

1 appointed by the Commissioner for that purpose. It shall be the
2 duty of the ~~Insurance~~ Commissioner to file and safely keep all books
3 and papers required by law to be filed with the Insurance
4 Department, and to keep and preserve in permanent form a full record
5 of proceedings, including a concise statement of the conditions of
6 such insurers and other entities reported and examined by the
7 Department and its examiners. The Commissioner shall, annually, at
8 the earliest practicable date after returns are received from the
9 several authorized insurers and other organizations, make a report
10 to the Governor of the State of Oklahoma of the affairs of the
11 Office of the ~~Insurance~~ Commissioner, which report shall contain a
12 tabular statement and synopsis of the several statements, as
13 accepted by the Insurance Commissioner, which shall include with
14 respect to each insurance company the admitted assets, liabilities
15 except capital, capital and surplus, Oklahoma premium income, amount
16 of claims paid in Oklahoma, and such other matters as may be of
17 benefit to the public. The Commissioner may educate consumers and
18 make recommendations regarding the subject of insurance in this
19 state, and shall set forth in a statement the various sums received
20 and disbursed by the Department, from and to whom and for what
21 purpose. Such report shall be published by and subject to the order
22 of the said ~~Insurance~~ Commissioner. The ~~Insurance~~ Commissioner
23 shall, upon retiring from office, deliver to the qualified successor
24 all furniture, records, papers and property of the office.

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 4413 of Title 36, unless there
3 is created a duplication in numbering, reads as follows:

4 Sections 2 through 4 of this act shall be known and may be cited
5 as the "Health Care Choice Act".

6 SECTION 3. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 4414 of Title 36, unless there
8 is created a duplication in numbering, reads as follows:

9 A. The Oklahoma Legislature recognizes the need for
10 individuals, employers, and other purchasers of health insurance
11 coverage in this state to have the opportunity to choose health
12 insurance plans that are more affordable and flexible than existing
13 market policies offering accident and health coverage. Therefore,
14 the Oklahoma Legislature seeks to increase the availability of
15 health insurance coverage by allowing insurers authorized to engage
16 in the business of insurance in other states to issue accident and
17 health policies in Oklahoma.

18 B. The Insurance Commissioner may negotiate one or more
19 compacts with other states to allow insurers domiciled in such
20 compacting state to sell specified lines of coverage in Oklahoma
21 without being granted a certificate of authority by Oklahoma. Such
22 compacts shall provide for appropriate protection of Oklahoma
23 consumers by allowing the Commissioner to regulate the market
24 conduct and financial solvency of the nonadmitted insurers pursuant

1 to compact provisions. The terms of any such compact shall be
2 presumed a valid exercise of the discretionary authority of the
3 Commissioner. The compact shall be required to be approved by the
4 Legislature by adoption of a joint resolution, provided that such
5 joint resolution becomes law in accordance with Section 11 of
6 Article VI of the Oklahoma Constitution. Joint resolutions
7 introduced for such purpose shall not be subject to regular
8 legislative deadlines and shall be limited to such provisions as may
9 be necessary for approval of a compact.

10 C. Any examination by the Commissioner of the market conduct
11 and solvency of any out-of-state companies seeking to offer health
12 benefit plans in this state, or who have been given approval to
13 offer health benefit plants in this state, shall be conducted in the
14 same manner and under the same terms and conditions as examinations
15 of companies located in this state.

16 D. The out-of-state insurers shall not be required to offer or
17 provide state-mandated health benefits required by Oklahoma law or
18 regulations in health insurance policies sold to Oklahoma residents.

19 E. Domestic insurers authorized to sell specified lines of
20 coverage in Oklahoma may sell policies that are substantially
21 comparable to policies sold by out-of-state insurers pursuant to
22 this section. Domestic insurers selling policies pursuant to this
23 section shall be required to comply with the provisions of this
24 section.

1 F. Each written application for participation in an out-of-
2 state health benefit plan shall contain the following language in
3 boldface type at the beginning of the document:

4 "This policy is primarily governed by the laws of (insert state
5 where the master policy is filed); therefore, all of the rating laws
6 applicable to policies filed in this state do not apply to this
7 policy, which may result in increases in your premium at renewal
8 that would not be permissible in an Oklahoma-approved policy. Any
9 purchase of individual health insurance should be considered
10 carefully since future medical conditions may make it impossible to
11 qualify for another individual health policy. For information
12 concerning individual health coverage under an Oklahoma-approved
13 policy, please consult your insurance agent or the Oklahoma
14 Department of Insurance."

15 G. Each out-of-state health benefit plan shall contain the
16 following language in boldface type at the beginning of the
17 document:

18 "The benefits of this policy providing your coverage are
19 governed primarily by the law of a state other than Oklahoma. While
20 this health benefit plan may provide you a more affordable health
21 insurance policy; it may also provide fewer health benefits than
22 those normally included as state-mandated health benefits in
23 policies in Oklahoma. Please consult with your insurance agent to
24

1 determine which Oklahoma state-mandated health benefits are excluded
2 under this policy."

3 H. Nonadmitted, out-of-state insurers selling specified lines
4 of coverage in Oklahoma pursuant to the provisions of the Health
5 Care Choice Act shall be subject to payment of any applicable
6 premium taxes pursuant to Section 624 of Title 36 of the Oklahoma
7 Statutes.

8 I. The Commissioner may promulgate rules necessary for the
9 administration and implementation of the Health Care Choice Act.

10 SECTION 4. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 4416 of Title 36, unless there
12 is created a duplication in numbering, reads as follows:

13 Pursuant to the provisions of the Health Care Choice Act, a
14 foreign health insurer may sell, offer and provide a health benefit
15 plan to residents in this state, if that insurer:

16 1. Offers the same health benefits plan in its domiciliary
17 state and is in compliance with all applicable laws, regulations,
18 and other requirements of its domiciliary state;

19 2. Obtains a certificate of authority to do business as a
20 foreign health insurer in the state pursuant to the provisions of
21 Section 3 of this act;

22 3. Participates, on a nondiscriminatory basis, in the Oklahoma
23 Life and Health Insurance Guaranty Association Act; and
24

1 4. Participates on a nondiscriminatory basis and in the same
2 manner as admitted, participating insurers to the Health Insurance
3 High Risk Pool.

4 ~~SECTION 5. It being immediately necessary for the preservation~~
5 ~~of the public peace, health or safety, an emergency is hereby~~
6 ~~declared to exist, by reason whereof this act shall take effect and~~
7 ~~be in full force from and after its passage and approval.~~

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9 COMMITTEE REPORT BY: COMMITTEE ON INSURANCE, dated 04/12/2017 - DO
10 PASS, As Amended and Coauthored.

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