

OKLAHOMA STATE SENATE  
CONFERENCE  
COMMITTEE REPORT

May 18, 2021

Mr. President:  
Mr. Speaker:  
The Conference Committee, to which was referred

SB689

By: Pugh and Murdock of the Senate and Miller et al of the House

Title: Oklahoma Health Care Authority; modifying and limiting membership of Advisory Committee on Medical Care for Public Assistance Recipients. Effective date.

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together with Engrossed House Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the House recede from all Amendments.
2. That the following Conference Committee Amendments be adopted:

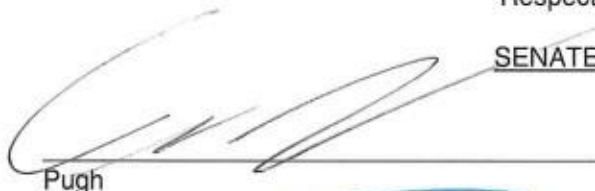
Page 2, Line 17, after the word "homes" and before the word "and", by inserting the following language: ", a member representing individuals with developmental disabilities";

Page 3, Line 13, after the word "exceed", by deleting all language and inserting in lieu thereof, the following language: "four (4)"; and

Page 4, Line 7, after the second word "than" and before the second comma ",", by deleting all language and inserting in lieu thereof, the following language: "four (4)".

Respectfully submitted,

SENATE CONFEREES:

  
Pugh

  
Garvin

  
McCortney

  
Hicks

Dossett (J.A.)

  
Simpson

HOUSE CONFEREES:

1 ENGROSSED HOUSE AMENDMENT  
TO  
2 ENGROSSED SENATE BILL NO. 689 By: Pugh of the Senate  
3 and  
4 Miller of the House  
5  
6

7 An Act relating to the Oklahoma Health Care  
8 Authority; amending 63 O.S. 2011, Section 5009.2,  
9 which relates to the Advisory Committee on Medical  
10 Care for Public Assistance Recipients; modifying and  
11 limiting membership; limiting duration of  
12 appointments; specifying duration of chair and vice-  
13 chair terms; and providing an effective date.

14 AMENDMENT NO. 1. Delete the title, enacting clause and entire bill  
15 and replace with:

16 "An Act relating to the Oklahoma Health Care  
17 Authority; amending 63 O.S. 2011, Section 5009.2,  
18 which relates to the Advisory Committee on Medical  
19 Care for Public Assistance Recipients; modifying and  
20 limiting membership; limiting duration of  
21 appointments; specifying duration of chair and vice-  
22 chair terms; stating policy; prohibiting certain  
23 Oklahoma Health Care Authority contracts from having  
24 certain negative impacts; requiring certain  
contracts to purchase transportation through  
Oklahoma public transit systems and to respect  
certain jurisdictional boundaries; requiring certain  
contracted entities to collaborate with the entity  
implementing a statewide mobility management  
program; listing provider requirements; providing  
for codification; and providing an effective date.

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

2 SECTION 1. AMENDATORY 63 O.S. 2011, Section 5009.2, is  
3 amended to read as follows:

4 Section 5009.2 A. The Advisory Committee on Medical Care for  
5 Public Assistance Recipients, created by the Oklahoma Health Care  
6 Authority, pursuant to 42 Code of Federal Regulations, Section  
7 431.12, for the purpose of advising the Authority about health and  
8 medical care services, shall include among its membership of no more  
9 than fifteen (15) the following:

10 1. Board-certified physicians and other representatives of the  
11 health professions who are familiar with the medical needs of low-  
12 income population groups and with the resources available and  
13 required for their care. The Advisory Committee shall, at all  
14 times, include at least one physician from each of the six classes  
15 of physicians listed in Section 725.2 of Title 59 of the Oklahoma  
16 Statutes; ~~provided, however,~~ All such physicians and other  
17 representatives of the health professions shall be participating  
18 providers in the State Medicaid Plan;

19 2. Members of consumers' groups, including, but not limited to:

- 20 a. Medicaid recipients, and  
21 b. representatives from ~~each of the following~~ consumer  
22 organizations ~~which represent the interests of:~~  
23 ~~(1) people who are economically disadvantaged,~~  
24 ~~(2) children,~~

1           ~~(3) the elderly,~~  
2           ~~(4) people with mental illness,~~  
3           ~~(5) people who are developmentally disabled, and~~  
4           ~~(6) people with alcohol or substance abuse problems~~  
5           including a member representing nursing homes, a  
6           member representing people who are  
7           developmentally disabled, and a member  
8           representing one or more behavioral health  
9           professions;

10           3. The Director of the Department of Human Services, or  
11 designee; and

12           4. The Commissioner of Mental Health and Substance Abuse  
13 Services, or designee;

14           5. A member approved and appointed by the Oklahoma Academy of  
15 Pediatrics a state organization or state chapter of a national  
16 organization of pediatricians dedicated to the health, safety and  
17 well-being of infants, children, adolescents and young adults, who  
18 shall:

19           a. monitor provider relations with the Oklahoma Health  
20           Care Authority, and

21           b. create a forum to address grievances; and

22           6. A member who is a member or citizen of a federally  
23 recognized American Indian tribe or nation whose primary tribal  
24 headquarters is located in this state.

1 Beginning on January 1, 2022, appointments made to the Advisory  
2 Committee shall be for a duration not to exceed four (4) consecutive  
3 calendar years.

4 B. The Advisory Committee shall meet bimonthly to review and  
5 make recommendations related to:

6 1. Policy development and program administration;

7 2. Policy changes proposed by the Authority prior to  
8 consideration of such changes by the Authority;

9 3. Financial concerns related to the Authority and the  
10 administration of the programs under the Authority; and

11 4. Other pertinent information related to the management and  
12 operation of the Authority and the delivery of health and medical  
13 care services.

14 C. 1. The Administrator of the Authority shall provide such  
15 staff support and independent technical assistance as needed by the  
16 Advisory Committee to enable the Advisory Committee to make  
17 effective recommendations.

18 2. The Advisory Committee shall elect from among its members a  
19 chair and a vice-chair who shall serve one-year terms. A member may  
20 serve more than one (1), but not more than four (4), consecutive  
21 one-year terms as chair or vice-chair. A majority of the members of  
22 the Advisory Committee shall constitute a quorum to transact  
23 business, but no vacancy shall impair the right of the remaining  
24 members to exercise all of the powers of the Advisory Committee.

1           3. Members shall not receive any compensation for their  
2 services, but shall be reimbursed pursuant to the provisions of the  
3 State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of  
4 the Oklahoma Statutes.

5           D. The Authority shall give due consideration to the comments  
6 and recommendations of the Advisory Committee in the Authority's  
7 deliberations on policies, administration, management and operation  
8 of the Authority.

9           SECTION 2.       NEW LAW       A new section of law to be codified  
10 in the Oklahoma Statutes as Section 5009.7 of Title 63, unless there  
11 is created a duplication in numbering, reads as follows:

12           A. It is the policy of the State of Oklahoma that all state  
13 agencies with an interest in public transit should ensure their  
14 programs are in alignment with the Oklahoma Public Transit Policy  
15 Plan as mandated by Sections 322 through 324 of Title 69 of the  
16 Oklahoma Statutes and that state policy and program direction  
17 related to public transit and transportation should ensure a  
18 coordinated public transit network that meets the mobility needs of  
19 all Oklahomans in a safe, reliable, consistent and economical  
20 manner.

21           B. The Oklahoma Health Care Authority, in contracting for  
22 nonemergency medical transportation for Medicaid or SoonerCare  
23 participants, shall not allow any existing contract to have or award  
24 any new contract that will have a negative impact on the financial

1 stability of the state's public transit network as envisioned by the  
2 Oklahoma Public Transit Policy Plan.

3 C. The Oklahoma Health Care Authority shall direct any entity  
4 contracted to broker or schedule nonemergency medical transportation  
5 for Medicaid or SoonerCare participants, whether such contract is  
6 between the entity and the Oklahoma Health Care Authority or is an  
7 entity subcontracted with an entity under contract with the Oklahoma  
8 Health Care Authority, to purchase participants' transportation  
9 through Oklahoma public transit systems, as defined by Sections  
10 5307, 5310 and 5311 of Title 49 of the United States Code, in all  
11 instances where public transit services are available to meet the  
12 participants' needs in as cost-effective a manner as other  
13 transportation providers meeting the same state and federal  
14 regulations, safety and cleanliness standards, and education and  
15 training standards as prescribed in subsection E of this section.  
16 In purchasing such nonemergency medical transportation, the Oklahoma  
17 Health Care Authority and any contracted or subcontracted entity  
18 shall first respect the jurisdictional boundaries of such public  
19 transit systems as defined by the Office of Mobility and Public  
20 Transit at the Oklahoma Department of Transportation.

21 D. Any entity contracted to broker or schedule nonemergency  
22 medical transportation for Medicaid or SoonerCare participants,  
23 whether such contract is between the entity and the Oklahoma Health  
24 Care Authority or is an entity subcontracted with an entity under

1 contract with the Oklahoma Health Care Authority, shall reasonably  
2 collaborate with the entity implementing a statewide mobility  
3 management program as envisioned by the Oklahoma Public Transit  
4 Policy Plan and recognized by the public transit agencies in the  
5 state to ensure such trips coordinate with public transit services  
6 and human services transportation through the recognized statewide  
7 mobility management program.

8 E. In order for any public transit provider or transportation  
9 company to provide nonemergency medical transportation for Medicaid  
10 or SoonerCare participants, such provider or company shall have a  
11 valid certification from the Oklahoma Transit Association affirming  
12 that the provider or company has met certain education and training  
13 standards, adheres to all state and federal regulations, adheres to  
14 industry safety and cleanliness standards and is based in the State  
15 of Oklahoma.

16 SECTION 3. This act shall become effective November 1, 2021."  
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1 Passed the House of Representatives the 19th day of April, 2021.

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4 Presiding Officer of the House of  
Representatives  
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6 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2021.

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9 Presiding Officer of the Senate  
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1 ENGROSSED SENATE  
2 BILL NO. 689

By: Pugh of the Senate

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4 Miller of the House

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8 Authority; amending 63 O.S. 2011, Section 5009.2,  
9 which relates to the Advisory Committee on Medical  
10 Care for Public Assistance Recipients; modifying and  
11 limiting membership; limiting duration of  
12 appointments; specifying duration of chair and vice-  
13 chair terms; and providing an effective date.

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

15 SECTION 4. AMENDATORY 63 O.S. 2011, Section 5009.2, is  
16 amended to read as follows:

17 Section 5009.2. A. The Advisory Committee on Medical Care for  
18 Public Assistance Recipients, created by the Oklahoma Health Care  
19 Authority, pursuant to 42 Code of Federal Regulations, Section  
20 431.12, for the purpose of advising the Authority about health and  
21 medical care services, shall include among its membership of no more  
22 than fifteen (15) the following:

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24 health professions who are familiar with the medical needs of low-  
income population groups and with the resources available and

1 required for their care. The Advisory Committee shall, at all  
2 times, include at least one physician from each of the six classes  
3 of physicians listed in Section 725.2 of Title 59 of the Oklahoma  
4 Statutes; ~~provided, however,~~ All such physicians and other  
5 representatives of the health professions shall be participating  
6 providers in the State Medicaid Plan;

7 2. Members of consumers' groups, including, but not limited to:

8 a. Medicaid recipients, and

9 b. representatives from ~~each of the following~~ consumer  
10 organizations ~~which represent the interests of:~~

11 ~~(1) people who are economically disadvantaged,~~

12 ~~(2) children,~~

13 ~~(3) the elderly,~~

14 ~~(4) people with mental illness,~~

15 ~~(5) people who are developmentally disabled, and~~

16 ~~(6) people with alcohol or substance abuse problems~~

17 including a member representing nursing homes and a

18 member representing one or more behavioral health

19 professions;

20 3. The Director of the Department of Human Services or  
21 designee; and

22 4. The Commissioner of Mental Health and Substance Abuse  
23 Services or designee;

24

1        5. A member approved and appointed by the Oklahoma Academy of  
2 Pediatrics a state organization or state chapter of a national  
3 organization of pediatricians dedicated to the health, safety and  
4 well-being of infants, children, adolescents and young adults, who  
5 shall:

6            a. monitor provider relations with the Oklahoma Health  
7                    Care Authority, and

8            b. create a forum to address grievances; and

9        6. A member who is a member or citizen of a federally  
10 recognized American Indian tribe or nation whose primary tribal  
11 headquarters is located in this state.

12        Beginning on January 1, 2022, appointments made to the Advisory  
13 Committee shall be for a duration not to exceed three (3)  
14 consecutive calendar years.

15        B. The Advisory Committee shall meet bimonthly to review and  
16 make recommendations related to:

17            1. Policy development and program administration;

18            2. Policy changes proposed by the Authority prior to  
19 consideration of such changes by the Authority;

20            3. Financial concerns related to the Authority and the  
21 administration of the programs under the Authority; and

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23 operation of the Authority and the delivery of health and medical  
24 care services.

1 C. 1. The Administrator of the Authority shall provide such  
2 staff support and independent technical assistance as needed by the  
3 Advisory Committee to enable the Advisory Committee to make  
4 effective recommendations.

5 2. The Advisory Committee shall elect from among its members a  
6 chair and a vice-chair who shall serve one-year terms. A member may  
7 serve more than one (1), but not more than three (3), consecutive  
8 one-year terms as chair or vice-chair. A majority of the members of  
9 the Advisory Committee shall constitute a quorum to transact  
10 business, but no vacancy shall impair the right of the remaining  
11 members to exercise all of the powers of the Advisory Committee.

12 3. Members shall not receive any compensation for their  
13 services, but shall be reimbursed pursuant to the provisions of the  
14 State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of  
15 the Oklahoma Statutes.

16 D. The Authority shall give due consideration to the comments  
17 and recommendations of the Advisory Committee in the Authority's  
18 deliberations on policies, administration, management and operation  
19 of the Authority.

20 SECTION 5. This act shall become effective November 1, 2021.  
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