

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 ENGROSSED SENATE
5 BILL NO. 207

By: Garvin of the Senate

6 and

7 McEntire of the House

8
9 **[Oklahoma Health Care Authority - authorizing the**
10 **Administrator of the Authority to designate an**
11 **administrative law judge to perform certain duties**
12 **- effective date]**

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

16 SECTION 1. AMENDATORY 63 O.S. 2011, Section 5052, is
17 amended to read as follows:

18 Section 5052. A. Any applicant or recipient, adversely
19 affected by a decision of the Oklahoma Health Care Authority on
20 benefits or services provided pursuant to the provisions of this
21 title, shall be afforded an opportunity for a hearing pursuant to
22 the provisions of subsection B of this section after such applicant
23 or recipient has been notified of the adverse decision of the
24 Authority.

1 B. 1. Upon timely receipt of a request for a hearing as
2 specified in the notice of adverse decision and exhaustion of other
3 available administrative remedies, the Authority shall hold a
4 hearing pursuant to the provisions of rules promulgated by the
5 Oklahoma Health Care Authority Board pursuant to this section.

6 2. The record of the hearing shall include, but shall not be
7 limited to:

- 8 a. all pleadings, motions, and intermediate rulings,
- 9 b. evidence received or considered,
- 10 c. any decision, opinion, or report by the officer
11 presiding at the hearing, and
- 12 d. all staff memoranda or data submitted to the hearing
13 officer or members of the agency in connection with
14 their consideration of the case.

15 3. Oral proceedings shall be electronically recorded by the
16 Authority. Any party may request a copy of the tape recording of
17 such person's administrative hearing or may request a transcription
18 of the tape recording to comply with any federal or state law.

19 C. Any decision of the Authority after such a hearing pursuant
20 to subsection B of this section shall be subject to review by the
21 Administrator of the Oklahoma Health Care Authority or designated
22 administrative law judge upon a timely request for review by the
23 applicant or recipient. The Administrator may only designate an
24 administrative law judge at another state agency, as established in

1 the State Medicaid Plan and approved by the Centers for Medicare and
2 Medicaid Services. The Administrator or designated administrative
3 law judge shall issue a decision after review. A hearing decision
4 of the Authority shall be final and binding unless a review is
5 requested pursuant to the provisions of this subsection. The
6 decision of the Administrator or designated administrative law judge
7 may be appealed to the district court in which the applicant or
8 recipient resides within thirty (30) days of the date of the
9 decision of the Administrator or designated administrative law judge
10 as provided by the provisions of subsection D of this section.

11 D. Any applicant or recipient under this title who is aggrieved
12 by a decision of the Administrator or designated administrative law
13 judge rendered pursuant to this section may petition the district
14 court in which the applicant or recipient resides for a judicial
15 review of the decision pursuant to the provisions of Sections 318
16 through 323 of Title 75 of the Oklahoma Statutes. A copy of the
17 petition shall be served by mail upon the general counsel of the
18 Authority.

19 SECTION 2. This act shall become effective November 1, 2021.
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21 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
22 04/08/2021 - DO PASS, As Amended.
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