

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 469

By: Hicks

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7 AS INTRODUCED

8 An Act relating to the state Medicaid program;
9 requiring coverage of medically necessary pasteurized
10 donor human milk under certain conditions; directing
11 promulgation of rules; authorizing adoption of
12 certain policy or procedure; directing the Authority
to seek certain federal approval; providing for
codification; providing an effective date; and
declaring an emergency.

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

16 SECTION 1. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 5026.1 of Title 63, unless there
18 is created a duplication in numbering, reads as follows:

19 A. The Oklahoma Health Care Authority, to the extent
20 permissible under federal law, shall provide Medicaid coverage for
21 medically necessary pasteurized donor human milk in both a hospital
22 setting and a home setting; provided:

1 1. A physician, physician assistant or Advanced Practice
2 Registered Nurse licensed in this state signs an order stating that
3 such milk is medically necessary for an infant Medicaid beneficiary;

4 2. a. The infant is medically or physically unable to
5 receive maternal breast milk or participate in
6 breastfeeding, or

7 b. The infant's mother is medically or physically unable
8 to produce maternal breast milk in sufficient
9 quantities; and

10 3. Such milk is provided by a donor human milk bank that
11 adheres to quality standards of and is accredited by the Human Milk
12 Banking Association of North America or such other standards or
13 accreditation as may be required by the Authority.

14 B. The Oklahoma Health Care Authority Board shall promulgate
15 rules to implement the provisions of this section including, but not
16 limited to, establishing infant birth weight and health conditions
17 that may make the provision of pasteurized donor human milk
18 medically necessary and time limits for Medicaid coverage of
19 pasteurized donor human milk. The Board may adopt a policy or
20 procedure to implement the provisions of this section while in the
21 process of promulgating rules; provided, such policy or procedure is
22 posted on the Internet website of the Authority prior to adoption of
23 the policy.

1 C. The Authority shall seek any federal approval necessary to
2 implement this section.

3 SECTION 2. This act shall become effective July 1, 2021.

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

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