

TITLE 365. INSURANCE DEPARTMENT
CHAPTER 40. HEALTH MAINTENANCE ORGANIZATIONS (HMO)

SUBCHAPTER 1. GENERAL PROVISIONS

365:40-1-1. Purpose

This regulation provides rules administering the Health Maintenance Organizations Act of 2003, 36 O.S. § 6901, et seq., and related provisions of the Oklahoma Insurance Code.

[Source: Added at 21 Ok Reg 77, eff 11-1-03 (emergency); Added at 21 Ok Reg 1672, eff 7-14-04]

365:40-1-2. Definitions

As used in this Chapter, unless the context requires otherwise:

"Alien HMO" means an HMO formed under the laws of a country other than the United States, except that for purposes of the Holding Company Act, alien HMO shall have the same meaning as foreign HMO.

"Department" means the Oklahoma Insurance Department pursuant to Title 36 of the Oklahoma Statutes.

"Domestic HMO" means an HMO formed under the laws of Oklahoma.

"Executive officer" means chief executive officer, chief operating officer, chief financial officer, treasurer, secretary, controller, and any other individual performing functions corresponding to those performed by the foregoing officers under whatever title.

"Foreign HMO" means an HMO formed under the laws of another state, commonwealth, territory, or district of the United States.

"HMO Act" means the Health Maintenance Organization Act of 2003 as amended, 36 O.S. § 6901, et seq.

"Health Maintenance Organization" (HMO) has the meaning as defined at 36 O.S. § 6902, and, for purposes of this regulation, any reference to the terms insurer, insurance company or company in this regulation, in statutes referenced by this regulation or in statutes referenced in the HMO Act also includes health maintenance organizations.

"Holding Company Act" means the Insurance Holding Company System Regulatory Act, 36 O.S. § 1651, et seq.

"NAIC" means the National Association of Insurance Commissioners.

"Ultimate controlling person" means that person which is not controlled by any other person.

[Source: Added at 21 Ok Reg 77, eff 11-1-03 (emergency); Added at 21 Ok Reg 1672, eff 7-14-04]

365:40-1-3. Medicaid HMOs

Domestic health maintenance organizations that contract with the Oklahoma Health Care Authority to provide basic health care services to Medicaid recipients and do not provide basic health care services to any other group of persons shall be exempt from compliance with ~~O.A.C. 365:40-3-2 and 365:40-5-44~~ of this Chapter.

[Source: Added at 21 Ok Reg 77, eff 11-1-03 (emergency); Added at 21 Ok Reg 1672, eff 7-14-04]

365:40-1-4. Severability provision

If any provision of this regulation, or the application thereof to any person or circumstances, is held invalid, such invalidity shall not affect other provisions or applications of this regulation, which can be given effect without the invalid provision, or application, and to that end the provisions of this regulation are severable.

[Source: Added at 21 Ok Reg 77, eff 11-1-03 (emergency); Added at 21 Ok Reg 1672, eff 7-14-04]