

1 ENGROSSED SENATE
2 BILL NO. 1694

By: Quinn of the Senate

and

McEntire of the House

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6 An Act relating to mandated health insurance
7 coverage; amending Section 1, Chapter 92, O.S.L. 2016
8 (36 O.S. Supp. 2019, Section 6011), which relates to
9 mandated health insurance coverage; creating the
10 Oklahoma Health Insurance Mandate Legislation
11 Actuarial Analysis Act; defining terms; requiring
12 certain bills be sent to Legislative Actuary;
13 establishing procedure for introduction of mandate
14 bills; establishing procedure for consideration of
15 mandate bills in committee; requiring certain bills
16 be subject to full actuarial investigation; requiring
17 Legislative Actuary to complete investigation on
18 mandate bills by certain date; requiring actuarial
19 investigation be attached to certain documents;
20 establishing procedure for amending mandate bills;
21 establishing procedure for consideration of mandate
22 bills in Legislature after investigation; requiring
23 certain documents be attached to certain enrolled
24 bills; amending 74 O.S. 2011, Section 452.15, which
relates to Legislative Actuary duties; modifying
purpose of hiring Actuary; adding required experience
for certain hiring; 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 6010 of Title 36, unless there
is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma Health
Insurance Mandate Legislation Actuarial Analysis Act".

1 SECTION 2. AMENDATORY Section 1, Chapter 92, O.S.L. 2016
2 (36 O.S. Supp. 2019, Section 6011), is amended to read as follows:

3 Section 6011. ~~Any mandated health insurance coverage signed~~
4 ~~into law after November 1, 2016, for specific health services,~~
5 ~~benefits, diseases, copay structure, formulary structure or for~~
6 ~~certain providers of health care services shall also apply to the~~
7 ~~Oklahoma Employees Health Insurance Plan.~~

8 As used in this section, act:

9 1. "Amendment" means any amendment including a substitute bill,
10 which includes a mandate on a health plan, and is made:

11 a. by any committee, author or committee member of the
12 House of Representatives or Senate committee, as a
13 committee amendment or substitute bill,

14 b. by any member of the Legislature, as a floor amendment
15 or substitute bill, or

16 c. by a conference committee of the House of
17 Representatives or Senate;

18 2. "Health plan" means an insurance plan that:

19 a. provides benefits for medical or surgical expenses
20 incurred as a result of a health condition, accident
21 or sickness, and

22 b. is offered by any insurance company, group hospital
23 service corporation, the State and Education Employees
24 Group Insurance Board, health maintenance organization

1 that delivers or issues for delivery an individual,
2 group, blanket or franchise insurance policy or
3 insurance agreement, a group hospital service contract
4 or an evidence of coverage or by a multiple employer
5 welfare arrangement, as defined in Section 3 of the
6 Employee Retirement Income Security Act of 1974, to
7 the extent permitted or any other analogous benefit
8 arrangement, whether the payment is fixed or by
9 indemnity;

10 3. "Legislative Actuary" means the firm or entity that enters
11 into a contract with the Legislative Service Bureau pursuant to
12 Section 452.15 of Title 74 of the Oklahoma Statutes to provide the
13 actuarial services and other duties provided for in this act;

14 4. "Mandate" means required coverage for services specified by
15 law, treatments, benefits, productions, drugs, conditions,
16 providers, provider reimbursement levels, copay structures or
17 utilization of specific administrative services;

18 5. "Mandate bill" means any bill or joint resolution introduced
19 or amended by a member or a committee of the Legislature that
20 creates or amends any law mandating a health plan to provide
21 coverage;

22 6. "Oklahoma Employees Health Insurance Plan" shall have the
23 same meaning as "health insurance plan" as defined in Section 1303
24 of Title 74 of the Oklahoma Statutes; and

1 7. "Physician" means a doctor of medicine or a doctor of
2 osteopathic medicine licensed by and in good standing with the State
3 Board of Medical Licensure and Supervision, the State Board of
4 Osteopathic Examiners or the Board of Podiatric Medical Examiners.

5 SECTION 3. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 6012 of Title 36, unless there
7 is created a duplication in numbering, reads as follows:

8 Prior to the introduction of any bill or joint resolution
9 mandating a health plan to provide coverage, the applicable
10 legislative staff, on behalf of the member of the Legislature who
11 intends to be the primary author of the bill, shall present an exact
12 copy of the proposed bill to the Legislative Actuary. The Actuary
13 shall determine whether the proposed bill is a mandate bill having a
14 fiscal impact on insurance premiums or a mandate bill not having a
15 fiscal impact on insurance premiums and provide a written
16 certification of that determination to the member. If the proposed
17 bill is then introduced into the Legislature, it shall have attached
18 the certification of the Actuary. If the bill is certified as a
19 mandate bill having a fiscal impact, its introduction shall be
20 limited by the provisions of this act.

21 SECTION 4. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 6013 of Title 36, unless there
23 is created a duplication in numbering, reads as follows:

1 A. Except as otherwise provided in this subsection, any bill or
2 joint resolution mandating a health plan to provide coverage that
3 has a fiscal impact on insurance premiums may be introduced
4 according to the applicable deadlines established by the House of
5 Representatives or the Senate only in any odd-numbered year during
6 the regular session. It may be passed by the Legislature only
7 during an even-numbered year of the regular session. Any mandate
8 bill determined by the Legislative Actuary in an even-numbered year
9 to be a fiscal mandate bill may be introduced in an even-numbered
10 year but shall not be considered by the Legislature.

11 B. When a mandate bill having a fiscal impact is introduced, it
12 shall be assigned to the respective House of Representatives or
13 Senate standing committee or subcommittee that is responsible for
14 the consideration of health insurance legislation. If a majority of
15 the total membership of such committee is opposed to the bill on its
16 merits, no actuarial investigation provided for in this act shall be
17 necessary and the bill shall not be reported out by the committee
18 and shall not be adopted or considered by the Legislature. If a
19 majority of the committee votes in favor of an actuarial
20 investigation of the bill, the investigation shall be required as
21 provided in this act. No mandate bill having a fiscal impact may be
22 reported out of the committee to which it is assigned or considered
23 and adopted by the House of Representatives or Senate without an
24 actuarial investigation.

1 SECTION 5. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 6014 of Title 36, unless there
3 is created a duplication in numbering, reads as follows:

4 A. A bill or joint resolution mandating a health plan to
5 provide coverage that has a fiscal impact on insurance premiums that
6 the committee may consider may be amended, if necessary, by the
7 committee. If a mandate bill having a fiscal impact is changed by
8 the committee to which it is assigned, the change shall be
9 accomplished only by a substitute bill.

10 B. Immediately after a mandate bill having a fiscal impact has
11 been considered and the committee has voted in favor of an actuarial
12 investigation, the chair of the committee to which the bill was
13 assigned shall transmit an exact copy of the bill, as amended by a
14 substitute bill by the committee, if applicable, to the Legislative
15 Actuary. The submission of the bill to the Actuary shall have
16 attached a letter signed by the chair of the committee requesting
17 the Actuary to complete an actuarial investigation of the bill.

18 SECTION 6. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 6015 of Title 36, unless there
20 is created a duplication in numbering, reads as follows:

21 A. If an actuarial investigation of a bill or joint resolution
22 mandating a health plan to provide coverage having a fiscal impact
23 on insurance premiums is requested under this act, it shall be the
24 duty of the Legislative Actuary to complete his or her investigation

1 not later than December 1 of the same year during which the request
2 for the actuarial investigation was made.

3 B. By no later than December 1 of the same year that the
4 request for an actuarial investigation is made, the completed
5 actuarial investigation shall be submitted by the Actuary to the
6 chair of the committee who requested the investigation. It shall
7 include a summary of the findings of the Actuary.

8 C. The chair of the committee, upon receipt of the information
9 provided for under subsection B of this section, shall cause the
10 summary of the actuarial investigation to be attached to all copies
11 of the version of the bill that was submitted to the Actuary and
12 shall make the bill available to committee members, other
13 legislators and any other interested parties. The summary of the
14 actuarial investigation shall be attached to the original version of
15 the substitute bill, as amended by the committee if applicable, or
16 to the original version of the bill as introduced if the bill was
17 not changed by the committee prior to its submission to the Actuary
18 for actuarial investigation.

19 SECTION 7. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 6016 of Title 36, unless there
21 is created a duplication in numbering, reads as follows:

22 A. When a bill or joint resolution mandating a health plan to
23 provide coverage having a fiscal impact on insurance premiums has
24 had an actuarial investigation pursuant to this act, the bill may be

1 considered at the next regular session of the Legislature, if the
2 bill as originally introduced was not changed by the committee and
3 the original version was submitted to the Legislative Actuary for an
4 actuarial investigation. Provided, however, that the original
5 version of the bill is the only one, except as otherwise provided by
6 this section, that may be considered by the committee to which it is
7 assigned or by the House of Representatives or the Senate. If the
8 original bill was substituted by the committee and the substitute
9 version was the version submitted to the Actuary, the substitute
10 bill is the only one, except as otherwise provided by this section,
11 that may be considered by the committee or by the House of
12 Representatives or the Senate.

13 B. After completion of an actuarial investigation, any
14 amendment to a mandate bill having a fiscal impact shall be out of
15 order and shall not be allowed either by a committee or by the House
16 of Representatives or the Senate without submission to the
17 Legislative Actuary. Any amendment to a mandate bill having a
18 fiscal impact shall be submitted to the Actuary by the chair of the
19 committee, if a committee amendment, or by the Presiding Officer of
20 the Senate or the House of Representatives on the day the amendment
21 is filed, if a floor amendment. If the Actuary certifies in writing
22 that the amendment is a nonfiscal amendment and provides an
23 actuarial certification as required in this act, then the bill as
24 amended, with the certification attached to the original of the

1 amendment, may continue in the legislative process. If the Actuary
2 issues a certification that the amendment is a fiscal amendment, the
3 progress of the bill shall end and the bill shall not be considered
4 further by either the House of Representatives or the Senate.

5 C. An amendment to a mandate bill having a fiscal impact that
6 is prohibited by subsection B of this section may be withdrawn by
7 the committee that made the amendment, if a committee amendment, or
8 by the Senate or House of Representatives, if a floor amendment. If
9 the amendment is withdrawn, the bill may continue in the legislative
10 process as any other bill, unless it is subsequently amended.

11 SECTION 8. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 6017 of Title 36, unless there
13 is created a duplication in numbering, reads as follows:

14 The enrolled act resulting from a bill that is subject to the
15 legislative procedures provided for in this act shall have attached
16 thereto the original or a true and correct copy of all certificates
17 and summaries of actuarial investigations submitted by the
18 Legislative Actuary pursuant to the requirements of this act.

19 SECTION 9. AMENDATORY 74 O.S. 2011, Section 452.15, is
20 amended to read as follows:

21 Section 452.15. A. The Legislative Service Bureau is
22 authorized and directed to enter into a contract with a person or
23 firm for the purposes of performing the services and duties of the
24 Legislative Actuary as provided for in the Oklahoma Pension

1 Legislation Actuarial Analysis Act and the Oklahoma Health Insurance
2 Mandate Legislation Actuarial Analysis Act.

3 B. The person or firm who shall perform the duties of the
4 Legislative Actuary for an analysis for the Oklahoma Pension
5 Legislation Actuarial Analysis Act shall:

6 1. Be a member of the American Academy of Actuaries, an
7 Associate or Fellow of the Society of Actuaries or an enrolled
8 actuary; and

9 2. Have substantially provided actuarial services for large,
10 public retirement systems.

11 C. The person or firm who shall perform the duties of the
12 Legislative Actuary for an analysis for the Oklahoma Health
13 Insurance Mandate Legislation Actuarial Analysis Act shall:

14 1. Be a member of the American Academy of Actuaries, an
15 Associate or Fellow of the Society of Actuaries or an enrolled
16 actuary;

17 2. Have substantially provided actuarial services for a large
18 health plan when selected for an analysis for the Oklahoma Health
19 Insurance Mandate Legislation Actuarial Analysis Act; and

20 3. Not currently be employed by or have any contract for
21 employment with an insurer offering a health plan in this state, as
22 defined in this act.

23 SECTION 10. This act shall become effective November 1, 2020.

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1 Passed the Senate the 11th day of March, 2020.

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Presiding Officer of the Senate

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5 Passed the House of Representatives the ____ day of _____,

6 2020.

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Presiding Officer of the House
of Representatives

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