

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 HOUSE BILL 2418

By: Moore

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5
6 AS INTRODUCED

7 An Act relating to ambulatory surgical centers;
8 providing for use agreements between ambulatory
9 surgical centers and physician groups; providing an
10 exception; requiring fair fees; directing State
11 Department of Health to promulgate certain rules;
12 providing for codification; and providing an
13 effective date.

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

15 SECTION 1. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 2658a of Title 63, unless there
17 is created a duplication in numbering, reads as follows:

18 A. Except as provided in subsection B of this section, a
19 license is not transferable or assignable.

20 B. Except as provided in subsection C of this section and
21 subject to subsection D of this section, an ambulatory surgical
22 center may share its license under a sublicense agreement with one
23 or more designated physician groups that is entered into under the
24 terms of a use agreement, if:

1. The ambulatory surgical center:

1 a. remains responsible for ensuring that the facility and
2 all surgical and other ambulatory surgical center
3 services provided in that facility by any designated
4 physician group comply with this act, and

5 b. at least annually, provide the State Department of
6 Health with:

7 (1) a list of the designated physician groups with
8 which the ambulatory surgical center has entered
9 into a use agreement, and

10 (2) any other information that the State Department
11 of Health requires by rule about the designated
12 physician groups or use agreements; and

13 2. The designated physician group notifies each patient to whom
14 the group provides ambulatory surgical center services at the
15 facility that the group has a financial relationship through a use
16 agreement with the ambulatory surgical center and of the impact of
17 that agreement on the network status of the ambulatory surgical
18 center services provided.

19 C. A use agreement under subsection B of this section shall not
20 cover a transaction paid for under the Medicare or Medicaid program
21 except as recognized by the Centers for Medicare and Medicaid.

22 D. A use agreement entered into under this section must comply
23 with all applicable federal laws and regulations.
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1 E. Fees under a use agreement entered into under this act must
2 be equal to the fair market value of the use of the facility under
3 the agreement.

4 F. An insurer or other entity authorized to offer a health
5 benefit plan, as defined in subsection C of Section 6060.4 of Title
6 36 of the Oklahoma Statutes, is not required to contract or is not
7 prohibited from contracting with a designated physician group that
8 is operating under a use agreement.

9 G. The State Department of Health shall promulgate rules
10 prescribing minimum requirements for a use agreement entered into
11 under this section.

12 SECTION 2. This act shall become effective November 1, 2019.

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