

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 1576

By: Lawson

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6 AS INTRODUCED

7 An Act relating to Medicaid; defining terms;
8 requiring the Oklahoma Health Care Authority to
9 provide coverage through Medicaid for certain
10 services; providing certain criteria; providing for
11 certain medical necessity criteria; authorizing
12 discretion to the Chief Operating Officer of the
13 Oklahoma Health Care Authority; providing for Health
14 Information Portability and Accountability Act
15 requirements; providing for scientific research;
16 providing for consent to provide data for research;
17 providing for opting-out; providing for minors;
18 providing for the promulgation of rules and
19 regulations; providing for waiver application;
20 providing for codification; providing for an
21 effective date; and declaring an emergency.

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

25 SECTION 1. NEW LAW A new section of law to be codified
26 in the Oklahoma Statutes as Section 4005 of Title 56, unless there
27 is created a duplication in numbering, reads as follows:

28 A. For purposes of this section, "rapid whole genome sequencing
29 (RWGS)" is defined as an investigation of the entire human genome,
30 including coding and non-coding regions and mitochondrial
31 deoxyribonucleic acid, to identify disease-causing genetic changes

1 that returns the preliminary positive results within seven (7) days
2 and final results within fifteen (15) to twenty-one (21) days from
3 the date of receipt of the sample by the lab performing the test,
4 and includes patient-only whole genome sequencing (WGS) and duo and
5 trio whole genome sequencing of the patient and biological parent or
6 parents.

7 B. Subject to any required approval of the Centers for Medicare
8 and Medicaid Services, the Oklahoma Health Care Authority shall
9 include coverage of rapid whole genome sequencing as a separately
10 payable service for Medicaid beneficiaries when all of the following
11 criteria are met:

- 12 1. Beneficiary is under twenty-one (21) years of age;
- 13 2. Beneficiary has a complex or acute illness of unknown
14 etiology, that is not confirmed to be caused by an environmental
15 exposure, toxic ingestion, infection with normal response to
16 therapy, or trauma; and

- 17 3. Beneficiary is receiving hospital services in an intensive
18 care unit or other high acuity care unit within a hospital.

19 C. The coverage provided pursuant to this section may be
20 subject to applicable evidence-based medical necessity criteria that
21 shall be based on all of the following:

- 22 1. The patient has symptoms that suggest a broad differential
23 diagnosis that would require an evaluation by multiple genetic tests
24 if rapid whole genome sequencing is not performed;

1 2. The patient's treating healthcare provider has determined
2 that timely identification of a molecular diagnosis is necessary to
3 guide clinical decision-making and testing results may guide the
4 treatment or management of the patient's condition; and

5 3. The patient has a complex or acute illness of unknown
6 etiology, including at least one of the following conditions:

- 7 a. congenital anomalies involving at least two organ
8 systems or complex and multiple congenital anomalies
9 in one organ system,
- 10 b. specific organ malformations highly suggestive of a
11 genetic etiology,
- 12 c. abnormal laboratory tests or abnormal chemistry
13 profiles suggesting the presence of a genetic disease,
14 complex metabolic disorder, or inborn error of
15 metabolism,
- 16 d. refractory or severe hypoglycemia or hyperglycemia,
- 17 e. abnormal response to therapy related to an underlying
18 medical condition affecting vital organs or bodily
19 systems,
- 20 f. severe muscle weakness, rigidity, or spasticity,
- 21 g. refractory seizures,
- 22 h. a high-risk stratification on evaluation for a brief
23 resolved unexplained event with any of the following:
24 (1) a recurrent event without respiratory infection,

1 (2) a recurrent event witnessed seizure-like event,
2 or

3 (3) a recurrent cardiopulmonary resuscitation.

4 i. abnormal cardiac diagnostic testing results suggestive
5 of possible channelopathies, arrhythmias,
6 cardiomyopathies, myocarditis, or structural heart
7 disease,

8 j. abnormal diagnostic imaging studies suggestive of
9 underlying genetic condition,

10 k. abnormal physiologic function studies suggestive of an
11 underlying genetic etiology, or

12 l. family genetic history related to the patient's
13 condition.

14 D. Nothing in this section prohibits the Chief Operating
15 Officer of the Oklahoma Health Care Authority from adding additional
16 conditions to those contained in paragraph 3 of subsection C based
17 upon new medical evidence or from providing coverage for rapid whole
18 genome sequencing or other next generation sequencing (NGS) and
19 genetic testing for Medicaid beneficiaries that is in addition to
20 the coverage required under this section.

21 E. Genetic data generated as a result of performing rapid whole
22 genome sequencing, covered pursuant to this section, shall have a
23 primary use of assisting the ordering health care professional and
24 treating care team to diagnose and treat the patient, and as

1 protected health information it shall be subject to the requirements
2 applicable to protected health information as set forth in the
3 Health Information Portability and Accountability Act (HIPAA), the
4 Health Information Technology for Economic and Clinical Health Act,
5 and their attendant regulations, including but not limited to, the
6 HIPAA privacy rule as promulgated at 45 CFR Part 160 and Subparts A
7 and E of 45 CFR Part 164.

8 F. Genetic data generated from rapid whole genome sequencing,
9 covered pursuant to this section, can be used in scientific research
10 if consent for such use of the data has been expressly given by the
11 patient, or the patient's legal guardian in the case of a minor.
12 The patient, the patient's legal guardian in the case of a minor, or
13 the patient's health care provider with the patient's consent, may
14 request access to the results of the testing covered by this section
15 for use in other clinical settings. A health care provider may only
16 charge a small fee to the patient based on the direct costs of
17 producing the results in a format usable in other clinical settings.
18 A patient, or patient's legal guardian in the case of a minor, shall
19 have the right to rescind the original consent to the use of the
20 data in scientific research at any time, and upon receipt of a
21 written revocation of the consent the health care provider or other
22 entity using the data shall cease use and expunge the data from any
23 data repository where it is held.

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1 G. The Chief Operating Officer of the Oklahoma Health Care
2 Authority will take any actions necessary to implement the
3 provisions of this section, which can include, if deemed necessary,
4 the following:

5 1. Promulgation of rules and regulations to provide for
6 Medicaid coverage pursuant to this section;

7 2. Submission to the Centers for Medicare and Medicaid Services
8 of any new waiver application, amendment to an existing waiver, or
9 Medicaid state plan amendment necessary to ensure federal financial
10 participation for Medicaid coverage pursuant to this section; or

11 3. Any other administrative action determined by the Chief
12 Operating Officer as necessary to implement the requirements of this
13 section.

14 SECTION 2. This act shall become effective July 1, 2025.

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

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