

Notice

Oklahoma Legislation 36 OS 7101

July 7, 2010

Dear Client,

Links to Documents

[OS 36-7101 - New Law 07/01/2010](#)

[HB 2437 Bill Fiscal Summary](#)



Mutual Assurance Administrators
3121 Quail Springs Parkway
Oklahoma City, OK 73134

800.825.3540

The State of Oklahoma passed a new law creating the Health Carrier Access Payment Revolving Fund (RF) for the Oklahoma Health Care Authority. The Act requires "health carriers" to pay an access fee to the Insurance Commissioner of the State of Oklahoma in the amount of 1% of "Claims Paid." The access fees are due from the effective date of the Act until January 1, 2015.

This law specifically defines "health carrier" to include "self-insured employer welfare arrangements."

Regardless of where an employer is domiciled, "Claims Paid" means all payments made by a health carrier for health and medical services for residents of Oklahoma, but does not include the following:

- Claims-related expenses and general administrative expenses.
- Claims paid for services rendered to non-residents.
- Claims paid under retiree health benefit plans that are separate from and not included within benefit plans for existing employees.
- Claims paid by an employee benefit excess insurance carrier that have been counted by a third party administrator for determining an access payment.
- Claims paid for services rendered outside of this state to a person who is a resident of this state.
- Claims paid for services rendered to a person covered under a benefit plan for federal employee.

The first payment to the Insurance Commissioner is required by 8/30/10 for "Claims Paid" beginning 7/1/10. Mutual Assurance will begin tracking and reporting "Claims Paid" and the 1% as a new expense item and make the required payment to the Insurance Commissioner. The stated remedy for non-compliance includes revocation of authority to transact insurance, civil penalties, legal fees and other action authorized by the Oklahoma Insurance Code to collect any unpaid access payments.

We do anticipate legal challenges to this bill. However, it is the law of the State of Oklahoma at this time. Sponsors of the bill from the House are: Cox, Lamons, Pittman and Cannaday; and from the Senate: Johnson (Mike) and Myers.

If you have any questions or would like MAA to not comply with this law on your behalf please let me know.

Todd E. Archer
President and CEO