

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

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

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 689

By: Pugh of the Senate

and

Miller of the House

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10 COMMITTEE SUBSTITUTE

11 An Act relating to the Oklahoma Health Care
12 Authority; amending 63 O.S. 2011, Section 5009.2,
13 which relates to the Advisory Committee on Medical
14 Care for Public Assistance Recipients; modifying and
15 limiting membership; limiting duration of
16 appointments; specifying duration of chair and vice-
17 chair terms; stating policy; prohibiting certain
18 Oklahoma Health Care Authority contracts from having
19 certain negative impacts; requiring certain contracts
20 to purchase transportation through Oklahoma public
21 transit systems and to respect certain jurisdictional
22 boundaries; requiring certain contracted entities to
23 collaborate with the entity implementing a statewide
24 mobility management program; listing provider
requirements; providing for codification; and
providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2011, Section 5009.2, is
amended to read as follows:

1 Section 5009.2 A. The Advisory Committee on Medical Care for
2 Public Assistance Recipients, created by the Oklahoma Health Care
3 Authority, pursuant to 42 Code of Federal Regulations, Section
4 431.12, for the purpose of advising the Authority about health and
5 medical care services, shall include among its membership of no more
6 than fifteen (15) the following:

7 1. Board-certified physicians and other representatives of the
8 health professions who are familiar with the medical needs of low-
9 income population groups and with the resources available and
10 required for their care. The Advisory Committee shall, at all
11 times, include at least one physician from each of the six classes
12 of physicians listed in Section 725.2 of Title 59 of the Oklahoma
13 Statutes; ~~provided, however,~~ All such physicians and other
14 representatives of the health professions shall be participating
15 providers in the State Medicaid Plan;

16 2. Members of consumers' groups, including, but not limited to:
17 a. Medicaid recipients, and
18 b. representatives from ~~each of the following~~ consumer
19 organizations ~~which represent the interests of:~~
20 ~~(1) people who are economically disadvantaged,~~
21 ~~(2) children,~~
22 ~~(3) the elderly,~~
23 ~~(4) people with mental illness,~~
24 ~~(5) people who are developmentally disabled, and~~

1 ~~(6) people with alcohol or substance abuse problems~~
2 including a member representing nursing homes, a
3 member representing people who are
4 developmentally disabled, and a member
5 representing one or more behavioral health
6 professions;

7 3. The Director of the Department of Human Services, or
8 designee; and

9 4. The Commissioner of Mental Health and Substance Abuse
10 Services, or designee;

11 5. A member approved and appointed by ~~the Oklahoma Academy of~~
12 ~~Pediatrics~~ a state organization or state chapter of a national
13 organization of pediatricians dedicated to the health, safety and
14 well-being of infants, children, adolescents and young adults, who
15 shall:

16 a. monitor provider relations with the Oklahoma Health
17 Care Authority, and

18 b. create a forum to address grievances; and

19 6. A member who is a member or citizen of a federally
20 recognized American Indian tribe or nation whose primary tribal
21 headquarters is located in this state.

22 Beginning on January 1, 2022, appointments made to the Advisory
23 Committee shall be for a duration not to exceed four (4) consecutive
24 calendar years.

1 B. The Advisory Committee shall meet bimonthly to review and
2 make recommendations related to:

3 1. Policy development and program administration;

4 2. Policy changes proposed by the Authority prior to
5 consideration of such changes by the Authority;

6 3. Financial concerns related to the Authority and the
7 administration of the programs under the Authority; and

8 4. Other pertinent information related to the management and
9 operation of the Authority and the delivery of health and medical
10 care services.

11 C. 1. The Administrator of the Authority shall provide such
12 staff support and independent technical assistance as needed by the
13 Advisory Committee to enable the Advisory Committee to make
14 effective recommendations.

15 2. The Advisory Committee shall elect from among its members a
16 chair and a vice-chair who shall serve one-year terms. A member may
17 serve more than one (1), but not more than four (4), consecutive
18 one-year terms as chair or vice-chair. A majority of the members of
19 the Advisory Committee shall constitute a quorum to transact
20 business, but no vacancy shall impair the right of the remaining
21 members to exercise all of the powers of the Advisory Committee.

22 3. Members shall not receive any compensation for their
23 services, but shall be reimbursed pursuant to the provisions of the
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1 State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of
2 the Oklahoma Statutes.

3 D. The Authority shall give due consideration to the comments
4 and recommendations of the Advisory Committee in the Authority's
5 deliberations on policies, administration, management and operation
6 of the Authority.

7 SECTION 2. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 5009.7 of Title 63, unless there
9 is created a duplication in numbering, reads as follows:

10 A. It is the policy of the State of Oklahoma that all state
11 agencies with an interest in public transit should ensure their
12 programs are in alignment with the Oklahoma Public Transit Policy
13 Plan as mandated by Sections 322 through 324 of Title 69 of the
14 Oklahoma Statutes and that state policy and program direction
15 related to public transit and transportation should ensure a
16 coordinated public transit network that meets the mobility needs of
17 all Oklahomans in a safe, reliable, consistent, and economical
18 manner.

19 B. The Oklahoma Health Care Authority, in contracting for
20 nonemergency medical transportation for Medicaid or SoonerCare
21 participants, shall not allow any existing contract to have or award
22 any new contract that will have a negative impact on the financial
23 stability of the state's public transit network as envisioned by the
24 Oklahoma Public Transit Policy Plan.

1 C. The Oklahoma Health Care Authority shall direct any entity
2 contracted to broker or schedule nonemergency medical transportation
3 for Medicaid or SoonerCare participants, whether such contract is
4 between the entity and the Oklahoma Health Care Authority or is an
5 entity subcontracted with an entity under contract with the Oklahoma
6 Health Care Authority, to purchase participants' transportation
7 through Oklahoma public transit systems, as defined by Sections
8 5307, 5310 and 5311 of Title 49 of the United States Code, in all
9 instances where public transit services are available to meet the
10 participants' needs in as cost-effective a manner as other
11 transportation providers meeting the same state and federal
12 regulations, safety and cleanliness standards, and education and
13 training standards as prescribed in subsection E of this section.
14 In purchasing such nonemergency medical transportation, the Oklahoma
15 Health Care Authority and any contracted or subcontracted entity
16 shall first respect the jurisdictional boundaries of such public
17 transit systems as defined by the Office of Mobility and Public
18 Transit at the Oklahoma Department of Transportation.

19 D. Any entity contracted to broker or schedule nonemergency
20 medical transportation for Medicaid or SoonerCare participants,
21 whether such contract is between the entity and the Oklahoma Health
22 Care Authority or is an entity subcontracted with an entity under
23 contract with the Oklahoma Health Care Authority, shall reasonably
24 collaborate with the entity implementing a statewide mobility

1 management program as envisioned by the Oklahoma Public Transit
2 Policy Plan and recognized by the public transit agencies in the
3 state to ensure such trips coordinate with public transit services
4 and human services transportation through the recognized statewide
5 mobility management program.

6 E. In order for any public transit provider or transportation
7 company to provide nonemergency medical transportation for Medicaid
8 or SoonerCare participants, such provider or company shall have a
9 valid certification from the Oklahoma Transit Association affirming
10 that the provider or company has met certain education and training
11 standards, adheres to all state and federal regulations, adheres to
12 industry safety and cleanliness standards and is based in the State
13 of Oklahoma.

14 SECTION 3. This act shall become effective November 1, 2021.

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16 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated
17 04/08/2021 - DO PASS, As Amended.

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