

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

HOUSE BILL NO. 1826

By: Larason

AS INTRODUCED

An Act relating to public health and safety; amending 63 O.S. 1991, Section 1-106.1, as last amended by Section 12, Chapter 373, O.S.L. 1992 (63 O.S. Supp. 1992, Section 1-106.1), which relates to fees; removing obsolete language; amending 63 O.S. 1991, Sections 1-704 and 1-705, which relate to hospitals; clarifying language; requiring publication of annual financial reports; providing for contents; providing methodology; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 63 O.S. 1991, Section 1-106.1, as last amended by Section 12, Chapter 373, O.S.L. 1992 (63 O.S. Supp. 1992, Section 1-106.1), is amended to read as follows:

Section 1-106.1 A. The State Board of Health may establish a system of fees to be charged for ~~environmental and other~~ health services and for services rendered to members of the public in the issuance and renewal of licenses and permits by the State Commissioner of Health and the State Department of Health. This provision is subject to the following limitations:

1. No schedule of fees may be established or amended by the Board except during such times as the Legislature is in session; provided, the Board may establish or amend a schedule of fees at a time when the Legislature is not in session if the fees or schedule of fees has been specifically authorized by the Legislature or has been approved by the Contingency Review Board. The State Board of Health must follow the procedures required by Article I of the Administrative Procedures Act for adoption of rules and regulations in establishing or amending any such schedule of fees; and

2. The Board shall charge fees only within the following ranges, except as may be otherwise specified in this section.

For license or permit issuance: \$50.00 to \$2,000.00

For license or permit renewal: \$10.00 to \$500.00

For environmental health services: \$25.00 to \$250.00

provided further, that any facility exempt from the requirement to obtain a permit based on date of construction or start-up may be assessed an annual permit renewal fee equivalent.

B. The Board's authority to establish such a fee schedule shall extend to all programs administered by the State Commissioner of Health and the State Department of Health, regardless of whether the statutes creating such programs are codified in the Oklahoma Public Health Code.

C. The Board shall base its schedule of licensing or permitting fees upon the reasonable costs of review and inspection services rendered in connection with each license and permit program, but shall be within the ranges specified in subsection A of this section, except as may be otherwise specified in this section. The Department shall establish a system of training for all personnel who render review and inspection services in order to assure uniform statewide application of rules and regulations and the Board shall also base the fee on reasonable costs associated with the training of those personnel. Such fees shall not be used in the operation of

local health departments whose personnel do not participate fully in applicable State Department of Health training and standardization programs.

D. The Board may exempt by rule and regulation any class of licensee or permittee or any class of facility or activity to be licensed or permitted from the requirements of the fee schedule if the Board determines that the creation of such a schedule for any such class would work an unreasonable economic hardship.

E. All statutory fees now in effect for issuance and renewal of any license or permit administered by the State Commissioner of Health and the State Department of Health shall remain in effect until such time as the Board acts to implement new fee schedules pursuant to the provisions of this act.

F. Unless a longer duration is specified for certain permits by the rules and regulations of the Board, licenses and permits issued by the Commissioner of Health shall be for a one-year period.

~~G. 1. Notwithstanding the above limits, the State Board of Health may establish an annual fee for public water supply system regulatory services based on the size and type of the system and the resultant regulatory cost of the services to the state. Such annual fee shall not result in an increase of more than thirty cents (\$0.30) per month per residential user of the public water supply systems per year. A public water supply system operated by or on behalf of a municipality or a rural water district may submit tests of such system performed by a laboratory certified pursuant to this section in lieu of tests performed by the State Department of Health pursuant to any regulatory requirement of state or federal law. The portion of the annual fee applicable to laboratory tests performed by a certified laboratory shall be deducted from the annual fee in the annual bill.~~

~~2. The State Board of Health may assess an annual minimum fee charged for:~~

- ~~a. purchase water systems, Fifty Dollars (\$50.00),~~
- ~~b. ground water systems, Seventy-five Dollars (\$75.00),~~
- ~~and~~
- ~~c. surface water systems, One Hundred Fifty Dollars (\$150.00).~~

~~3. Any state funds appropriated for public water supply system regulatory services shall be used to offset the increased costs of regulatory services to the smaller public water supply systems with a population of up to two thousand (2,000) people.~~

~~H. The Oklahoma State Board of Health shall adopt standards for certification of privately and publicly owned laboratories for performance of analyses of water and wastewater for public water supply systems. The Board may adopt standards of the United States Environmental Protection Agency by reference but in any case laboratories meeting such standards shall be certified.~~

~~I. The State Health Department shall use the standards adopted by the Board for purposes of certifying laboratories for performance of water and wastewater analyses for public water supply systems. The Department shall adopt procedures for examining and certifying laboratories for compliance with the standards. The Department shall certify those laboratories that meet the standards set by the Board.~~

~~J. The Department shall accept, for purposes of compliance monitoring and analysis, the water and wastewater analyses of those laboratories which it certifies pursuant to the standards set by the Board.~~

~~K. The Department may suspend or revoke the certification of any laboratory which does not continue to comply with the standards after receiving certification from the Department. The owner and all employees of any laboratory which seeks certification pursuant to this section shall be subject to the enforcement provisions of Sections 1-1701 and 1-1701.1A through 1-1701.1B of this code,~~

~~including but not limited to the sanctions and punishments provided for giving false information in an application for certification. Any owner or employee of a certified laboratory who knowingly makes any false statement, representation or certification to a client or to the Department or who knowingly renders inaccurate any monitoring device or method shall, upon conviction, be guilty of a misdemeanor, and shall be subject to a fine of not more than Five Thousand Dollars (\$5,000.00) for each violation.~~

~~L. The limitations of paragraph 2 of subsection A of this section shall not apply to the issuance or renewal of permits by the Commissioner or Department pursuant to the National Pollutant Discharge Elimination System of the Federal Water Pollution Control Act, provided that fees assessed pursuant to the National Pollutant Discharge Elimination System of the Federal Water Pollution Control Act shall not exceed the cost incurred by the state for performing the regulatory services or Three Hundred Thousand Dollars (\$300,000.00) per year averaged over a five-year period.~~

~~M. The limitations of paragraph 2 of subsection A of this section shall not apply to the issuance or renewal of any permit by the Commissioner of the Department pursuant to the Oklahoma Clean Air Act.~~

SECTION 2. AMENDATORY 63 O.S. 1991, Section 1-704, is amended to read as follows:

Section 1-704. A. The application by any person for a license to operate a hospital or related institution within the meaning of this article shall be accompanied by a fee to be determined by the number of beds available for patients, to be established by the State Board of Health, but. The fees shall not ~~to~~ exceed the following schedule: ~~those with up~~

1. Up to forty-nine such beds shall pay a fee of Ten Dollars (\$10.00); ~~those with fifty~~

2. Fifty beds or more and up to ninety-nine beds ~~shall pay a fee of~~ Fifteen Dollars (\$15.00); ~~those with one~~

3. One hundred beds or more and up to one hundred ninety-nine beds ~~shall pay a fee of~~ Twenty Dollars (\$20.00); and ~~those with two~~

4. Two hundred or more beds ~~shall pay a fee of~~ Twenty-five Dollars (\$25.00).

B. For the purpose of determining the fee, the total number of beds shall include cribs and bassinets.

C. No such fee shall be refunded unless licensure is refused. All licenses shall be for a period of twelve (12) months from the date of issue. ~~Provided that licenses may be issued for a period of more than twelve (12) months, but not more than twenty-four (24) months, for the license period immediately following the enactment of this provision in order to permit an equitable distribution of license expiration dates to all months of the year. Fees for such extended licensure period shall be prorated according to the total months to be licensed, with such amounts to be calculated to the nearest dollar.~~

D. All licenses shall be on a form prescribed by the State Commissioner of Health, shall not be transferable or assignable, shall be issued only for the premises named in the application, shall be posted in a conspicuous place on the licensed premises, and may be renewed for twelve-month periods upon application, investigation and payment of license fee, as in the case of procurement of an original license.

SECTION 3. AMENDATORY 63 O.S. 1991, Section 1-705, is amended to read as follows:

Section 1-705. A. The State Board of Health, upon recommendation of the State Commissioner of Health and with the advice of the Health Facilities Advisory Council hereinafter provided for, shall adopt rules, ~~regulations and standards~~ for the

construction and operation of hospitals and related institutions, for which licenses are required by the terms of this article, to provide for the proper care of patients. The adoption of rules ~~and regulations~~ shall be subject to and be governed by the provisions of ~~House Bill No. 865 Of the Twenty-ninth Legislature~~ the Administrative Procedures Act.

B. Every hospital and related institution shall be periodically inspected by an authorized representative of the Commissioner, and reports of such inspections shall be on forms prescribed by the Commissioner, ~~who shall, after.~~ After receipt of such reports, the Commissioner shall take such action as ~~he deems~~ is deemed necessary ~~to have corrected~~ for the hospital to correct any deficiencies or violations of the rules, ~~regulations and standards~~ of the Board, shown in such reports.

C. Hospitals and related institutions licensed under the provisions of this article shall not be exempt from being inspected or licensed under laws relating to hotels, restaurants, lodging houses, boarding houses and places of refreshment.

D. Every hospital and related institution as defined by Section 1-710 of this title and chemical dependency treatment facilities, other than group homes, halfway houses and transitional living facilities, licensed by the Department that offers or provides inpatient psychiatric or chemical dependency treatment services to persons eighteen (18) years of age or younger shall offer, provide or otherwise make available community-based programs and services and may make said programs and services available directly, through contract, or other appropriate means as determined by the Department. For the purposes of this subsection the term "community-based services" shall have the same meaning as said term is defined by Section 1101 of Title 10 of the Oklahoma Statutes.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 63 of Title 1-705a, unless there is created a duplication in numbering, reads as follows:

A. Every hospital licensed pursuant to Section 1-702 of Title 63 of the Oklahoma Statutes shall prepare and publish an annual financial report in a newspaper of general statewide circulation or a newspaper of general circulation in the county in which the hospital is located within one hundred twenty (120) days after the end of each fiscal year of the hospital. Such report shall contain the following information relating to the previous fiscal year:

1. A statement of income or profit and loss;
2. The amount of money spent on construction and expansion;
3. The amount of money spent on equipment acquisition;
4. The amount of money spent on advertising hospital services;

and

5. The percentage of patients served who are Medicaid recipients, which such percentage shall be calculated based upon the total number of patients served by the hospital.

B. The annual financial report shall be prepared from the books and records of the hospital and shall be certified by an officer or other appropriate agent or representative of the hospital or a public accountant.

SECTION 5. This act shall become effective July 1, 1993.

SECTION 6. 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.

44-1-6133

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