

1 ENGROSSED SENATE
2 BILL NO. 469

By: Hicks, Garvin, Stanley,
David and Kirt of the
Senate

3
4 and

Bush and Miller of the
House

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

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 a home setting;
22 provided:

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

1 2. a. The infant is medically or physically unable to
2 receive maternal breast milk or participate in
3 breastfeeding, or

4 b. The infant's mother is medically or physically unable
5 to produce maternal breast milk in sufficient
6 quantities; and

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

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

21 C. The Authority shall seek any federal approval necessary to
22 implement this section.

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