

1 **SENATE FLOOR VERSION**

2 February 28, 2022

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 861

By: Hicks, Matthews, and
Simpson

6
7 An Act relating to health benefit plans; amending 36
8 O.S. 2021, Sections 6060.2 and 6060.4, which relate
9 to coverage for diabetes treatment and child
10 immunization; requiring health benefit plans provide
11 certain coverage; modifying definition; and providing
12 an effective date.

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

14 SECTION 1. AMENDATORY 36 O.S. 2021, Section 6060.2, is
15 amended to read as follows:

16 Section 6060.2. A. 1. Every health benefit plan issued or
17 renewed on or after November 1, 1996, shall, subject to the terms of
18 the policy contract or agreement, include coverage for the following
19 equipment, supplies and related services for the treatment of Type
20 I, Type II, and gestational diabetes, when medically necessary and
21 when recommended or prescribed by a physician or other licensed
22 health care provider legally authorized to prescribe under the laws
23 of this state:

24 a. blood glucose monitors,

b. blood glucose monitors to the legally blind,

- c. test strips for glucose monitors,
- d. visual reading and urine testing strips,
- e. insulin,
- f. injection aids,
- g. cartridges for the legally blind,
- h. syringes,
- i. insulin pumps and appurtenances thereto,
- j. insulin infusion devices,
- k. oral agents for controlling blood sugar, and
- l. podiatric appliances for prevention of complications associated with diabetes.

2. The State Board of Health shall develop and annually update, by rule, a list of additional diabetes equipment, related supplies and health care provider services that are medically necessary for the treatment of diabetes, for which coverage shall also be included, subject to the terms of the policy, contract, or agreement, if the equipment and supplies have been approved by the federal Food and Drug Administration (FDA). Additional FDA-approved diabetes equipment and related supplies, and health care provider services shall be determined in consultation with a national diabetes association affiliated with this state, and at least three (3) medical directors of health benefit plans, to be selected by the State Department of Health.

1 3. All policies specified in this section shall also include
2 coverage for:

3 a. podiatric health care provider services as are deemed
4 medically necessary to prevent complications from
5 diabetes, and

6 b. diabetes self-management training. As used in this
7 subparagraph, "diabetes self-management training"
8 means instruction in an inpatient or outpatient
9 setting which enables diabetic patients to understand
10 the diabetic management process and daily management
11 of diabetic therapy as a method of avoiding frequent
12 hospitalizations and complications. Diabetes self-
13 management training shall comply with standards
14 developed by the State Board of Health in consultation
15 with a national diabetes association affiliated with
16 this state and at least three medical directors of
17 health benefit plans selected by the State Department
18 of Health. Coverage for diabetes self-management
19 training, including medical nutrition therapy relating
20 to diet, caloric intake, and diabetes management, but
21 excluding programs the only purpose of which are
22 weight reduction, shall be limited to the following:

- 23 (1) visits medically necessary upon the diagnosis of
24 diabetes,

- 1 (2) a physician diagnosis which represents a
2 significant change in the symptoms or condition
3 of the patient making medically necessary changes
4 in the self-management of the patient, and
5 (3) visits when reeducation or refresher training is
6 medically necessary;

7 provided, however, payment for the coverage required for diabetes
8 self-management training pursuant to the provisions of this section
9 shall be required only upon certification by the health care
10 provider providing the training that the patient has successfully
11 completed diabetes self-management training.

12 4. Diabetes self-management training shall be supervised by a
13 licensed physician or other licensed health care provider legally
14 authorized to prescribe under the laws of this state. Diabetes
15 self-management training may be provided by the physician or other
16 appropriately registered, certified, or licensed health care
17 professional as part of an office visit for diabetes diagnosis or
18 treatment. Training provided by appropriately registered,
19 certified, or licensed health care professionals may be provided in
20 group settings where practicable.

21 5. Coverage for diabetes self-management training and training
22 related to medical nutrition therapy, when provided by a registered,
23 certified, or licensed health care professional, shall also include
24 home visits when medically necessary and shall include instruction

1 in medical nutrition therapy only by a licensed registered dietician
2 or licensed certified nutritionist when authorized by the
3 supervising physician of the patient when medically necessary.

4 6. Coverage may be subject to the same annual deductibles or
5 coinsurance as may be deemed appropriate and as are consistent with
6 those established for other covered benefits within a given policy.

7 7. Any ~~carrier~~ health benefit plan, as defined pursuant to
8 Section 6060.4 of this title, that provides coverage for insulin
9 pursuant to this section shall cap the total amount that a covered
10 person is required to pay for insulin at an amount not to exceed
11 Thirty Dollars (\$30.00) per thirty-day supply or Ninety Dollars
12 (\$90.00) per ninety-day supply of insulin for each covered insulin
13 prescription, regardless of the amount or type of insulin needed to
14 fill the prescription or prescriptions of the covered person.

15 a. Nothing in this paragraph shall prevent a ~~carrier~~
16 health benefit plan from reducing the cost-sharing of
17 a covered person to an amount less than Thirty Dollars
18 (\$30.00) per thirty-day supply or Ninety Dollars
19 (\$90.00) per ninety-day supply.

20 b. The Insurance Commissioner shall ensure all ~~carriers~~
21 health benefit plans comply with the requirements of
22 this paragraph.

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1 c. The Commissioner may promulgate rules as necessary to
2 implement and administer the requirements of this
3 paragraph and to align with federal requirements.

4 B. 1. Health benefit plans shall not reduce or eliminate
5 coverage due to the requirements of this section.

6 2. Enforcement of the provisions of this act shall be performed
7 by the Insurance Department and the State Department of Health.

8 C. As used in this section, "health benefit plan" means any
9 plan or arrangement as defined in subsection C of Section 6060.4 of
10 this title.

11 SECTION 2. AMENDATORY 36 O.S. 2021, Section 6060.4, is
12 amended to read as follows:

13 Section 6060.4. A. A health benefit plan delivered, issued for
14 delivery or renewed in this state on or after January 1, 1998, that
15 provides benefits for the dependents of an insured individual shall
16 provide coverage for each child of the insured, from birth through
17 the date the child is eighteen (18) years of age for:

18 1. Immunization against:

19 a. diphtheria,

20 b. hepatitis B,

21 c. measles,

22 d. mumps,

23 e. pertussis,

24 f. polio,

- 1 g. rubella,
- 2 h. tetanus,
- 3 i. varicella,
- 4 j. haemophilus influenzae type B, and
- 5 k. hepatitis A; and

6 2. Any other immunization subsequently required for children by
7 the State Board of Health.

8 B. Benefits required pursuant to subsection A of this section
9 shall not be subject to a deductible, co-payment, or coinsurance
10 requirement.

11 C. ~~1.~~ For purposes of this section, "health benefit plan"
12 means ~~a plan that:~~

- 13 ~~a. provides benefits for medical or surgical expenses~~
14 ~~incurred as a result of a health condition, accident,~~
15 ~~or sickness, and~~
- 16 ~~b. is offered by any insurance company, group hospital~~
17 ~~service corporation, the State and Education Employees~~
18 ~~Group Insurance Board, or health maintenance~~
19 ~~organization that delivers or issues for delivery an~~
20 ~~individual, group, blanket, or franchise insurance~~
21 ~~policy or insurance agreement, a group hospital~~
22 ~~service contract, or an evidence of coverage, or, to~~
23 ~~the extent permitted by the Employee Retirement Income~~
24 ~~Security Act of 1974, 29 U.S.C., Section 1001 et seq.,~~

1 ~~by a multiple employer welfare arrangement as defined~~
2 ~~in Section 3 of the Employee Retirement Income~~
3 ~~Security Act of 1974, or any other analogous benefit~~
4 ~~arrangement, whether the payment is fixed or by~~
5 ~~indemnity.~~

6 ~~2. The term "health benefit plan" shall not include:~~

7 ~~a. a plan that provides coverage:~~

8 ~~(1) only for a specified disease or diseases or under~~
9 ~~an individual limited benefit policy,~~

10 ~~(2) only for accidental death or dismemberment,~~

11 ~~(3) only for dental or vision care,~~

12 ~~(4) a hospital confinement indemnity policy,~~

13 ~~(5) disability income insurance or a combination of~~
14 ~~accident-only and disability income insurance, or~~

15 ~~(6) as a supplement to liability insurance,~~

16 ~~b. a Medicare supplemental policy as defined by Section~~

17 ~~1882 (g) (1) of the Social Security Act (42 U.S.C.,~~

18 ~~Section 1395ss),~~

19 ~~c. workers' compensation insurance coverage,~~

20 ~~d. medical payment insurance issued as part of a motor~~
21 ~~vehicle insurance policy,~~

22 ~~e. a long term care policy, including a nursing home~~

23 ~~fixed indemnity policy, unless a determination is made~~

24 ~~that the policy provides benefit coverage so~~

1 ~~comprehensive that the policy meets the definition of~~
2 ~~a health benefit plan, or~~
3 ~~f. short term health insurance issued on a nonrenewable~~
4 ~~basis with a duration of six (6) months or less~~
5 group hospital or medical insurance coverage, a not-for-profit
6 hospital or medical service or indemnity plan, a prepaid health
7 plan, a health maintenance organization plan, a preferred provider
8 organization plan, the State and Education Employees Group Health
9 Insurance Plan, and coverage provided by a Multiple Employer Welfare
10 Arrangement or employee self-insured plan as permitted under
11 Employee Retirement Income Security Act of 1974.

12 SECTION 3. This act shall become effective November 1, 2022.

13 COMMITTEE REPORT BY: COMMITTEE ON RETIREMENT AND INSURANCE
14 February 28, 2022 - DO PASS AS AMENDED
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