

ENROLLED SENATE
BILL NO. 483

BY: MILES-LaGRANGE, BROWN,
DICKERSON and HENDRICK of
the SENATE

and

GLOVER and HAMILTON (James)
of the HOUSE

AN ACT RELATING TO THE OKLAHOMA MEDICAL CENTER;
ENACTING THE OKLAHOMA MEDICAL CENTER ACT;
DEFINING TERMS; STATING MISSION OF THE CENTER;
CREATING THE OKLAHOMA MEDICAL CENTER ADVISORY
COMMITTEE; PROVIDING FOR THE MEMBERSHIP,
MEETINGS AND ADMINISTRATIVE SUPPORT OF THE
ADVISORY COMMITTEE; STATING DUTIES; REQUIRING
THE OFFICE OF PERSONNEL MANAGEMENT TO CONDUCT
CERTAIN COMPENSATION REVIEWS; PROVIDING
PROCEDURES AND REQUIREMENTS RELATED TO THE
REVIEWS; AMENDING SECTION 182, CHAPTER 181,
O.S.L. 1985, AS AMENDED BY SECTION 30, CHAPTER
326, O.S.L. 1988 (56 O.S. SUPP. 1990, SECTION
521), WHICH RELATES TO RESIDENT PHYSICIANS OF
THE COLLEGE OF MEDICINE OF THE UNIVERSITY OF
OKLAHOMA; AUTHORIZING THE RESIDENTS TO BE
ENROLLED IN CERTAIN BENEFIT PROGRAMS; AMENDING
74 O.S. 1981, SECTION 85.12, AS LAST AMENDED BY
SECTION 20, CHAPTER 337, O.S.L. 1990 (74 O.S.
SUPP. 1990, SECTION 85.12), WHICH RELATES TO
ACQUISITIONS EXCLUDED FROM THE OKLAHOMA CENTRAL
PURCHASING ACT; EXPANDING EXCLUSION FOR THE
OKLAHOMA MEDICAL CENTER; PROVIDING FOR
CODIFICATION; PROVIDING AN EFFECTIVE DATE; AND
DECLARING AN EMERGENCY.

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 3201 of Title 63, unless there
is created a duplication in numbering, reads as follows:

Sections 1 through 4 of this act shall be known and may be cited
as the "Oklahoma Medical Center Act".

SECTION 2. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 3202 of Title 63, unless there
is created a duplication in numbering, reads as follows:

As used in the Oklahoma Medical Center Act:

1. "Oklahoma Medical Center" includes the Oklahoma Memorial
Hospital, the Children's Hospital of Oklahoma, the O'Donoghue
Rehabilitation Institution, the George Nigh Rehabilitation Institute
and the Child Study Center;

2. "Advisory committee" means the Oklahoma Medical Center
Advisory Committee;

3. "Department" means the Department of Human Services; and

4. "Commission" means the Oklahoma Public Welfare Commission.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3203 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. The mission of the Oklahoma Medical Center is to:

1. Serve principally as teaching and training hospitals for students enrolled at the University of Oklahoma and other health and educational facilities;

2. Serve as a site for conducting medical and biomedical research by faculty members of the University of Oklahoma Health Sciences Center; and

3. Provide nonindigent and indigent care.

B. In order to aid and assist the Oklahoma Medical Center in accomplishing its mission there shall be formed the Oklahoma Medical Center Advisory Committee composed of the following five (5) members:

1. One member appointed by the Speaker of the House of Representatives;

2. One member appointed by the President Pro Tempore of the Senate;

3. One member appointed by the Governor;

4. The Provost of the University of Oklahoma Health Sciences Center; and

5. The Director of the Veterans Administration Medical Center - Oklahoma City.

The Governor shall appoint the Chairman of the Advisory Committee.

C. The Advisory Committee shall meet at least four times a year on a quarterly basis and at such other times as it deems necessary for the purpose of considering the funding, and reviewing the operational and capital needs of the Oklahoma Medical Center and will formulate recommendations to be submitted to the Chief Executive officer of the Oklahoma Medical Center, the Director of the Department of Human Services, the Commission for Human Services, the Legislature, and the Governor. Three of the required quarterly meetings of the Advisory Committee shall be held in conjunction with the regularly scheduled meetings of the Health Affairs Subcommittee of the Commission for Human Services. One quarterly meeting shall be held in conjunction with the regularly scheduled meeting of the Commission for Human Services at which the budget request for the agency for the next fiscal year is considered for submission to the Office of State Finance. The Advisory Committee may also meet with the Health Affairs Subcommittee or the Commission for Human Services at such other times as necessary.

D. Administrative support for the Advisory Committee shall be provided by the Legislative Service Bureau.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3204 of Title 63, unless there is created a duplication in numbering, reads as follows:

The Office of Personnel Management shall conduct reviews of the compensation provided for employees of the Oklahoma Medical Center. The reviews shall be conducted at such times as deemed necessary, but not less often than annually. The review shall include consideration of compensation levels in comparable health care facilities, the impact of compensation levels and other factors in the recruitment and retention of qualified personnel, the appropriation or other funds available to the Commission for Human Services for compensation of Oklahoma Medical Center employees, and any recommendation of the Advisory Committee concerning compensation. Notwithstanding any other provision of law, the

Office of Personnel Management may approve any change in grade for a class of positions, special entry rate, pay differential or other measure deemed necessary to ensure that compensation for employees of the Oklahoma Medical Center is reasonably competitive within the health care industry and that any special compensation needs or issues arising from the mission of the Oklahoma Medical Center are addressed. The Commission for Human Services shall provide such assistance in conducting the reviews required by this section as may be requested by the Office of Personnel Management.

SECTION 5. AMENDATORY Section 182, Chapter 181, O.S.L. 1985, as amended by Section 30, Chapter 326, O.S.L. 1988 (56 O.S. Supp. 1990, Section 521), is amended to read as follows:

Section 521. The Department of Human Services is authorized to place resident physicians of the College of Medicine of the University of Oklahoma on the Oklahoma Medical Center payroll, and to enroll the residents in the Disability Insurance Program as provided in the State Employees Disability Program Act pursuant to Section 1331 et seq. of Title 74 of the Oklahoma Statutes and in the flexible benefits plan, as provided in the State Employees Flexible Benefits Act pursuant to Section 1341 et seq. of Title 74 of the Oklahoma Statutes. The Department of Human Services is further authorized to acquire through the Purchasing Division of the Office of Public Affairs health, life, and dental insurance for such residents. Such residents shall not be considered employees of the Department of Human Services and shall not be eligible to participate in the Oklahoma Public Employees Retirement System. This section shall not preclude the right of the Oklahoma Medical Center to terminate, for cause, the practicing privileges of any resident physician within the Oklahoma Medical Center.

SECTION 6. AMENDATORY 74 O.S. 1981, Section 85.12, as last amended by Section 20, Chapter 337, O.S.L. 1990 (74 O.S. Supp. 1990, Section 85.12), is amended to read as follows:

Section 85.12 A. The provisions of this section shall not be construed to affect any law relating to fiscal or accounting procedure except such as may be directly in conflict herewith; and all claims, warrants and bonds shall be examined, inspected and approved as now provided by law.

B. The following acquisitions shall not be included within the purview of the Oklahoma Central Purchasing Act:

1. Food and other products produced by state institutions and agencies;

2. Contracts for construction of new buildings and for the repair, maintenance or modernization of old buildings by state educational institutions included within The Oklahoma State System of Higher Education;

3. The printing or duplication of publications or forms of whatsoever kind or character by state agencies, which service is performed upon their own equipment, by their own employees;

4. Acquisitions by The Oklahoma State System of Higher Education on any institution or entity comprising the same insofar as such acquisitions relate to textbooks, laboratory supplies, instructional materials and specialized laboratory equipment;

5. Department of Transportation and Transportation Commission contractual services or right-of-way purchases. Contracts awarded pursuant to bids let by the Transportation Commission for the maintenance or construction of streets, roads, highways, bridges, or underpasses, or any other transportation facilities under the control of the Department of Transportation, the acquisitions of equipment or materials accruing to the Department of Transportation required in Federal-Aid contracts, and contracts for public service

type announcements initiated by the Department of Transportation. Contractual services as used herein shall not include advertising or public relations services;

6. Utility services where rates therefor are regulated by a state or federal regulatory commission, or by city ordinance or by an Indian Tribal Council for use by the Department of Corrections only;

7. ~~Purchases~~ Acquisitions of products and services by Oklahoma Medical Center. The Commission for Human Services shall develop standards for the ~~purchase of products~~ acquisitions and may elect to utilize Central Purchasing when appropriate. Such standards shall foster economy, short response time, and must include appropriate safeguards to assure appropriate competition and economical and efficient purchasing;

8. Contracts for custom harvesting by the Department of Corrections for the Department or its institutions;

9. Contracts with private prison contractors which are subject to the contracting procedures of Section 561 of Title 57 of the Oklahoma Statutes;

10. Acquisitions of aircraft by agencies authorized by the Legislature to purchase aircraft;

11. Purchases by the Oklahoma Municipal Power Authority;

12. Grand River Dam Authority;

13. Purchases by the Oklahoma Ordnance Works Authority or Midwestern Oklahoma Development Authority, except that the Oklahoma Ordnance Works Authority and the Midwestern Oklahoma Development Authority shall remain subject to the provisions of Section 85.32 of this title;

14. Contracts entered into by the State Department of Education for the purpose of implementing the provisions of Section 6-156 of Title 70 of the Oklahoma Statutes;

15. Expenditure of monies appropriated to the State Board of Education for the purpose of Local, State-supported Programs and State-supported Programs except monies appropriated for the Administrative and Support Functions of the State Department of Education;

16. Contracts entered into by the State Department of Vocational and Technical Education for the development, revision or updating of vocational curriculum materials;

17. Contracts entered into by the Oklahoma Center for the Advancement of Science and Technology for professional services;

18. Purchases made by the Oklahoma Historical Society from monies used to administer the White Hair Memorial;

19. Purchases of products available to an agency through a General Services Administration contract or other federal contract if the item is not on current state contract or the terms of such contract are more favorable to the agency than the terms of a state contract for the same products; ~~and~~

20. Contracts entered into for the services of an expert witness in any lawsuit involving a state agency; and

21. Purchases amounting to less than that requiring competitive bid pursuant to Section 85.4 of this title.

C. Notwithstanding the exclusions provided herein, any agency or common schools of Oklahoma, any municipality of the state, any rural fire protection district and county officers may, unless the contract with the state specifies otherwise, avail themselves of the provisions of the Oklahoma Central Purchasing contracts and the services of the Purchasing Director. Provided further, however, that any subdivision of government and any rural fire protection district of the state may designate the office of Oklahoma Central

Purchasing as its agent for the purchase or procurement of any item or service contracted or available to the state.

D. Further, notwithstanding the exclusions provided herein, the purchasing policies and procedures of the Oklahoma Ordnance Works Authority and the Midwestern Oklahoma Development Authority shall be subject to approval by the Director of the Office of Public Affairs, and said Director shall make periodic audits of the purchasing policies and procedures of the Oklahoma Ordnance Works Authority and the Midwestern Oklahoma Development Authority to assure that said purchasing policies and procedures, as approved by him, are being followed.

SECTION 7. This act shall become effective July 1, 1991.

SECTION 8. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 13th day of May, 1991.

President of the Senate

Passed the House of Representatives the 22d day of May, 1991.

Speaker of the House of Representatives