

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL 712

By: Rosino of the Senate

and

6 McEntire of the House

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9 COMMITTEE SUBSTITUTE

10 An Act relating to hospitals; defining terms;  
11 requiring the Department of Mental Health and  
12 Substance Abuse Services to provide emergency opioid  
13 antagonists to hospitals subject to certain  
14 condition; requiring State Department of Health to  
15 provide certain technical assistance; defining terms;  
16 requiring hospitals to provide certain persons with  
17 emergency opioid antagonist upon discharge except  
18 under certain conditions; specifying applicability of  
19 certain requirement; providing exception; authorizing  
20 hospital to seek reimbursement under certain  
21 conditions; requiring certain reimbursement to  
22 hospital; requiring provision of certain information  
23 and resources to patient; providing certain  
24 construction; providing certain immunities; providing  
for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 2-401.2 of Title 43A, unless  
there is created a duplication in numbering, reads as follows:

A. As used in this section:

1 1. "Emergency opioid antagonist" means a drug including but not  
2 limited to naloxone that blocks the effects of opioids and that is  
3 approved by the United States Food and Drug Administration for the  
4 treatment of an opioid overdose; and

5 2. "Health benefit plan" has the same meaning as provided by  
6 Section 6060.4 of Title 36 of the Oklahoma Statutes.

7 B. Subject to allocation of federal funding for the purchase of  
8 emergency opioid antagonists, the Department of Mental Health and  
9 Substance Abuse Services shall provide emergency opioid antagonists  
10 to hospitals for provision by hospitals of emergency opioid  
11 antagonists to patients not covered by the state Medicaid program or  
12 by a health benefit plan as described in subsection C of Section 2  
13 of this act.

14 C. The State Department of Health shall provide necessary  
15 technical assistance for the implementation of this section and  
16 Section 2 of this act.

17 SECTION 2. NEW LAW A new section of law to be codified  
18 in the Oklahoma Statutes as Section 1-706.21 of Title 63, unless  
19 there is created a duplication in numbering, reads as follows:

20 A. As used in this section:

21 1. "Emergency opioid antagonist" means a drug including but not  
22 limited to naloxone that blocks the effects of opioids and that is  
23 approved by the United States Food and Drug Administration for the  
24 treatment of an opioid overdose; and

1           2. "Health benefit plan" has the same meaning as provided by  
2 Section 6060.4 of Title 36 of the Oklahoma Statutes.

3           B. A hospital shall provide a person who presents to an  
4 emergency department with symptoms of an opioid overdose, opioid use  
5 disorder, or other adverse event related to opioid use with two  
6 doses of an emergency opioid antagonist upon discharge, unless:

7           1. The treating practitioner determines in his or her clinical  
8 and professional judgment that dispensing or distributing the  
9 emergency opioid antagonist is not appropriate or the practitioner  
10 has confirmed that the patient already has at least two doses of an  
11 emergency opioid antagonist; or

12           2. The hospital is not required to provide the emergency opioid  
13 antagonist due to the conditions described in paragraph 2 of  
14 subsection C of this section.

15           C. 1. The provisions of subsection B of this section shall  
16 apply without exception in cases where a patient is covered by the  
17 state Medicaid program or by a health benefit plan.

18           2. The provisions of subsection B of this section shall apply  
19 in cases where a patient is not covered by the state Medicaid  
20 program or by a health benefit plan only if the hospital receives a  
21 supply of one or more emergency opioid antagonists from the  
22 Department of Mental Health and Substance Abuse Services under  
23 Section 1 of this act.

1 D. 1. In cases where a patient who is provided an emergency  
2 opioid antagonist under this section is covered under the state  
3 Medicaid program, the hospital may bill the state Medicaid program  
4 for the emergency opioid antagonist utilizing the appropriate  
5 billing codes established by the Oklahoma Health Care Authority.  
6 The state Medicaid program shall reimburse such claims in accordance  
7 with applicable law, rules, and contract terms. This billing shall  
8 be separate from and in addition to the payment for the other  
9 services provided during the hospital visit.

10 2. In cases where a patient who is provided an emergency opioid  
11 antagonist under this section is covered by a health benefit plan,  
12 the hospital may bill the patient's health benefit plan for the cost  
13 of the emergency opioid antagonist, and the health plan shall  
14 reimburse such claims.

15 E. When a hospital dispenses or distributes an emergency opioid  
16 antagonist, it shall provide:

17 1. Directions for use; and

18 2. Information and resources about medication for opioid use  
19 disorder and harm reduction strategies and services which may be  
20 available, such as substance use disorder treatment services and  
21 substance use disorder peer counselors.

22 This information shall be available in all languages relevant to  
23 the communities that the hospital serves.

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1 F. This section does not prohibit a hospital from dispensing an  
2 emergency opioid antagonist to a patient at no cost to the patient  
3 and at no cost to a third-party payor out of the hospital's  
4 prepurchased supply.

5 G. Nothing in this section prohibits or modifies a hospital's  
6 ability or responsibility to bill a patient's health benefit plan or  
7 to provide financial assistance as required by state or federal law.

8 H. A hospital, its employees, and its practitioners are immune  
9 from suit in any action, civil or criminal, or from professional or  
10 other disciplinary action, for action or inaction in compliance with  
11 this section.

12 SECTION 3. This act shall become effective November 1, 2023.

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