

An Act

ENROLLED SENATE
BILL NO. 207

By: Garvin of the Senate

and

McEntire and Manger of the
House

An Act relating to the Oklahoma Health Care Authority; amending 63 O.S. 2011, Section 5052, which relates to hearings; authorizing the Administrator of the Authority to designate an administrative law judge to perform certain duties; and providing an effective date.

SUBJECT: Oklahoma Health Care Authority

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

SECTION 1. AMENDATORY 63 O.S. 2011, Section 5052, is amended to read as follows:

Section 5052. A. Any applicant or recipient, adversely affected by a decision of the Oklahoma Health Care Authority on benefits or services provided pursuant to the provisions of this title, shall be afforded an opportunity for a hearing pursuant to the provisions of subsection B of this section after such applicant or recipient has been notified of the adverse decision of the Authority.

B. 1. Upon timely receipt of a request for a hearing as specified in the notice of adverse decision and exhaustion of other available administrative remedies, the Authority shall hold a hearing pursuant to the provisions of rules promulgated by the Oklahoma Health Care Authority Board pursuant to this section.

2. The record of the hearing shall include, but shall not be limited to:

- a. all pleadings, motions, and intermediate rulings,
- b. evidence received or considered,
- c. any decision, opinion, or report by the officer presiding at the hearing, and
- d. all staff memoranda or data submitted to the hearing officer or members of the agency in connection with their consideration of the case.

3. Oral proceedings shall be electronically recorded by the Authority. Any party may request a copy of the tape recording of such person's administrative hearing or may request a transcription of the tape recording to comply with any federal or state law.

C. Any decision of the Authority after such a hearing pursuant to subsection B of this section shall be subject to review by the Administrator of the Oklahoma Health Care Authority or designated administrative law judge upon a timely request for review by the applicant or recipient. The Administrator may only designate an administrative law judge at another state agency, as established in the State Medicaid Plan and approved by the Centers for Medicare and Medicaid Services. The Administrator or designated administrative law judge shall issue a decision after review. A hearing decision of the Authority shall be final and binding unless a review is requested pursuant to the provisions of this subsection. The decision of the Administrator or designated administrative law judge may be appealed to the district court in which the applicant or recipient resides within thirty (30) days of the date of the decision of the Administrator or designated administrative law judge as provided by the provisions of subsection D of this section.

D. Any applicant or recipient under this title who is aggrieved by a decision of the Administrator or designated administrative law judge rendered pursuant to this section may petition the district court in which the applicant or recipient resides for a judicial review of the decision pursuant to the provisions of Sections 318 through 323 of Title 75 of the Oklahoma Statutes. A copy of the

petition shall be served by mail upon the general counsel of the Authority.

SECTION 2. This act shall become effective November 1, 2021.

Passed the Senate the 19th day of May, 2021.

Presiding Officer of the Senate

Passed the House of Representatives the 25th day of May, 2021.

Presiding Officer of the House
of Representatives

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: _____