

1 1. "Emergency opioid antagonist" means a drug including but not
2 limited to naloxone that blocks the effects of opioids and that is
3 approved by the United States Food and Drug Administration for the
4 treatment of an opioid overdose; and

5 2. "Health benefit plan" has the same meaning as provided by
6 Section 6060.4 of Title 36 of the Oklahoma Statutes.

7 B. Subject to allocation of federal funding for the purchase of
8 emergency opioid antagonists, the Department of Mental Health and
9 Substance Abuse Services shall distribute emergency opioid
10 antagonists to hospitals for distribution by hospitals of emergency
11 opioid antagonists to patients not covered by the state Medicaid
12 program or by a health benefit plan as described in subsection C of
13 Section 2 of this act.

14 C. The State Department of Health shall provide necessary
15 technical assistance for the implementation of this section and
16 Section 2 of this act.

17 SECTION 2. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 1-706.21 of Title 63, unless
19 there is created a duplication in numbering, reads as follows:

20 A. As used in this section:

21 1. "Emergency opioid antagonist" means a drug including but not
22 limited to naloxone that blocks the effects of opioids and that is
23 approved by the United States Food and Drug Administration for the
24 treatment of an opioid overdose; and

1 2. "Health benefit plan" has the same meaning as provided by
2 Section 6060.4 of Title 36 of the Oklahoma Statutes.

3 B. A hospital shall distribute to a person who presents to an
4 emergency department with symptoms of an opioid overdose, opioid use
5 disorder, or other adverse event related to opioid use, two doses of
6 an emergency opioid antagonist upon discharge, unless:

7 1. The treating practitioner determines in his or her clinical
8 and professional judgment that distributing the emergency opioid
9 antagonist is not appropriate or the practitioner has confirmed that
10 the patient already has at least two doses of an emergency opioid
11 antagonist; or

12 2. The hospital is not required to distribute the emergency
13 opioid antagonist due to the conditions described in paragraph 2 of
14 subsection C of this section.

15 C. 1. The provisions of subsection B of this section shall
16 apply without exception in cases where a patient is covered by the
17 state Medicaid program or by a health benefit plan.

18 2. The provisions of subsection B of this section shall apply
19 in cases where a patient is not covered by the state Medicaid
20 program or by a health benefit plan only if the hospital receives a
21 supply of one or more emergency opioid antagonists from the
22 Department of Mental Health and Substance Abuse Services under
23 Section 1 of this act.

1 D. To comply with the requirements of this section, a hospital
2 may, notwithstanding any other provision of state law, utilize any
3 of the following individuals employed by or under contract with the
4 hospital to distribute emergency opioid antagonists under this
5 section:

6 1. Any health care provider licensed or certified in this state
7 including, but not limited to, a licensed pharmacist; or

8 2. Any mental health or substance abuse provider licensed or
9 certified in this state.

10 E. 1. In cases where a patient to whom an opioid antagonist is
11 distributed under this section is covered under the state Medicaid
12 program, the hospital may bill the state Medicaid program for the
13 emergency opioid antagonist utilizing the appropriate billing codes
14 established by the Oklahoma Health Care Authority. The state
15 Medicaid program shall reimburse such claims in accordance with
16 applicable law, rules, and contract terms. This billing shall be
17 separate from and in addition to the payment for the other services
18 provided during the hospital visit.

19 2. In cases where a patient to whom an opioid antagonist is
20 distributed under this section is covered by a health benefit plan,
21 the hospital may bill the patient's health benefit plan for the cost
22 of the emergency opioid antagonist, and the health plan shall
23 reimburse such claims.

24

1 F. When a hospital distributes an emergency opioid antagonist,
2 it shall provide:

3 1. Directions for use; and

4 2. Information and resources about medication for opioid use
5 disorder and harm reduction strategies and services which may be
6 available, such as substance use disorder treatment services and
7 substance use disorder peer counselors.

8 This information shall be available in all languages relevant to
9 the communities that the hospital serves.

10 G. This section does not prohibit a hospital from distributing
11 an emergency opioid antagonist to a patient at no cost to the
12 patient and at no cost to a third-party payor out of the hospital's
13 prepurchased supply.

14 H. Nothing in this section prohibits or modifies a hospital's
15 ability or responsibility to bill a patient's health benefit plan or
16 to provide financial assistance as required by state or federal law.

17 I. A hospital, its employees, its contractors, and its
18 practitioners are immune from suit in any action, civil or criminal,
19 or from professional or other disciplinary action, for action or
20 inaction in compliance with this section.

21 SECTION 3. This act shall become effective November 1, 2023.

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23 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 04/06/2023 -
24 DO PASS.