



For Your Information ... 2017 Legislative Session

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Cigarette Tax – Supported by OHA

The cigarette tax increase proposal will go through the Joint Appropriations and Budget Committee (JCAB) process under a new bill number. The House Appropriations and Budget Committee approved **HB 1841**, a \$1.50 per pack cigarette tax increase, Feb. 13 on a 17 to 10 vote.

Status of Legislation

Bills supported by OHA

HB 1845, REAL ID Act, *McCall/Schulz*, bringing Oklahoma into compliance with the federal REAL ID Act, was *signed by the governor*; **SB 83, Childhood Vaccinations**, *Yen*, modifies the conditions upon which a parent may receive the form for a non-medical exemption to childhood vaccines, *failed on Senate floor*; **SB 236, State Health Lab**, *David*, authorizes the issuance of a \$58.5 million bond for construction of a new State Health Laboratory for the Health Department, *will be considered by the Joint Committee on Appropriations & Budget*; **HB1886, Clean Up Bill Nursing Practice Act**, *Ownbey/Simpson*, modifies various definitions and statutory references under the Oklahoma Nursing Practice Act, *pending Senate floor*.

Bills opposed by OHA

SB 478, Repeal State Mandated Benefits, *Brown/Moore*, allows the insurance commissioner to negotiate one or more compacts with other states to allow insurers to sell across state lines and removes state mandated benefits. *Pending House floor*.

Bills of Interest

HB 1013, Nurse Practitioner Act, *Cockroft/Griffin*, removes the requirement for an advanced practice registered nurse to work under a supervising physician in order to have prescribing authority, *failed committee deadline in Senate, dormant until 2018 Legislative Session*; **HB 2316, Removal of Agency Board Members**, *McCall/Schulz*, permits the governor to appoint or replace any officers appointed by the governor. It removes the requirement that the removal be for an incompetency, neglect of duty, or malfeasance in office and to then fill the same as provided in cases of vacancy. Specifically names six agencies for removal of board members without cause including OHCA and ODMHSAS, *title stricken, pending Senate floor vote*; **HB 2312, Establishing Prosperity Districts**, *McCall/Treat*, authorizes the governor to enter into prosperity compacts where prosperity districts are free from statutes, regulations or taxation, *failed to receive committee hearing in Senate, dormant until 2018 Session*; **SB 741, Study of ER Usage**, *Pugh/T. West*, requires the State Department of Health, subject to the availability of funds, to develop and administer a program with the Oklahoma Health Care Authority that will encourage the timely and appropriate use of primary care services in lieu of emergency room utilization, *pending House Appropriations Committee*; **SB 773, Care Coordination of DHS Custody Children**, *David/Mulready*, requires the Oklahoma Health Care Authority to initiate a request for proposal for care coordination models for newborns through age 18 in the custody of the Department of Human Services, *pending House Appropriations Committee*; **SB 816, Medical College Preference**, *David/Osborn*, requires any student of this state who is in good academic standing with an accredited medical college in this state receive priority consideration in the process of assigning clinical rotations at a health care facility that accepts funding from this state, *pending House floor*.

Bills in negotiations between authors and OHA pending floor votes

HB 1191, Advanced Directive, *R. West/Silk*, includes artificially implanted medical device to the advance directive form, *pending Senate floor*; **HB 2237, State Employees Insurance**, *Mulready/Treat*, allows OMES to contract with one or more third-party vendor for purposes of offering alternative medical plans for consideration

by participants, *pending Senate floor*; **SB 726, Telemedicine**, Griffin/Mulready, allows a physician-patient relationship be established by telephone, thereby changing current telemedicine protocols.

Bills opposed by OHA that failed April 23 deadline

HB 1712, Repeal of State Mandated Benefits, Moore, repeals the 38 state mandated health benefits, such as breast cancer screening and diabetes treatment; **HB 2216, Billing Notification**, S. Roberts/Smalley, requires a physician who admits an enrollee or seeks prior authorization for a nonemergency service to provide notice to the enrollee that certain health care providers practicing at that facility may not have the enrollees' insurance; **SB 158, Gun Ownership**, Shaw, prohibits a health care practitioner from refusing to treat a patient based on the lawful ownership of a gun; **SB 329, HMOs**, Marlatt/Smalley, (also **HB 1630**) mandates the offering of HMO plans with the same actuarial value as the states' self-funded HealthChoice High Option PPO plan and prohibits risk adjusting premium payments to commercial HMOs; **SB 518, HMO Out of Network**, Marlett/Smalley, changes the relationship from the current private contract rate negotiation to a state-mandated provision for out-of-network providers for emergency services. **Bills to diminish authority of state health boards: SB 686**, David/Echols, removes the authority of the Health Care Authority Board to appoint the agency's director and gives the authority to the governor, *failed in the Senate Health and Human Services Committee*; and, **SB 711**, David/Echols, removing the authority of the Board of Mental Health and Substance Abuse Services to appoint the commissioner of mental health and substance abuse, was *withdrawn from the committee's consideration*. **SB 701, Negligence**, Sykes/Echols, provides a health care provider's failure to comply with or breach of any federal statute, regulation or program will not be admissible, used to determine the standard of care or the legal basis for a presumption of negligence in medical liability actions; **SB 757, Hospital Pricing**, Jech/Wright, requires, beginning Sept. 30, 2018, and at least annually thereafter, hospitals to provide to the State Department of Health, utilizing electronic health records software, information on the 100 most common medical procedures and the 50 most common imaging procedures; **SB 762**, Sykes/Ritze, relating to medical liability and to limitation of tail coverage of physicians; **SB 782, Radiology Technicians**, Scott/Teague, requires licensure of radiologic technologists. It directs the State Board of Medical Licensure and Supervision to promulgate rules defining the scope of practice of radiologic technologists and the educational qualifications necessary to practice as a radiologic technologist.

Bills opposed by OHA failed on floor

HB 1710, Maintenance of Certification, Ritze/Yen, prohibits hospitals and health plans from discriminating against physicians who have been awarded board certification by specialty boards recognized by either the American Osteopathic Association or the American Board of Medical Specialties, irrespective of recertification status or participation in Maintenance of Certification, *failed on the House floor*.

Workers' Compensation bills we are monitoring

HB 1462, Workers' Compensation Reform, Echols/Sykes, modifies certain definitions, clarifies language relating to preexisting conditions and defines related terms. *Pending Senate floor*.

HB 1572, Workers' Compensation Commission Payment of Claims, McEntire/Smalley, removes the authority of the Workers' Compensation Commission to contract with an appropriate entity to process, investigate and pay valid claims against an impaired self-insurer that fails, due to insolvency or otherwise, to pay its workers' compensation obligations or charges. *Pending House Appropriations Committee*.

HB 1921, Employer Liability Workers' Compensation, Kannady/Sykes, modifies parties liable for workers' compensation. It requires employers to pay or provide benefits for accidental injury or death arising out of employment and establishes rules and regulations. *Dormant until 2018 Session*.

SB 737, Volunteer Firefighter Workers Compensation, Sykes/Echols, provides workers' compensation insurance will be provided to volunteer firefighters through an insurance company selected by the Office of Management and Enterprise Services (OMES) through a competitive bid. *Pending House floor*.