



## 2023 Summary for OMEPA

As we approach the end of 2023, I am reflecting on all that OMEPA has accomplished over the years, despite considerable challenges we experienced at the Oklahoma State Capitol this year with HB 1712. However, it has been my privilege to lead OMEPA as your President for the past 6+ years, and I'm so proud of the work we have accomplished in fulfilling our mission. The scope of what OMEPA has completed for Oklahoma's DME industry cannot be measured totally in economic value, for there have been many changes, benefits, and services provided to the industry since the fall of 2017.



Beginning in **2018**, Collin Brecher with VGM met me on one of the coldest days in February to begin our journey through the halls of the State Capitol. That was the year of OMEPA's beginnings in working with the Oklahoma Legislature for tax law changes and the Oklahoma provider license. Oklahoma provider license would help our state in combating Medicare's competitive bidding process from outside sources. Later that year Collin Brecher, Katie Rogers and I met for the first time with the members of the Oklahoma Board of Pharmacy. We needed their support and help with the bill language and implementing this new bill for the DME provider's license.

In **2019**, we made history by passing HB 1262 on May 28, 2019, and signed into law with an executive Governor's press on July 9, 2019. This law brought about much needed relief to our DME industry by clarifying the Oklahoma tax language and exempting DME sales of prescription items from sales tax.



The year of the COVID pandemic, **2020**, allowed the lawmakers to take an opportunity to work harder behind closed doors. Victor Clay and I worked diligently with OHCA, through many Zoom meetings, to stop OHCA's implementation of SPA reimbursement changes to Durable Medical Equipment providers that July 1. This was a major victory for OMEPA! This prevented OHCA from implementing the lowest Medicare CB rate schedule across the entire state for OHCA reimbursements.

But our victory would be met head on in **2021** by two battles: the Governor's proposal of state managed care for OHCA and the battle for DME industry state licensure. The DME industry providers license bill, House Bill 2649, was introduced by Rep. Echols. This bill passed the House of Representatives with a 96% positive vote but was stalled by Senator Thompson until the next year. A second battle was raging with OHCA and the Governor's office to implement a state MCO program. This brought about a unique opportunity to join with 17 other Oklahoma state healthcare associations in forming the first known state coalition of healthcare industries to defeat the managed care bill. However, another bill emerged at the last minute, Senate Bill 131, that brought a lot of controversy down to the very last midnight hour before it was passed and signed into law. This bill had the makings of the future managed-care program for the state, but our healthcare industry was able to put protective language in the bill at the last minute. It was known as the guardrail clause for Oklahoma licensed providers that would service the new managed care contracts. The bill stated that managed-care contractors must consider Oklahoma licensed healthcare providers for the first 2 years, at the Medicare fee schedule rates.



On June 1, 2021, we were able to get a court injunction against the State of Oklahoma to stop the implementation of managed care for that year, which ultimately stalled the implementation until 2024.

With the Senate Bill 131 guardrails in place, **2022's** focus quickly became getting the DME licensure bill passed. On May 20, 2022, HB 2649 passed and was signed into law. This required a state DME license for Oklahoma DME providers. The bill specifies the licenses were for the need

of billing third parties' insurance benefits for all in-home services, except for a few exemptions. Passing this bill allowed the Oklahoma DME providers the opportunity to participate as a licensed provider, as required under SB 131 and SB 1337 of 2021, to participate first in any state managed care program.

That brings us back to **2023**. OMEPA worked with Rep. Marti on House Bill 1712 which is known as the "People's Right of Choice" bill. This bill passed the House of Representatives with 100% approval. Sen. Jessica Garvin introduced the bill to the Senate, but it stalled at the last moment. The bill will be reintroduced to the Senate in February 2024 and, if approved, will be sent to the Governor's office. This bill allows patients to choose outside of their healthcare insurance network if there is not an in-network contracted provider within 15 miles of their ZIP code. The bill will allow the out-of-network provider to participate as an in-network provider for the services and benefits in that circumstance.

As we look down the road for 2024, there is a need for a bill with the language that would extend the two-year mandate requirement on in-state licensed provider usage in the OHCA managed care program. The state insurance companies that are under contract for Oklahoma managed care programs will soon be closing their provider networks at the end of 2 years. Then only those who are willing to contract with them and utilize their fee schedules will be allowed to participate.



OMEPA has many challenges ahead of them and we need your support more now than ever before. This summary only pertains to the state level work and does not cover the many hours OMEPA has spent on the national level combating Medicare challenges and changes to our industry. Please support us in 2024. We look forward to working together for a better tomorrow and servicing our communities.

May the new year bring you prosperity, health, and blessings untold.

Your OMEPA President,

*Larry Dalton*

**COO - Advanced Care Medical Equipment**

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# 2024 – 2026

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2. **Vendor Member:** to be appointed January 2024
3. **Vendor Member:** to be appointed January 2024

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