

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 1712

By: Marti

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6 AS INTRODUCED

7 An Act relating to durable medical equipment;
8 limiting the conditions when a provider may impede a
9 beneficiary from receiving medical equipment;
10 providing for codification; providing an effective
11 date; and declaring an emergency.

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

13 SECTION 1. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 376 of Title 59, unless there is
15 created a duplication in numbering, reads as follows:

16 No state, federal, or other corporate organization with a health
17 maintenance organization, preferred provider organization, or other
18 network of providers may impede a beneficiary from receiving medical
19 equipment and supplies as prescribed by his or her physician outside
20 of the following conditions:

21 1. A beneficiary subject for services from a network of state-
22 licensed providers must be able to receive such services without a
23 beneficiary traveling outside his or her communities from his or her
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1 designated place of residence to have a face-to-face evaluation of
2 the medical services;

3 2. When a beneficiary needs medical equipment or supplies
4 within twenty-four (24) hours, the beneficiary should not be subject
5 to drop shipped orders but allowed to seek services closer to home
6 from providers who can provide the necessary equipment and services
7 within the required timeframe;

8 3. To eliminate or discourage discomfort to the beneficiary,
9 his or her services should be provided regardless of whether there
10 are in-network, state-licensed providers, thereby allowing an out-
11 of-network provider to accommodate the services without financial
12 burden on the beneficiary;

13 4. Out-of-network services shall be compensated at the same
14 rate as in-network services when there is not an in-network, state-
15 licensed durable medical equipment provider that is within thirty
16 (30) miles of the beneficiary's residence to fill the order in a
17 timely manner;

18 5. For the benefit of Oklahoma rural communities, beneficiaries
19 shall not have his or her access to care restricted by medical
20 provider organizational care systems that have limited rural durable
21 medical equipment providers and eliminate those state-licensed rural
22 durable medical equipment providers from participating in his or her
23 provider networks; or

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1 6. When beneficiaries choose an out-of-network, state-licensed
2 provider due to a lack of in-network, state-licensed providers
3 within thirty (30) miles of his or her residence, then his or her
4 medical provider organizational care systems shall be required to
5 reimburse the out-of-network provider at the same benefit level for
6 those services as an in-network provider.

7 SECTION 2. This act shall become effective July 1, 2023.

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

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