

1 **SENATE FLOOR VERSION**

2 April 8, 2019

3 ENGROSSED HOUSE
4 BILL NO. 2591

By: Echols, Roberts (Sean),
Sanders, Russ, Lawson, Sims
and McCall of the House

5 and

6 Allen of the Senate
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8
9 An Act relating to Medicaid; creating the Defunding
10 Statutory Rape Cover-up Act; providing for
11 definitions; prohibiting certain provider from being
12 eligible for reimbursement under specified
13 conditions; providing for period of ineligibility to
participate in programs; requiring Oklahoma Health
Care Authority to promulgate certain rules;
prohibiting preclusion of prosecution; providing for
codification; and providing an effective date.

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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 1007.1 of Title 56, unless there
19 is created a duplication in numbering, reads as follows:

20 This act shall be known and may be cited as the "Defunding
21 Statutory Rape Cover-up Act".

22 SECTION 2. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 1007.2 of Title 56, unless there
24 is created a duplication in numbering, reads as follows:

1 As used in the Defunding Statutory Rape Cover-up Act:

2 1. "Provider" shall mean a provider of services for
3 compensation; and

4 2. "Affiliate" shall mean an entity which licenses the use of a
5 trademark or other recognized name to the provider, and which
6 exercises control over the use of part or all of the provider's
7 name, or any entity so licensed or controlled.

8 SECTION 3. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 1007.3 of Title 56, unless there
10 is created a duplication in numbering, reads as follows:

11 A. No provider shall be eligible for reimbursement through
12 Medicaid or any other federal or state program, directly or by
13 subcontract with any other party, if:

14 1. That provider, or any affiliate of that provider, has been
15 found by a court of law, either civilly or criminally, to have
16 failed to report statutory rape as part of mandatory potential child
17 abuse reporting laws applicable to the medical provider, when that
18 provider, or the affiliate of that provider, provides services
19 relating to pregnancy or termination of pregnancy to that minor
20 female for compensation; or

21 2. The entity or an affiliate of the entity failed to report
22 statutory rape of a patient as child abuse as required by law, where
23 the abuser was later convicted of abusing that patient, whether or
24

1 not the entity, or an affiliate of the entity, was itself
2 adjudicated of failing to report statutory rape.

3 B. Any provider found to be ineligible for reimbursement under
4 this section shall be able to reapply after a period of five (5)
5 years and a showing that procedures have been put in place to
6 provide for reporting to appropriate law enforcement authorities.

7 SECTION 4. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 1007.4 of Title 56, unless there
9 is created a duplication in numbering, reads as follows:

10 The Oklahoma Health Care Authority shall promulgate rules to
11 investigate complaints pursuant to the Defunding Statutory Rape
12 Cover-up Act. Nothing in the Defunding Statutory Rape Cover-up Act
13 shall preclude the Oklahoma Attorney General or any district
14 attorney with jurisdiction from prosecuting violations of the
15 Defunding Statutory Rape Cover-up Act.

16 SECTION 5. This act shall become effective November 1, 2019.

17 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
18 April 8, 2019 - DO PASS and referred to second committee and
19 WITHDRAWN from Committee on Appropriations on April 9, 2019
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