

An Act

ENROLLED SENATE
BILL NO. 712

By: Rosino of the Senate

and

McEntire and Waldron of the
House

An Act relating to hospitals; defining terms; requiring the Department of Mental Health and Substance Abuse Services to distribute emergency opioid antagonists to hospitals subject to certain condition; requiring State Department of Health to provide certain technical assistance; defining terms; requiring hospitals to distribute emergency opioid antagonist to certain persons upon discharge except under certain conditions; specifying applicability of certain requirement; providing exception; allowing hospital to utilize certain individuals for distribution of emergency opioid antagonists; authorizing hospital to seek reimbursement under certain conditions; requiring certain reimbursement to hospital; requiring provision of certain information and resources to patient; providing certain construction; granting certain immunities; providing for codification; and providing an effective date.

SUBJECT: Hospitals

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-401.2 of Title 43A, unless there is created a duplication in numbering, reads as follows:

A. As used in this section:

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

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

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

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

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

A. As used in this section:

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

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

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

1. The treating practitioner determines in his or her clinical and professional judgment that distributing the emergency opioid antagonist is not appropriate or the practitioner has confirmed that

the patient already has at least two doses of an emergency opioid antagonist; or

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

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

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

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

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

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

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

2. In cases where a patient to whom an opioid antagonist is distributed under this section is covered by a health benefit plan,

the hospital may bill the patient's health benefit plan for the cost of the emergency opioid antagonist, and the health plan shall reimburse such claims.

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

1. Directions for use; and

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

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

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

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

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

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

Passed the Senate the 8th day of March, 2023.

Presiding Officer of the Senate

Passed the House of Representatives the 19th day of April, 2023.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____