

1 ENGROSSED SENATE AMENDMENT  
TO

2 ENGROSSED HOUSE  
3 BILL NO. 1270

By: Hall of the House

4 and

Leewright of the Senate

5  
6  
7 [ welfare - Act to Restore Hope, Opportunity and  
8 Prosperity for Everyone or the HOPE Act - effective  
9 date ]

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12 AUTHOR: Add the following Senate Coauthor: Brecheen

13 AMENDMENT NO. 1. Page 1, strike the stricken title, enacting clause  
14 and entire bill and insert

15 "An Act relating to welfare; creating the Act to  
16 Restore Hope, Opportunity and Prosperity for Everyone  
17 or the HOPE Act; directing Oklahoma Health Care  
18 Authority to verify eligibility prior to awarding  
19 assistance; providing certain exclusions; listing  
20 information to be verified; mandating memorandum of  
21 understanding for information; requiring contracting  
22 with independent vendors; requiring annualized  
23 savings to exceed cost; allowing verification of  
24 additional information; requiring eligibility  
information review at least quarterly; providing  
certain exclusions; listing types of information for  
review; directing memorandum of understanding for  
information; requiring contracting with independent  
vendors; directing exploration of joining a  
multistate cooperative; authorizing review of  
additional information; describing procedures when  
there is a change in circumstances; requiring  
applicants to complete an identity authentication  
process; providing description of authentication

1 process; directing dissemination of information for  
2 cases of suspected fraud; mandating Authority to  
3 promulgate rules; requiring publication of written  
4 report; providing for frequency of report; listing  
5 contents of report; providing for codification; and  
6 providing an effective date.

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

8 SECTION 1. NEW LAW A new section of law to be codified  
9 in the Oklahoma Statutes as Section 246 of Title 56, unless there is  
10 created a duplication in numbering, reads as follows:

11 A. This act shall be known and may be cited as the "Act to  
12 Restore Hope, Opportunity and Prosperity for Everyone" or the "HOPE  
13 Act".

14 B. Prior to awarding assistance under Medicaid, the Oklahoma  
15 Health Care Authority shall verify eligibility information of each  
16 applicant, excluding those applicants who would be eligible under  
17 the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) and  
18 excluding those applicants with intellectual disabilities receiving  
19 Home and Community Based Medicaid waiver and state-funded services.

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

- 22 1. Earned and unearned income;
- 23 2. Employment status and changes in employment;
- 24 3. Immigration status;

- 1        4. Residency status, including a nationwide best-address source  
2 to verify individuals are residents of the state;
- 3        5. Enrollment status in other state-administered public  
4 assistance programs;
- 5        6. Financial resources;
- 6        7. Incarceration status;
- 7        8. Death records;
- 8        9. Enrollment status in public assistance programs outside of  
9 this state; and
- 10       10. Potential identity fraud or identity theft.

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

14       E. The Authority shall contract with one or more independent  
15 vendors to provide information detailed in subsection C of this  
16 section. Any contract entered under this subsection shall establish  
17 annualized savings that exceed the contract's total annual cost to  
18 the state.

19       F. Nothing in this section shall preclude the Authority from  
20 receiving, reviewing or verifying additional information related to  
21 eligibility not detailed in this section or from contracting with  
22 one or more independent vendors to provide additional information  
23 not detailed in this section.

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1           SECTION 2.           NEW LAW           A new section of law to be codified  
2 in the Oklahoma Statutes as Section 247 of Title 56, unless there is  
3 created a duplication in numbering, reads as follows:

4           A. On a quarterly basis, the Oklahoma Health Care Authority  
5 shall receive and review information concerning individuals enrolled  
6 in Medicaid that indicates a change in circumstances that may affect  
7 eligibility, excluding those individuals who would be eligible under  
8 the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) and  
9 excluding those individuals with intellectual disabilities receiving  
10 Home and Community Based Medicaid waiver and state-funded services.

11           B. The information provided to the Authority shall include, but  
12 is not limited to:

- 13           1. Earned and unearned income;
- 14           2. Employment status and changes in employment;
- 15           3. Residency status;
- 16           4. Enrollment status in other state-administered public  
17 assistance programs;
- 18           5. Financial resources;
- 19           6. Incarceration status;
- 20           7. Death records;
- 21           8. Lottery winnings; and
- 22           9. Enrollment status in public assistance programs outside of  
23 this state.

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1 C. The Authority shall sign a memorandum of understanding with  
2 any department, agency or division for information detailed in  
3 subsection B of this section.

4 D. The Authority shall contract with one or more independent  
5 vendors to provide information detailed in subsection B of this  
6 section. Any contract entered under this subsection shall establish  
7 annualized savings that exceed the contract's total annual cost to  
8 the state.

9 E. The Authority shall explore joining any multistate  
10 cooperative to identify individuals who are also enrolled in public  
11 assistance programs outside of this state, including the National  
12 Accuracy Clearinghouse.

13 F. Nothing in this section shall preclude the Authority from  
14 receiving or reviewing additional information related to eligibility  
15 not detailed in this section or from contracting with one or more  
16 independent vendors to provide additional information not detailed  
17 in this section.

18 G. If the Authority receives information concerning an  
19 individual enrolled in Medicaid that indicates a change in  
20 circumstances that may affect eligibility, the Authority shall  
21 review the individual's case using the following procedures:

22 1. If the information does not result in the Authority finding  
23 a discrepancy or change in an individual's circumstances that may  
24 affect eligibility, the Authority shall take no further action;

1           2. If the information results in the Authority finding a  
2 discrepancy or change in an individual's circumstances that may  
3 affect eligibility, the Authority shall promptly redetermine  
4 eligibility after receiving such information;

5           3. If the information results in the Authority finding a  
6 discrepancy or change in an individual's circumstances that may  
7 affect eligibility, the individual shall be given an opportunity to  
8 explain the discrepancy; provided, however, that self-declarations  
9 by applicants or recipients shall not be accepted as verification;

10          4. The Authority shall provide notice to the individual which  
11 shall describe in sufficient detail the circumstances of the  
12 discrepancy or change, the manner in which the applicant or  
13 recipient may respond, and the consequences of failing to take  
14 action. The applicant or recipient shall have ten (10) business  
15 days to respond in an attempt to resolve the discrepancy or change.  
16 The explanation provided by the recipient or applicant shall be  
17 given in writing. After receiving the explanation, the Authority  
18 may request additional documentation if it determines that there is  
19 risk of fraud, misrepresentation or inadequate documentation;

20          5. If the individual does not respond to the notice, the  
21 Authority shall discontinue assistance for failure to cooperate, in  
22 which case the Authority shall provide notice of intent to  
23 discontinue assistance. Eligibility for assistance shall not be  
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1 established or reestablished until the discrepancy or change has  
2 been resolved;

3 6. If an individual responds to the notice and disagrees with  
4 the findings, the Authority shall reinvestigate the matter. If the  
5 Authority finds that there has been an error, the Authority shall  
6 take immediate action to correct it and no further action shall be  
7 taken. If, after an investigation, the Authority determines that  
8 there is no error, the Authority shall determine the effect on the  
9 individual's case and take appropriate action. Written notice of  
10 the Authority action shall be given to the individual; and

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

18 SECTION 3. NEW LAW A new section of law to be codified  
19 in the Oklahoma Statutes as Section 248 of Title 56, unless there is  
20 created a duplication in numbering, reads as follows:

21 A. Prior to awarding assistance under Medicaid, the Oklahoma  
22 Health Care Authority shall require applicants to complete an  
23 identity authentication process to confirm that the applicant owns  
24 the identity presented in the application.

1 B. The identity authentication process shall be conducted  
2 through a knowledge-based quiz consisting of financial and personal  
3 questions. The quiz shall attempt to accommodate unbanked or under-  
4 banked applicants who do not have an established credit history.

5 C. The identity authentication process shall be available to be  
6 submitted through multiple channels including online, in-person and  
7 via phone.

8 SECTION 4. NEW LAW A new section of law to be codified  
9 in the Oklahoma Statutes as Section 249 of Title 56, unless there is  
10 created a duplication in numbering, reads as follows:

11 The Oklahoma Health Care Authority shall provide information  
12 obtained under Sections 1 through 3 of the HOPE Act to the Medicaid  
13 fraud control unit of the Office of the Attorney General for cases  
14 of suspected Medicaid fraud.

15 SECTION 5. NEW LAW A new section of law to be codified  
16 in the Oklahoma Statutes as Section 250 of Title 56, unless there is  
17 created a duplication in numbering, reads as follows:

18 A. The Oklahoma Health Care Authority shall promulgate all  
19 rules and regulations necessary for the purposes of carrying out the  
20 HOPE Act.

21 B. On May 1, 2018, and annually thereafter, the Oklahoma Health  
22 Care Authority shall publish a written report detailing the impact  
23 of Sections 1 through 3 of the HOPE Act, including the number of  
24 cases reviewed, the number of cases closed, the number of fraud



1 investigation referrals and the amount of savings and cost avoidance  
2 that have resulted from implementation.

3 SECTION 6. This act shall become effective November 1, 2017."

4 Passed the Senate the 26th day of April, 2017.

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Presiding Officer of the Senate

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8 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,

9 2017.

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Presiding Officer of the House  
of Representatives

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1 ENGROSSED HOUSE  
2 BILL NO. 1270

By: Hall of the House

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4 Leewright of the Senate

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7 [ welfare - Act to Restore Hope, Opportunity and  
8 Prosperity for Everyone or the HOPE Act - effective  
9 date ]

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

13 SECTION 7. NEW LAW A new section of law to be codified  
14 in the Oklahoma Statutes as Section 246 of Title 56, unless there is  
15 created a duplication in numbering, reads as follows:

16 A. This act shall be known and may be cited as the "Act to  
17 Restore Hope, Opportunity and Prosperity for Everyone" or the "HOPE  
18 Act".

19 B. Prior to awarding assistance under Medicaid, the Oklahoma  
20 Health Care Authority shall verify eligibility information of each  
21 applicant.

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

24 1. Earned and unearned income;

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

13       D. The Authority shall sign a memorandum of understanding with

14 any department, agency or division for information detailed in

15 subsection C of this section.

16       E. The Authority may contract with one or more independent

17 vendors to provide information detailed in subsection C of this

18 section. Any contract entered under this subsection shall establish

19 annualized savings that exceed the contract's total annual cost to

20 the state.

21       F. Nothing in this section shall preclude the Authority from

22 receiving, reviewing or verifying additional information related to

23 eligibility not detailed in this section or from contracting with

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1 one or more independent vendors to provide additional information  
2 not detailed in this section.

3 SECTION 8. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 247 of Title 56, unless there is  
5 created a duplication in numbering, reads as follows:

6 A. On an annual basis, the Oklahoma Health Care Authority shall  
7 receive and review information concerning individuals enrolled in  
8 Medicaid that indicates a change in circumstances that may affect  
9 eligibility.

10 B. The information provided to the Authority shall include, but  
11 is not limited to:

- 12 1. Earned and unearned income;
- 13 2. Employment status and changes in employment;
- 14 3. Residency status;
- 15 4. Enrollment status in other state-administered public  
16 assistance programs;
- 17 5. Financial resources;
- 18 6. Incarceration status;
- 19 7. Death records;
- 20 8. Lottery winnings; and
- 21 9. Enrollment status in public assistance programs outside of  
22 this state.

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1 C. The Authority shall sign a memorandum of understanding with  
2 any department, agency or division for information detailed in  
3 subsection B of this section.

4 D. The Authority may contract with one or more independent  
5 vendors to provide information detailed in subsection B of this  
6 section. Any contract entered under this subsection shall establish  
7 annualized savings that exceed the contract's total annual cost to  
8 the state.

9 E. The Authority shall explore joining any multistate  
10 cooperative to identify individuals who are also enrolled in public  
11 assistance programs outside of this state, including the National  
12 Accuracy Clearinghouse.

13 F. Nothing in this section shall preclude the Authority from  
14 receiving or reviewing additional information related to eligibility  
15 not detailed in this section or from contracting with one or more  
16 independent vendors to provide additional information not detailed  
17 in this section.

18 G. If the Authority receives information concerning an  
19 individual enrolled in Medicaid that indicates a change in  
20 circumstances that may affect eligibility, the Authority shall  
21 review the individual's case using the following procedures:

22 1. If the information does not result in the Authority finding  
23 a discrepancy or change in an individual's circumstances that may  
24 affect eligibility, the Authority shall take no further action;

1           2. If the information results in the Authority finding a  
2 discrepancy or change in an individual's circumstances that may  
3 affect eligibility, the Authority shall promptly redetermine  
4 eligibility after receiving such information;

5           3. If the information results in the Authority finding a  
6 discrepancy or change in an individual's circumstances that may  
7 affect eligibility, the individual shall be given an opportunity to  
8 explain the discrepancy; provided, however, that self-declarations  
9 by applicants or recipients shall not be accepted as verification;

10          4. The Authority shall provide written notice to the individual  
11 which shall describe in sufficient detail the circumstances of the  
12 discrepancy or change, the manner in which the applicant or  
13 recipient may respond, and the consequences of failing to take  
14 action. The applicant or recipient shall have ten (10) business  
15 days to respond in an attempt to resolve the discrepancy or change.  
16 The explanation provided by the recipient or applicant shall be  
17 given in writing. After receiving the explanation, the Authority  
18 may request additional documentation if it determines that there is  
19 risk of fraud, misrepresentation or inadequate documentation;

20          5. If the individual does not respond to the notice, the  
21 Authority shall discontinue assistance for failure to cooperate, in  
22 which case the Authority shall provide notice of intent to  
23 discontinue assistance. Eligibility for assistance shall not be  
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1 established or reestablished until the discrepancy or change has  
2 been resolved;

3 6. If an individual responds to the notice and disagrees with  
4 the findings, the Authority shall reinvestigate the matter. If the  
5 Authority finds that there has been an error, the Authority shall  
6 take immediate action to correct it and no further action shall be  
7 taken. If, after an investigation, the Authority determines that  
8 there is no error, the Authority shall determine the effect on the  
9 individual's case and take appropriate action. Written notice of  
10 the Authority action shall be given to the individual; and

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

18 SECTION 9. NEW LAW A new section of law to be codified  
19 in the Oklahoma Statutes as Section 248 of Title 56, unless there is  
20 created a duplication in numbering, reads as follows:

21 A. Prior to awarding assistance under Medicaid, the Oklahoma  
22 Health Care Authority shall require applicants to complete an  
23 identity authentication process to confirm that the applicant owns  
24 the identity presented in the application.

1 B. The identity authentication process shall be conducted  
2 through a knowledge-based quiz consisting of financial and personal  
3 questions. The quiz shall attempt to accommodate unbanked or under-  
4 banked applicants who do not have an established credit history.

5 C. The identity authentication process shall be available to be  
6 submitted through multiple channels including online, in-person and  
7 via phone.

8 SECTION 10. NEW LAW A new section of law to be codified  
9 in the Oklahoma Statutes as Section 249 of Title 56, unless there is  
10 created a duplication in numbering, reads as follows:

11 The Oklahoma Health Care Authority shall provide information  
12 obtained under Sections 1 through 3 of the HOPE Act to the Medicaid  
13 fraud control unit of the Office of the Attorney General for cases  
14 of suspected Medicaid fraud.

15 SECTION 11. NEW LAW A new section of law to be codified  
16 in the Oklahoma Statutes as Section 250 of Title 56, unless there is  
17 created a duplication in numbering, reads as follows:

18 A. The Oklahoma Health Care Authority shall promulgate all  
19 rules and regulations necessary for the purposes of carrying out the  
20 HOPE Act.

21 B. On May 1, 2018, and annually thereafter, the Oklahoma Health  
22 Care Authority shall publish a written report detailing the impact  
23 of Sections 1 through 3 of the HOPE Act, including the number of  
24 cases reviewed, the number of cases closed, the number of fraud



1 investigation referrals and the amount of savings and cost avoidance  
2 that have resulted from implementation.

3 SECTION 12. This act shall become effective November 1, 2017.

4 Passed the House of Representatives the 22nd day of March, 2017.

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Presiding Officer of the House  
of Representatives

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Passed the Senate the \_\_\_ day of \_\_\_\_\_, 2017.

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Presiding Officer of the Senate

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