

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL 308

By: Boren

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5
6 AS INTRODUCED

7 An Act relating to Medicaid; amending Section 1,
8 Chapter 3, O.S.L. 2018 (56 O.S. Supp. 2018, Section
9 246), which relates to eligibility verification;
10 directing the Oklahoma Health Care Authority to
11 include certain section on application; amending
12 Section 2, Chapter 3, O.S.L. 2018 (56 O.S. Supp.
13 2018, Section 247), which relates to notice of
14 discrepancy or change; modifying procedure for
15 discontinuance of assistance; and declaring an
16 emergency.

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

18 SECTION 1. AMENDATORY Section 1, Chapter 3, O.S.L. 2018
19 (56 O.S. Supp. 2018, Section 246), is amended to read as follows:

20 Section 246. A. This act shall be known and may be cited as
21 the "Act to Restore Hope, Opportunity and Prosperity for Everyone"
22 or the "HOPE Act".

23 B. Prior to awarding assistance under Medicaid, the Oklahoma
24 Health Care Authority shall verify eligibility information of each
25 applicant, excluding those applicants who would be eligible under
26 the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) and

1 excluding those applicants with intellectual disabilities receiving
2 Home and Community Based Medicaid waiver and state-funded services.

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

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

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

21 E. The Authority shall contract with one or more independent
22 vendors to provide information detailed in subsection C of this
23 section. Any contract entered under this subsection shall establish
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1 annualized savings that exceed the contract's total annual cost to
2 the state.

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

8 G. The Authority shall include on each application a section in
9 which an applicant may designate and provide contact information for
10 up to two secondary contacts that the Authority shall contact when
11 unable to reach the individual for eligibility verification purposes
12 as set forth in paragraph 5 of subsection G of Section 247 of this
13 title.

14 SECTION 2. AMENDATORY Section 2, Chapter 3, O.S.L. 2018
15 (56 O.S. Supp. 2018, Section 247), is amended to read as follows:

16 Section 247. A. On a quarterly basis, the Oklahoma Health Care
17 Authority shall receive and review information concerning
18 individuals enrolled in Medicaid that indicates a change in
19 circumstances that may affect eligibility, excluding those
20 individuals who would be eligible under the Tax Equity and Fiscal
21 Responsibility Act of 1982 (TEFRA) and excluding those individuals
22 with intellectual disabilities receiving Home and Community Based
23 Medicaid waiver and state-funded services.

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;

1 4. The Authority shall provide notice to the individual which
2 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 send a second notice. If the individual does not
13 respond to the second notice, the Authority shall send the notice to
14 all persons designated by the individual as secondary contacts for
15 the purpose of eligibility verification, requesting that the
16 secondary contacts share the notice with the individual. If neither
17 the individual nor either contact responds to the notice, the
18 Authority shall discontinue assistance for failure to cooperate, in
19 which case the Authority shall provide notice of intent to
20 discontinue assistance to the individual and the secondary contacts.
21 Eligibility for assistance shall not be established or reestablished
22 until the discrepancy or change has been resolved;

23 6. If an individual responds to the notice and disagrees with
24 the findings, the Authority shall reinvestigate the matter. If the

1 Authority finds that there has been an error, the Authority shall
2 take immediate action to correct it and no further action shall be
3 taken. If, after an investigation, the Authority determines that
4 there is no error, the Authority shall determine the effect on the
5 individual's case and take appropriate action. Written notice of
6 the Authority action shall be given to the individual; and

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

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

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