

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 689 By: Pugh of the Senate
3 and
4 Miller of the House
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7 An Act relating to the Oklahoma Health Care
8 Authority; amending 63 O.S. 2011, Section 5009.2,
9 which relates to the Advisory Committee on Medical
10 Care for Public Assistance Recipients; modifying and
11 limiting membership; limiting duration of
12 appointments; specifying duration of chair and vice-
13 chair terms; and providing an effective date.

14 AMENDMENT NO. 1. Delete the title, enacting clause and entire bill
15 and replace with:

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

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

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

4 Section 5009.2 A. The Advisory Committee on Medical Care for
5 Public Assistance Recipients, created by the Oklahoma Health Care
6 Authority, pursuant to 42 Code of Federal Regulations, Section
7 431.12, for the purpose of advising the Authority about health and
8 medical care services, shall include among its membership of no more
9 than fifteen (15) the following:

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

19 2. Members of consumers' groups, including, but not limited to:

- 20 a. Medicaid recipients, and
21 b. representatives from ~~each of the following~~ consumer
22 organizations ~~which represent the interests of:~~
23 ~~(1) people who are economically disadvantaged,~~
24 ~~(2) children,~~

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

10 3. The Director of the Department of Human Services, or
11 designee; and

12 4. The Commissioner of Mental Health and Substance Abuse
13 Services, or designee;

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

19 a. monitor provider relations with the Oklahoma Health
20 Care Authority, and

21 b. create a forum to address grievances; and

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

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

4 B. The Advisory Committee shall meet bimonthly to review and
5 make recommendations related to:

6 1. Policy development and program administration;

7 2. Policy changes proposed by the Authority prior to
8 consideration of such changes by the Authority;

9 3. Financial concerns related to the Authority and the
10 administration of the programs under the Authority; and

11 4. Other pertinent information related to the management and
12 operation of the Authority and the delivery of health and medical
13 care services.

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

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

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

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

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

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

21 B. The Oklahoma Health Care Authority, in contracting for
22 nonemergency medical transportation for Medicaid or SoonerCare
23 participants, shall not allow any existing contract to have or award
24 any new contract that will have a negative impact on the financial

1 stability of the state's public transit network as envisioned by the
2 Oklahoma Public Transit Policy Plan.

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

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

1 contract with the Oklahoma Health Care Authority, shall reasonably
2 collaborate with the entity implementing a statewide mobility
3 management program as envisioned by the Oklahoma Public Transit
4 Policy Plan and recognized by the public transit agencies in the
5 state to ensure such trips coordinate with public transit services
6 and human services transportation through the recognized statewide
7 mobility management program.

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

16 SECTION 3. This act shall become effective November 1, 2021."
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1 Passed the House of Representatives the 19th day of April, 2021.

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4 Presiding Officer of the House of
5 Representatives

6 Passed the Senate the ____ day of _____, 2021.

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9 Presiding Officer of the Senate

1 ENGROSSED SENATE
2 BILL NO. 689

By: Pugh of the Senate

3 and

4 Miller of the House

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7 An Act relating to the Oklahoma Health Care
8 Authority; amending 63 O.S. 2011, Section 5009.2,
9 which relates to the Advisory Committee on Medical
10 Care for Public Assistance Recipients; modifying and
11 limiting membership; limiting duration of
12 appointments; specifying duration of chair and vice-
13 chair terms; and providing an effective date.

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

15 SECTION 4. AMENDATORY 63 O.S. 2011, Section 5009.2, is
16 amended to read as follows:

17 Section 5009.2. A. The Advisory Committee on Medical Care for
18 Public Assistance Recipients, created by the Oklahoma Health Care
19 Authority, pursuant to 42 Code of Federal Regulations, Section
20 431.12, for the purpose of advising the Authority about health and
21 medical care services, shall include among its membership of no more
22 than fifteen (15) the following:

23 1. Board-certified physicians and other representatives of the
24 health professions who are familiar with the medical needs of low-
income population groups and with the resources available and

1 required for their care. The Advisory Committee shall, at all
2 times, include at least one physician from each of the six classes
3 of physicians listed in Section 725.2 of Title 59 of the Oklahoma
4 Statutes; ~~provided, however,~~ All such physicians and other
5 representatives of the health professions shall be participating
6 providers in the State Medicaid Plan;

7 2. Members of consumers' groups, including, but not limited to:

8 a. Medicaid recipients, and

9 b. representatives from ~~each of the following~~ consumer
10 organizations ~~which represent the interests of:~~

11 ~~(1) people who are economically disadvantaged,~~

12 ~~(2) children,~~

13 ~~(3) the elderly,~~

14 ~~(4) people with mental illness,~~

15 ~~(5) people who are developmentally disabled, and~~

16 ~~(6) people with alcohol or substance abuse problems~~

17 including a member representing nursing homes and a

18 member representing one or more behavioral health

19 professions;

20 3. The Director of the Department of Human Services or
21 designee; and

22 4. The Commissioner of Mental Health and Substance Abuse
23 Services or designee;

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1 5. A member approved and appointed by the Oklahoma Academy of
2 Pediatrics a state organization or state chapter of a national
3 organization of pediatricians dedicated to the health, safety and
4 well-being of infants, children, adolescents and young adults, who
5 shall:

6 a. monitor provider relations with the Oklahoma Health
7 Care Authority, and

8 b. create a forum to address grievances; and

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

12 Beginning on January 1, 2022, appointments made to the Advisory
13 Committee shall be for a duration not to exceed three (3)
14 consecutive calendar years.

15 B. The Advisory Committee shall meet bimonthly to review and
16 make recommendations related to:

17 1. Policy development and program administration;

18 2. Policy changes proposed by the Authority prior to
19 consideration of such changes by the Authority;

20 3. Financial concerns related to the Authority and the
21 administration of the programs under the Authority; and

22 4. Other pertinent information related to the management and
23 operation of the Authority and the delivery of health and medical
24 care services.

1 C. 1. The Administrator of the Authority shall provide such
2 staff support and independent technical assistance as needed by the
3 Advisory Committee to enable the Advisory Committee to make
4 effective recommendations.

5 2. The Advisory Committee shall elect from among its members a
6 chair and a vice-chair who shall serve one-year terms. A member may
7 serve more than one (1), but not more than three (3), consecutive
8 one-year terms as chair or vice-chair. A majority of the members of
9 the Advisory Committee shall constitute a quorum to transact
10 business, but no vacancy shall impair the right of the remaining
11 members to exercise all of the powers of the Advisory Committee.

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

16 D. The Authority shall give due consideration to the comments
17 and recommendations of the Advisory Committee in the Authority's
18 deliberations on policies, administration, management and operation
19 of the Authority.

20 SECTION 5. This act shall become effective November 1, 2021.

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