

1 ENGROSSED SENATE
2 BILL NO. 712

By: Rosino of the Senate

and

McEntire and Waldron of the
House

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6 An Act relating to hospitals; defining terms;
7 requiring the Department of Mental Health and
8 Substance Abuse Services to distribute emergency
9 opioid antagonists to hospitals subject to certain
10 condition; requiring State Department of Health to
11 provide certain technical assistance; defining terms;
12 requiring hospitals to distribute emergency opioid
13 antagonist to certain persons upon discharge except
14 under certain conditions; specifying applicability of
15 certain requirement; providing exception; allowing
16 hospital to utilize certain individuals for
17 distribution of emergency opioid antagonists;
18 authorizing hospital to seek reimbursement under
19 certain conditions; requiring certain reimbursement
20 to hospital; requiring provision of certain
21 information and resources to patient; providing
22 certain construction; granting certain immunities;
23 providing for codification; and providing an
24 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. "Emergency opioid antagonist" means a drug including but not
limited to naloxone that blocks the effects of opioids and that is

1 approved by the United States Food and Drug Administration for the
2 treatment of an opioid overdose; and

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

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

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

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

18 A. As used in this section:

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

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

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

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

10 2. The hospital is not required to distribute the emergency
11 opioid antagonist due to the conditions described in paragraph 2 of
12 subsection C of this section.

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

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

22 D. To comply with the requirements of this section, a hospital
23 may, notwithstanding any other provision of state law, utilize any
24 of the following individuals employed by or under contract with the

1 hospital to distribute emergency opioid antagonists under this
2 section:

3 1. Any health care provider licensed or certified in this state
4 including, but not limited to, a licensed pharmacist; or

5 2. Any mental health or substance abuse provider licensed or
6 certified in this state.

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

16 2. In cases where a patient to whom an opioid antagonist is
17 distributed under this section is covered by a health benefit plan,
18 the hospital may bill the patient's health benefit plan for the cost
19 of the emergency opioid antagonist, and the health plan shall
20 reimburse such claims.

21 F. When a hospital distributes an emergency opioid antagonist,
22 it shall provide:

23 1. Directions for use; and
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1 2. Information and resources about medication for opioid use
2 disorder and harm reduction strategies and services which may be
3 available, such as substance use disorder treatment services and
4 substance use disorder peer counselors.

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

7 G. This section does not prohibit a hospital from distributing
8 an emergency opioid antagonist to a patient at no cost to the
9 patient and at no cost to a third-party payor out of the hospital's
10 prepurchased supply.

11 H. Nothing in this section prohibits or modifies a hospital's
12 ability or responsibility to bill a patient's health benefit plan or
13 to provide financial assistance as required by state or federal law.

14 I. A hospital, its employees, its contractors, and its
15 practitioners are immune from suit in any action, civil or criminal,
16 or from professional or other disciplinary action, for action or
17 inaction in compliance with this section.

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

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