

**SENATE CHAMBER**  
**STATE OF OKLAHOMA**

DISPOSITION

FLOOR AMENDMENT

No. \_\_\_\_\_

\_\_\_\_\_

COMMITTEE AMENDMENT

\_\_\_\_\_

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 1219, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

\_\_\_\_\_  
Senator McCortney

McCortney-DC-FS-Req#4016  
3/9/2020 5:37 PM

(Floor Amendments Only) Date and Time Filed: \_\_\_\_\_

Untimely

Amendment Cycle Extended

Secondary Amendment

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 FLOOR SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 1219

By: McCortney of the Senate

and

McEntire of the House

7  
8  
9 FLOOR SUBSTITUTE

10 [ Oklahoma Health Care Authority - federal approval -  
11 coverage under state Medicaid program - state  
12 Exchange - definitions - Oklahoma Plan - enrollees -  
13 copayments - funds - benefits - health insurer  
14 requirements - codification -  
15 ~~emergency~~ ]

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

17 SECTION 1. NEW LAW A new section of law to be codified  
18 in the Oklahoma Statutes as Section 5040.1 of Title 63, unless there  
19 is created a duplication in numbering, reads as follows:

20 The Oklahoma Health Care Authority shall apply to the Secretary  
21 of the United States Department of Health and Human Services for any  
22 necessary federal approval to:

23 1. Allow the Authority to enter into contracts with commercial  
24 health insurers to facilitate the purchase of commercial health

1 plans through the Exchange created in Section 3 of this act to  
2 provide coverage to individuals who enroll in the Oklahoma Plan;

3 2. Seek the increased Federal Medical Assistance Percentage  
4 (FMAP) pursuant to subsection y of Section 1905 of the Social  
5 Security Act for newly eligible Medicaid enrollees in the Oklahoma  
6 Plan;

7 3. Seek the federal financial participation for administrative  
8 expenses;

9 4. Allow an individual who is determined eligible for advance  
10 payments of the premium tax credit and cost-sharing reductions under  
11 45 C.F.R., Section 155.305 to use such credits and reductions to  
12 purchase coverage through the Oklahoma Plan; and

13 5. Implement the additional provisions of this act.

14 SECTION 2. NEW LAW A new section of law to be codified  
15 in the Oklahoma Statutes as Section 5040.2 of Title 63, unless there  
16 is created a duplication in numbering, reads as follows:

17 Upon federal approval of the State Plan Amendment submitted by  
18 the Oklahoma Health Care Authority in March 2020 as directed by the  
19 Governor, the Oklahoma Health Care Authority shall expand coverage  
20 under the state Medicaid program to any individual:

21 1. Who is not less than nineteen (19) years of age and not more  
22 sixty-four (64) years of age; and

23 2. Whose household income does not exceed one hundred thirty-  
24 eight percent (138%) of the federal poverty level (FPL) guidelines.

1 SECTION 3. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 5040.3 of Title 63, unless there  
3 is created a duplication in numbering, reads as follows:

4 Upon receipt of all necessary federal approval as provided in  
5 Section 1 of this act, the Oklahoma Health Care Authority shall  
6 create a state Exchange for the purchase of qualified health plans  
7 under the Patient Protection and Affordable Care Act, P.L. 111-148,  
8 as amended by the Health Care and Education Reconciliation Act of  
9 2010, P.L. 111-152. Additionally, the Authority shall use the  
10 Exchange to facilitate the purchase of commercial health plans under  
11 the Oklahoma Plan by all other individuals listed in subsection C of  
12 Section 4 of this act.

13 SECTION 4. NEW LAW A new section of law to be codified  
14 in the Oklahoma Statutes as Section 5040.4 of Title 63, unless there  
15 is created a duplication in numbering, reads as follows:

16 A. As used in this section:

17 1. "Exchange" means:

- 18 a. until the state Exchange is operational, the federal  
19 Exchange of qualified health plans for the Patient  
20 Protection and Affordable Care Act, P.L. 111-148, as  
21 amended by the Health Care and Education  
22 Reconciliation Act of 2010, P.L. 111-152, and
- 23 b. once the state Exchange is operational, the state  
24 Exchange created in Section 3 of this act; and

1           2. "Newly eligible Medicaid enrollee" means any individual who  
2 is eligible for Medicaid under the provisions of Section 2 of this  
3 act.

4           B. The Oklahoma Health Care Authority shall establish the  
5 Oklahoma Plan. The Oklahoma Plan shall be a health insurance  
6 program consisting of individual commercial health insurance plans  
7 which shall provide coverage through commercial health insurers to  
8 all individuals listed in subsection C of this section. The  
9 Authority shall be responsible for the administration and oversight  
10 of the Oklahoma Plan.

- 11           C. 1. Enrollees in the Oklahoma Plan shall consist of:
- 12           a. enrollees in the current populations of the state  
13           Medicaid program,
  - 14           b. newly eligible Medicaid enrollees,
  - 15           c. all state employees, education employees and  
16           dependents as such terms are defined in Section 1303  
17           of Title 74 of the Oklahoma Statutes who receive  
18           coverage through the Employees Group Insurance  
19           Division of the Office of Management and Enterprise  
20           Services,
  - 21           d. all individuals who receive coverage through a  
22           qualified health plan under the Patient Protection and  
23           Affordable Care Act, P.L. 111-148, as amended by the  
24

1 Health Care and Education Reconciliation Act of 2010,  
2 P.L. 111-152, purchased through the Exchange, and  
3 e. all individuals who receive coverage through the  
4 Insure Oklahoma program, whether the individual is an  
5 enrollee in the employer-sponsored insurance plan or  
6 the individual plan.

7 2. In addition to the enrollees listed in paragraph 1 of this  
8 subsection, any individual in this state who receives coverage for  
9 the individual and any dependents of the individual through one or  
10 more health plans from a commercial health insurer may enroll in the  
11 Oklahoma Plan.

12 3. Each enrollee in the Oklahoma Plan shall be responsible for  
13 paying copayments on a sliding scale, depending on income, in  
14 amounts to be determined by the Authority.

15 D. Upon receipt of all necessary federal approval as provided  
16 in Section 1 of this act, the Oklahoma Health Care Authority shall  
17 utilize matching funds from the increased Federal Medical Assistance  
18 Percentage (FMAP) rate for newly eligible Medicaid enrollees in the  
19 Oklahoma Plan. The Authority may utilize funds from the federal  
20 financial participation referenced in Section 1 of this act for  
21 administrative expenses associated with the Oklahoma Plan.

22 E. Individual commercial health plans in the Oklahoma Plan  
23 shall, at a minimum, cover all essential health benefits covered  
24 under the Insure Oklahoma program as provided in Section 1010.1 et

1 seq. of Title 56 of the Oklahoma Statutes and those required by the  
2 Patient Protection and Affordable Care Act, P.L. 111-148, as amended  
3 by the Health Care and Education Reconciliation Act of 2010, P.L.  
4 111-152.

5 F. Each commercial health insurer who offers one or more plans  
6 on the Exchange shall:

7 1. Establish for all health plans on the Exchange a program in  
8 which enrollees are incentivized to shop for and choose low-cost,  
9 high-quality participating providers for comparable health care  
10 services. Incentives shall include but are not limited to cash  
11 payments, reductions of premiums, copayments or deductibles; and

12 2. Establish and maintain an interactive website and a toll-  
13 free telephone number enabling an enrollee to obtain information on  
14 the estimated costs for obtaining a comparable health care service  
15 from network providers, as well as quality data for those providers  
16 to the extent this data is available.

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

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22 57-2-4016 DC 3/9/2020 5:37:45 PM

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