

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 1576

By: Lawson

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6 AS INTRODUCED

7 An Act relating to Medicaid; defining terms;  
8 requiring the Oklahoma Health Care Authority to  
9 provide coverage through Medicaid for certain  
services; providing certain criteria; providing for  
certain medical necessity criteria; authorizing  
discretion to the Chief Operating Officer of the  
10 Oklahoma Health Care Authority; providing for Health  
Information Portability and Accountability Act  
11 requirements; providing for scientific research;  
providing for consent to provide data for research;  
12 providing for opting-out; providing for minors;  
providing for the promulgation of rules and  
13 regulations; providing for waiver application;  
providing for codification; providing for an  
14 effective date; and declaring an emergency.

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

18 SECTION 1. NEW LAW A new section of law to be codified  
19 in the Oklahoma Statutes as Section 4005 of Title 56, unless there  
20 is created a duplication in numbering, reads as follows:

21 A. For purposes of this section, "rapid whole genome sequencing  
22 (RWGS)" is defined as an investigation of the entire human genome,  
23 including coding and non-coding regions and mitochondrial  
24 deoxyribonucleic acid, to identify disease-causing genetic changes

1 | that returns the preliminary positive results within seven (7) days  
2 | and final results within fifteen (15) to twenty-one (21) days from  
3 | the date of receipt of the sample by the lab performing the test,  
4 | and includes patient-only whole genome sequencing (WGS) and duo and  
5 | trio whole genome sequencing of the patient and biological parent or  
6 | parents.

7 |       B. Subject to any required approval of the Centers for Medicare  
8 | and Medicaid Services, the Oklahoma Health Care Authority shall  
9 | include coverage of rapid whole genome sequencing as a separately  
10 | payable service for Medicaid beneficiaries when all of the following  
11 | criteria are met:

- 12 |           1. Beneficiary is under twenty-one (21) years of age;
- 13 |           2. Beneficiary has a complex or acute illness of unknown  
14 | etiology, that is not confirmed to be caused by an environmental  
15 | exposure, toxic ingestion, infection with normal response to  
16 | therapy, or trauma; and
- 17 |           3. Beneficiary is receiving hospital services in an intensive  
18 | care unit or other high acuity care unit within a hospital.

19 |       C. The coverage provided pursuant to this section may be  
20 | subject to applicable evidence-based medical necessity criteria that  
21 | shall be based on all of the following:

- 22 |           1. The patient has symptoms that suggest a broad differential  
23 | diagnosis that would require an evaluation by multiple genetic tests  
24 | if rapid whole genome sequencing is not performed;

1       2. The patient's treating healthcare provider has determined  
2 that timely identification of a molecular diagnosis is necessary to  
3 guide clinical decision-making and testing results may guide the  
4 treatment or management of the patient's condition; and

5       3. The patient has a complex or acute illness of unknown  
6 etiology, including at least one of the following conditions:

- 7           a. congenital anomalies involving at least two organ  
8           systems or complex and multiple congenital anomalies  
9           in one organ system,
- 10          b. specific organ malformations highly suggestive of a  
11           genetic etiology,
- 12          c. abnormal laboratory tests or abnormal chemistry  
13           profiles suggesting the presence of a genetic disease,  
14           complex metabolic disorder, or inborn error of  
15           metabolism,
- 16          d. refractory or severe hypoglycemia or hyperglycemia,
- 17          e. abnormal response to therapy related to an underlying  
18           medical condition affecting vital organs or bodily  
19           systems,
- 20          f. severe muscle weakness, rigidity, or spasticity,
- 21          g. refractory seizures,
- 22          h. a high-risk stratification on evaluation for a brief  
23           resolved unexplained event with any of the following:  
24              (1) a recurrent event without respiratory infection,

- (2) a recurrent event witnessed seizure-like event,
    - or
  - (3) a recurrent cardiopulmonary resuscitation.
  - i. abnormal cardiac diagnostic testing results suggestive of possible channelopathies, arrhythmias, cardiomyopathies, myocarditis, or structural heart disease,
  - j. abnormal diagnostic imaging studies suggestive of underlying genetic condition,
  - k. abnormal physiologic function studies suggestive of an underlying genetic etiology, or
  - l. family genetic history related to the patient's condition.

14 D. Nothing in this section prohibits the Chief Operating  
15 Officer of the Oklahoma Health Care Authority from adding additional  
16 conditions to those contained in paragraph 3 of subsection C based  
17 upon new medical evidence or from providing coverage for rapid whole  
18 genome sequencing or other next generation sequencing (NGS) and  
19 genetic testing for Medicaid beneficiaries that is in addition to  
20 the coverage required under this section.

21       E. Genetic data generated as a result of performing rapid whole  
22 genome sequencing, covered pursuant to this section, shall have a  
23 primary use of assisting the ordering health care professional and  
24 treating care team to diagnose and treat the patient, and as

1 protected health information it shall be subject to the requirements  
2 applicable to protected health information as set forth in the  
3 Health Information Portability and Accountability Act (HIPAA), the  
4 Health Information Technology for Economic and Clinical Health Act,  
5 and their attendant regulations, including but not limited to, the  
6 HIPAA privacy rule as promulgated at 45 CFR Part 160 and Subparts A  
7 and E of 45 CFR Part 164.

8 F. Genetic data generated from rapid whole genome sequencing,  
9 covered pursuant to this section, can be used in scientific research  
10 if consent for such use of the data has been expressly given by the  
11 patient, or the patient's legal guardian in the case of a minor.  
12 The patient, the patient's legal guardian in the case of a minor, or  
13 the patient's health care provider with the patient's consent, may  
14 request access to the results of the testing covered by this section  
15 for use in other clinical settings. A health care provider may only  
16 charge a small fee to the patient based on the direct costs of  
17 producing the results in a format usable in other clinical settings.  
18 A patient, or patient's legal guardian in the case of a minor, shall  
19 have the right to rescind the original consent to the use of the  
20 data in scientific research at any time, and upon receipt of a  
21 written revocation of the consent the health care provider or other  
22 entity using the data shall cease use and expunge the data from any  
23 data repository where it is held.

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1       G. The Chief Operating Officer of the Oklahoma Health Care  
2 Authority will take any actions necessary to implement the  
3 provisions of this section, which can include, if deemed necessary,  
4 the following:

- 5           1. Promulgation of rules and regulations to provide for  
6 Medicaid coverage pursuant to this section;
- 7           2. Submission to the Centers for Medicare and Medicaid Services  
8 of any new waiver application, amendment to an existing waiver, or  
9 Medicaid state plan amendment necessary to ensure federal financial  
10 participation for Medicaid coverage pursuant to this section; or  
11           3. Any other administrative action determined by the Chief  
12 Operating Officer as necessary to implement the requirements of this  
13 section.

14       SECTION 2. This act shall become effective July 1, 2025.

15       SECTION 3. It being immediately necessary for the preservation  
16 of the public peace, health or safety, an emergency is hereby  
17 declared to exist, by reason whereof this act shall take effect and  
18 be in full force from and after its passage and approval.

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20       60-1-10968          TJ          12/17/24