the provisions of this section while in the process of  
22 promulgating rules; provided, such policy or procedure shall be  
23 posted on the Internet website of the Authority prior to adoption of  
24 the policy.

1 C. The Authority shall seek any federal approval necessary to  
2 implement this section.

3 SECTION 2. This act shall become effective July 1, 2022.

4 SECTION 3. It being immediately necessary for the preservation  
5 of the public peace, health or safety, an emergency is hereby  
6 declared to exist, by reason whereof this act shall take effect and  
7 be in full force from and after its passage and approval.

8  
9 58-2-2813 DC 1/20/2022 10:53:20 AM

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25