

An Act

ENROLLED HOUSE
BILL NO. 2591

By: Echols, Roberts (Sean),
Sanders, Russ, Lawson, Sims
and McCall of the House

and

Allen and Bergstrom of the
Senate

An Act relating to Medicaid; creating the Defunding Statutory Rape Cover-up Act; providing for definitions; prohibiting certain provider from being eligible for reimbursement under specified conditions; providing for period of ineligibility to participate in programs; requiring Oklahoma Health Care Authority to promulgate certain rules; prohibiting preclusion of prosecution; providing for codification; and providing an effective date.

SUBJECT: Medicaid

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 1007.1 of Title 56, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Defunding Statutory Rape Cover-up Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1007.2 of Title 56, unless there is created a duplication in numbering, reads as follows:

As used in the Defunding Statutory Rape Cover-up Act:

1. "Provider" shall mean a provider of services for compensation; and

2. "Affiliate" shall mean an entity which licenses the use of a trademark or other recognized name to the provider, and which exercises control over the use of part or all of the provider's name, or any entity so licensed or controlled.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1007.3 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. No provider shall be eligible for reimbursement through Medicaid or any other federal or state program, directly or by subcontract with any other party, if:

1. That provider, or any affiliate of that provider, has been found by a court of law, either civilly or criminally, to have failed to report statutory rape as part of mandatory potential child abuse reporting laws applicable to the medical provider, when that provider, or the affiliate of that provider, provides services relating to pregnancy or termination of pregnancy to that minor female for compensation; or

2. The entity or an affiliate of the entity failed to report statutory rape of a patient as child abuse as required by law, where the abuser was later convicted of abusing that patient, whether or not the entity or an affiliate of the entity was itself adjudicated of failing to report statutory rape.

B. Any provider found to be ineligible for reimbursement under this section shall be able to reapply after a period of five (5) years and a showing that procedures have been put in place to provide for reporting to appropriate law enforcement authorities.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1007.4 of Title 56, unless there is created a duplication in numbering, reads as follows:

The Oklahoma Health Care Authority shall promulgate rules to investigate complaints pursuant to the Defunding Statutory Rape Cover-up Act. Nothing in the Defunding Statutory Rape Cover-up Act shall preclude the Oklahoma Attorney General or any district attorney with jurisdiction from prosecuting violations of the Defunding Statutory Rape Cover-up Act.

SECTION 5. This act shall become effective November 1, 2019.

Passed the House of Representatives the 11th day of February, 2019.

Presiding Officer of the House
of Representatives

Passed the Senate the 24th day of April, 2019.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____