

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 HOUSE BILL 3386

By: Meredith

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5
6 AS INTRODUCED

7 An Act relating to insurance; amending 63 O.S. 2011,
8 Section 1-713.1, which relates to Federally Qualified
9 Health Centers; providing legislative finding;
10 eliminating reference to certain act; modifying
11 reimbursement; requiring the Oklahoma Health Care
12 Authority to ensure reimbursement rates pursuant to
13 the cost-based prospective payment system regardless
14 of Medicaid expansion; and providing an effective
15 date.

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

17 SECTION 1. AMENDATORY 63 O.S. 2011, Section 1-713.1, is
18 amended to read as follows:

19 Section 1-713.1 A. The Legislature finds that:

20 1. As providers of health care to medically underserved
21 populations, Federally Qualified Health Centers are extremely
22 beneficial to the citizens of Oklahoma;

23 2. Federally Qualified Health Centers are essential community
24 health care providers, providing high-quality, cost-effective, and
comprehensive integrated primary care services to underserved
communities. To ensure the Federally Qualified Health Center's

1 Section 330 Public Health Service Act funding, it is imperative that
2 the Medicaid program cover the costs of providing Medicaid-covered
3 services to Medicaid beneficiaries and continue to do so
4 irrespective of whether the scope of the Medicaid program in
5 Oklahoma is expanded to include additional Medicaid beneficiaries or
6 whether the Medicaid delivery system incorporates managed care;

7 3. The primary source of funding for Federally Qualified Health
8 Centers is through grants of funds by the Bureau of Primary Health
9 Care (BPHC) under Section 330 of the Public Health Service Act as
10 amended by the Health Centers Consolidation Act of 1996;

11 ~~3.~~ 4. The receipt of federal grants is dependent upon
12 compliance with federal statutes, regulations and policies regarding
13 the mission, programs, governance, management and financial
14 responsibilities of such entities; and

15 ~~4.~~ 5. In addition to federal grant monies, Federally Qualified
16 Health Centers in Oklahoma receive additional monies through the
17 appropriation of state funds.

18 B. In an effort to maintain the presence of Federally Qualified
19 Health Centers in Oklahoma and minimize the possibility of
20 jeopardizing federal funding for such entities, all Federally
21 Qualified Health Centers in Oklahoma that receive grants under
22 Section 330 of the Public Health Service Act shall:

23 1. Remain in compliance at all times with the federal statutes,
24 regulations and ~~policies~~ policies governing their existence at 42

1 U.S.C., 254b, 42 CFR, 51c.303, 51c.304 and 51c.305, and BPHC Policy
2 Information Notice 98-23; and

3 2. Adhere to bylaws adopted in compliance with the federal
4 statutes, regulations and ~~polices~~ policies including, but not
5 limited to, provisions regarding the composition, functions and
6 responsibilities of boards of directors of Federally Qualified
7 Health Centers.

8 C. ~~Further, the board of directors of a Federally Qualified~~
9 ~~Health Center shall be considered a public body for purposes of the~~
10 ~~Oklahoma Open Meeting Act and shall be subject to the provisions of~~
11 ~~that act, including criminal penalties provided therein for~~
12 ~~violations of that act.~~

13 ~~D.~~ Any Federally Qualified Health Center in Oklahoma that fails
14 to comply with federal statutes, regulations and policies governing
15 its existence shall be ineligible for state reimbursement ~~for~~
16 ~~uncompensated care.~~ Further, the entity shall be ineligible to
17 receive such state reimbursement if the board of directors fails to
18 remove, for cause, any board member ~~convicted of a misdemeanor for~~
19 ~~violating the provisions of the Oklahoma Open Meeting Act, or any~~
20 ~~board member~~ against whom a civil judgment is rendered relating to
21 that member's service on the board.

22 ~~E.~~ D. The State Department of Health shall investigate reported
23 violations of this act and, notwithstanding any other provision,
24 shall enforce this act by not contracting to reimburse the

1 uncompensated care costs of any Federally Qualified Health Center
2 found to be in violation of the provisions of this act. The
3 Department shall further report any violations of federal statutes,
4 regulations and policies related to this act to the Bureau of
5 Primary Health Care or other appropriate federal funding agency, ~~and~~
6 ~~shall report violations of the Oklahoma Open Meeting Act to the~~
7 ~~district attorney in the jurisdiction where the entity is located.~~

8 F. E. The Oklahoma Health Care Authority shall, at all times,
9 ensure that Federally Qualified Health Centers receive at minimum
10 their cost-based prospective payment system per visit rates
11 calculated in accordance with 42 U.S.C., Section 1396a(bb) for all
12 Medicaid-covered services irrespective of any expansion of the
13 Medicaid program to include additional Medicaid beneficiaries and
14 irrespective of any Medicaid delivery system in this state.

15 F. In order to ensure that Federally Qualified Health Centers
16 in Oklahoma remain eligible to receive state reimbursement for
17 uncompensated care under the provisions of this act, the State Board
18 of Health shall adopt rules, as it deems necessary and appropriate,
19 requiring board members of such entities to receive board member
20 training and establishing certification for entities to provide such
21 training.

22 SECTION 2. This act shall become effective November 1, 2020.
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