

FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB744 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Kevin Wallace

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 FLOOR SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL NO. 744

By: Thompson (Roger) of the
Senate

6 and

7 Wallace of the House

8
9
10 FLOOR SUBSTITUTE

11 An Act relating to state Medicaid program; requiring
12 coverage of medically necessary donor human milk-
13 derived products under certain conditions; requiring
14 certain reimbursement; directing promulgation of
15 rules; authorizing adoption of certain policy or
16 procedure; directing the Oklahoma Health Care
17 Authority to seek certain federal approval; providing
18 for codification; providing an effective date; and
19 declaring an emergency.

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

21 SECTION 1. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 5026.2 of Title 63, unless there
23 is created a duplication in numbering, reads as follows:

24 A. The Oklahoma Health Care Authority shall, to the extent
permissible under federal law and subject to the federal approval
described in subsection D of this section, provide Medicaid coverage

1 for medically necessary donor human milk-derived products in an
2 inpatient or outpatient setting for an infant whose gestationally
3 corrected age is under twelve (12) months, provided:

4 1. A physician, physician assistant, or Advanced Practice
5 Registered Nurse licensed in this state signs an order stating that
6 donor human milk-derived products are medically necessary for the
7 infant Medicaid beneficiary due to any of the following:

- 8 a. the infant has a birth weight of less than one
9 thousand five hundred (1,500) grams or an infant body
10 weight below healthy levels, as determined by the
11 ordering provider,
12 b. the infant's gestational age at birth was thirty-four
13 (34) weeks or less, or
14 c. the infant has any congenital or acquired condition
15 for which the ordering provider determines that the
16 use of donor human milk-derived products is medically
17 necessary and will support the treatment and recovery
18 of the infant; and

19 2. The donor human milk-derived products adhere to such quality
20 standards as may be required by the Oklahoma Health Care Authority
21 Board.

22 B. Reimbursement under subsection A of this section for donor
23 human milk-derived products for an infant in an inpatient setting
24

1 shall be provided separately from the existing hospital payment for
2 inpatient services.

3 C. The Board shall promulgate rules to implement the provisions
4 of this section, and may adopt a policy or procedure to implement
5 the provisions of this section while in the process of promulgating
6 rules; provided, such policy or procedure shall be posted on the
7 Internet website of the Authority prior to adoption of the policy.

8 D. The Authority shall seek any federal approval necessary to
9 implement this section.

10 SECTION 2. This act shall become effective July 1, 2024.

11 SECTION 3. It being immediately necessary for the preservation
12 of the public peace, health or safety, an emergency is hereby
13 declared to exist, by reason whereof this act shall take effect and
14 be in full force from and after its passage and approval.

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16 59-2-11024 MKS 04/22/24

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