An Act

ENROLLED HOUSE
BILL NO. 2190

By: Schwartz and Hoskin of the House

and

Griffin of the Senate

An Act relating to health benefit plans; defining terms; requiring use of certain forms under certain circumstances; establishing requirements for certain forms; providing for accessibility of certain forms; and providing an effective date.

SUBJECT: Health benefit plans

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 313B of Title 63, unless there is created a duplication in numbering, reads as follows:

A. As used in this section:

1. a. "Health benefit plan" means a plan that:

(1) provides benefits for medical or surgical expenses incurred as a result of a health condition, accident, or sickness, and

(2) is offered by any insurance company, group hospital service corporation, the State and Education Employees Group Insurance Board, or a health maintenance organization that delivers or issues for delivery an individual, group, blanket, or franchise insurance policy or insurance agreement, a group hospital service contract, or an evidence of coverage, or, to the

extent permitted by the Employee Retirement Income Security Act of 1974, 29 U.S.C., Section 1001 et seq., by a multiple employer welfare arrangement as defined in Section 3 of the Employee Retirement Income Security Act of 1974, or any other analogous benefit arrangement, whether the payment is fixed or by indemnity.

b. "Health benefit plan" shall not include:

(1) a plan that provides coverage:

(a) only for a specified disease or diseases or under an individual limited benefit policy,

(b) only for accidental death or dismemberment,

(c) for dental or vision care,

(d) a hospital confinement indemnity policy,

(e) disability income insurance or a combination of accident-only and disability income insurance, or

(f) as a supplement to liability insurance,

(2) a Medicare supplemental policy as defined by Section 1882(g)(1) of the Social Security Act (42 U.S.C., Section 1395ss),

(3) workers' compensation insurance coverage,

(4) medical payment insurance issued as part of a motor vehicle insurance policy,

(5) a long-term care policy, including a nursing home fixed indemnity policy, unless a determination is made that the policy provides benefit coverage so comprehensive that the policy meets the definition of a health benefit plan, or

(6) short-term health insurance issued on a nonrenewable basis with a duration of six (6) months or less; and

2. "Prior authorization" means a utilization management criterion utilized to seek permission or waiver of a drug to be covered under a health prior authorization.

B. Notwithstanding any other provision of law to the contrary, in order to establish uniformity in the submission of prior authorization forms, on or after January 1, 2015, a health benefit plan shall utilize prior authorization forms for obtaining any prior authorization for prescription drug benefits. A form shall not exceed three pages in length, excluding any instructions or guiding documentation and a health benefit plan may customize the content of the form specific to the prescription drug for which the prior authorization is being requested. A health benefit plan may make the form accessible through multiple computer operating systems. Additionally, upon request, the health benefit plan shall make a copy of the form available to the Insurance Commissioner.

SECTION 2. This act shall become effective November 1, 2014.

Passed the House of Representatives the 6th day of May, 2014.

Presiding Officer of the House
of Representatives

Passed the Senate the 24th day of April, 2014.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 7th

day of May, 20 14, at 3:28 o'clock P M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 12th

day of May, 20 14, at 1:22 o'clock P M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 12th

day of May, 20 14, at 2:43 o'clock P. M.

By: Chris Benge