

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 245

By: Daniels

AS INTRODUCED

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

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

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

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

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

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

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

19 B. Reimbursement under subsection A of this section for donor
20 human milk-derived products for an infant in an inpatient setting
21 shall be provided separately from the existing hospital payment for
22 inpatient services.

23 C. The Board shall promulgate rules to implement the provisions
24 of this section, and may adopt a policy or procedure to implement

1 the provisions of this section while in the process of promulgating
2 rules; provided, such policy or procedure shall be posted on the
3 Internet website of the Authority prior to adoption of the policy.

4 D. The Authority shall seek any federal approval necessary to
5 implement this section.

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

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

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