

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 3386

By: Meredith

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8 COMMITTEE SUBSTITUTE

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

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

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

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

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

24 2. Federally Qualified Health Centers are essential community
health care providers, providing high-quality, cost-effective, and

1 comprehensive integrated primary care services to underserved
2 communities;

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

7 ~~3.~~ 4. The receipt of federal grants is dependent upon
8 compliance with federal statutes, regulations and policies regarding
9 the mission, programs, governance, management and financial
10 responsibilities of such entities; and

11 ~~4.~~ 5. In addition to federal grant monies, Federally Qualified
12 Health Centers in Oklahoma receive additional monies through the
13 appropriation of state funds.

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

19 1. Remain in compliance at all times with the federal statutes,
20 regulations and ~~policies~~ policies governing their existence at 42
21 U.S.C., 254b, 42 CFR, 51c.303, 51c.304 and 51c.305, and BPHC Policy
22 Information Notice 98-23; and

23 2. Adhere to bylaws adopted in compliance with the federal
24 statutes, regulations and ~~policies~~ policies including, but not

1 limited to, provisions regarding the composition, functions and
2 responsibilities of boards of directors of Federally Qualified
3 Health Centers.

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

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

18 E. The State Department of Health shall investigate reported
19 violations of this act and, notwithstanding any other provision,
20 shall enforce this act by not contracting to reimburse the
21 uncompensated care costs of any Federally Qualified Health Center
22 found to be in violation of the provisions of this act. The
23 Department shall further report any violations of federal statutes,
24 regulations and policies related to this act to the Bureau of

1 Primary Health Care or other appropriate federal funding agency, and
2 shall report violations of the Oklahoma Open Meeting Act to the
3 district attorney in the jurisdiction where the entity is located.

4 F. The Oklahoma Health Care Authority shall, at all times,
5 ensure that Federally Qualified Health Centers receive at minimum
6 their cost-based prospective payment system per visit rates
7 calculated in accordance with 42 U.S.C., Section 1396a(bb).

8 G. In order to ensure that Federally Qualified Health Centers
9 in Oklahoma remain eligible to receive state reimbursement for
10 uncompensated care under the provisions of this act, the State Board
11 of Health shall adopt rules, as it deems necessary and appropriate,
12 requiring board members of such entities to receive board member
13 training and establishing certification for entities to provide such
14 training.

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

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