

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

CONFERENCE COMMITTEE SUBSTITUTE

FOR ENGROSSED

HOUSE BILL NO. 2578

By: Boyd (Betty) and Easley  
of the House

and

Henry of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to public health and safety; requiring promulgation of rules necessary to develop certain application for certain use; requiring development of such application for certain purposes; allowing certain entity to require supplemental information; amending Section 2, Chapter 288, O.S.L. 1994, as renumbered by Section 4, Chapter 143, O.S.L. 1996, Section 3, Chapter 288, O.S.L. 1994, Section 4, Chapter 288, O.S.L. 1994, as amended by Section 1, Chapter 143, O.S.L. 1996 and Section 2, Chapter 245, O.S.L. 1995 (74 O.S. Supp. 1997, Sections 5060.9a-1, 5060.9b, 5060.9c and 5060.9e), which relate to the Oklahoma Breast Cancer Act; updating and clarifying citations; changing agency jurisdiction for Oklahoma Breast Cancer Prevention and Treatment Advisory Committee; adding to membership; modifying qualifications; providing for appointment of new members; removing certain members; providing termination date; providing exception; providing for calling of first meeting; providing for staffing; modifying duties; establishing the Breast Cancer Act Revolving Fund; providing for deposits, expenditures and uses; specifying process for use of monies; providing for transfer of certain funds; updating and conforming language; amending 74 O.S. 1991, Section 5060.14, as last amended by Section 3, Chapter 143, O.S.L. 1996 (74 O.S. Supp. 1997, Section 5060.14), which relates to the Oklahoma Center for the Advancement of Science and Technology; modifying duties; repealing Section 5, Chapter 288, O.S.L. 1994, as last amended by Section 2, Chapter 143, O.S.L. 1996 (74 O.S. Supp. 1997, Section 5060.9d), which relates to the Breast Cancer Act Revolving Fund; providing for codification; providing for recodification; 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 1-106.2 of Title 63 unless there is created a duplication in numbering, reads as follows:

A. By January 1, 1999, the State Board of Health shall promulgate rules necessary to develop a uniform application which shall be used in the credentialing process of health care providers. The State Department of Health shall develop such application form for:

1. Initial privileges or membership in a hospital, managed care organization, or other entity requiring credentials verification; and

2. Recredentialing or reappointment in a hospital, managed care organization, or other entity requiring credentials verification.

B. Any entity requiring credentials verification may require supplemental information.

SECTION 2. AMENDATORY Section 2, Chapter 288, O.S.L. 1994, as renumbered by Section 4, Chapter 143, O.S.L. 1996 (74 O.S. Supp. 1997, Section 5060.9a-1), is amended to read as follows:

Section 5060.9a-1 Sections 2 through ~~5~~ 8 of this act shall be known and may be cited as the "Oklahoma Breast Cancer Act".

SECTION 3. AMENDATORY Section 3, Chapter 288, O.S.L. 1994 (74 O.S. Supp. 1997, Section 5060.9b), is amended to read as follows:

Section 5060.9b A. There is hereby created the "Oklahoma Breast Cancer Prevention and Treatment Advisory Committee" within the ~~Oklahoma Center for the Advancement of Science and Technology~~ State Department of Health. The Committee shall consist of ~~fifteen (15)~~ sixteen (16) members and be advisory to the ~~Oklahoma Center for the Advancement of Science and Technology~~ State Department of Health.

B. Members of the Committee shall be appointed as follows:

1. ~~Five~~ Four members appointed by the Governor, of which ~~four~~ at least two members shall represent organizations which are at the time of the appointment advocating statewide for the enhanced prevention or treatment or early detection of breast cancer in Oklahoma;

2. ~~Five~~ Four members appointed by the Speaker of the House of Representatives, of which at least two members shall be breast cancer survivors and one shall be a medical director of a ~~multi-disciplinary~~ breast center in Oklahoma; ~~and~~

3. ~~Five~~ Four members appointed by the President Pro Tempore of the Senate, of which at least two members shall ~~have been married to or children of persons~~ be family members of a person who ~~have~~ has died of breast cancer or conditions related to breast cancer and one shall be a medical director of a ~~multi-disciplinary~~ breast center in Oklahoma; ~~and~~

4. ~~The remaining appointees to the Committee~~ Commissioner of Health shall be medical professionals appoint four members who specialize shall be appointed for their outstanding contributions in the detection, prevention or treatment of breast or cervical cancer treatment, research, prevention, or advocacy in Oklahoma.

C. Appointments to the Committee shall be made to provide the Committee with a geographically, economically, and ethnically diverse composition. Associations and advocacy groups may provide appointing authorities lists from which they may select appointments.

~~C.~~ D. Those persons serving as members of the Committee on June 30, 1998, shall cease to be members of the Committee on July 1, 1998, unless appointed to serve terms starting July 1, 1998.

E. Members of the Committee shall serve a four-year term and may be reappointed. The Committee shall elect from among its members a chair, vice-chair, and any other officers that the Committee determines are necessary.

~~D.~~ F. ~~The President of the Oklahoma Center for the Advancement of Science and Technology~~ Commissioner of Health shall call the first meeting of the Committee by February 15, 1995 September 1, 1998. The Committee shall meet at least ~~once~~ twice each ~~quarter~~ year.

~~E.~~ G. The Committee may appoint subcommittees as it deems necessary.

~~F.~~ H. Members of the Committee shall not receive a salary for duties performed for the Committee. Reimbursement for necessary

travel expenses incurred in the performance of their official duties as members of the Committee shall be made in accordance with the State Travel Reimbursement Act.

~~G. I.~~ For purposes of determining a quorum for the Committee, a majority of members serving shall be required.

~~H. J.~~ The ~~Oklahoma Center for the Advancement of Science and Technology~~ State Department of Health shall provide staff assistance for the Committee.

SECTION 4. AMENDATORY Section 4, Chapter 288, O.S.L. 1994, as amended by Section 1, Chapter 143, O.S.L. 1996 (74 O.S. Supp. 1997, Section 5060.9c), is amended to read as follows:

Section 5060.9c A. The Oklahoma Breast Cancer Prevention and Treatment Advisory Committee shall advise the ~~Oklahoma Center for the Advancement of Science and Technology~~ Commissioner of Health regarding the contracting on the following statewide services or issues related to breast cancer, including but not limited to:

1. Mammography screening of women for breast cancer as early detection health care measures provided by facilities accredited by national organizations which have formed coalitions to issue national cancer screening guidelines;

2. Medical referral of screened persons with abnormal findings for definitive diagnosis and, to the extent practical, additional services or assistance for such persons;

3. Education and training programs for health care professionals to improve the detection and control of breast cancer, and to improve communication with breast cancer patients after diagnosis;

4. Annual public education awareness campaigns to improve the knowledge and health care practices of all Oklahoma women with respect to breast cancer;

5. Epidemiological trend studies utilizing the data from the Oklahoma Central Cancer Registry for incidence, prevalence and survival of breast cancer victims; and

6. Outreach to groups with high proportions of uninsured and underinsured women.

B. The contracts for services specified in this section shall provide appropriate requirements resulting in:

1. Enhancement of quality control standards within facilities which perform diagnostic cancer screening for breast cancer; and

2. Establishment of fees for breast cancer screening and diagnostic tests at the accepted Medicare/Medicaid rate and a sliding fee schedule to encourage self-responsibility.

~~C. The Advisory Committee shall also advise on the expenditure of funds transferred from the Breast Cancer Act Revolving Fund to the Research Support Revolving Fund to support breast cancer research.~~

~~D.~~ The Oklahoma Breast Cancer Prevention and Treatment Advisory Committee shall make annual reports to the Governor, Speaker of the House of Representatives and President Pro Tempore of the Senate by October 1 of each year. The annual reports shall report activities pursuant to the Oklahoma Breast Cancer Act during the prior fiscal year, including the funding for related activities. The report shall account for research and breast cancer screenings for uninsured and underinsured women. The report shall also recommend additional funding, if necessary, to provide screenings and treatment for breast cancer for uninsured and underinsured women.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-557 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. 1. There is hereby created in the State Treasury a revolving fund for the State Department of Health to be designated the "Breast Cancer Act Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the fund and gifts or donations to the fund.

2. All monies donated or accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the State Department of Health for the purposes specified in the Oklahoma Breast Cancer Act associated with the implementation of the Oklahoma Breast Cancer Act.

3. Monies from the fund may be transferred to the Breast Cancer Prevention and Treatment Account and shall be used to carry out the purposes specified in Section 4 of this act.

4. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

B. 1. All proposals to expend monies from the Breast Cancer Act Revolving Fund shall have been considered by the Oklahoma Breast Cancer Prevention and Treatment Advisory Committee which shall advise the Commissioner of Health on the proposed use of monies from the fund.

2. All research projects awarded using monies from the fund shall be subject to peer review.

C. Monies in the Breast Cancer Act Revolving Fund may be expended by the State Department of Health for promotional activities to encourage donations to the Breast Cancer Act Revolving Fund by individuals and private businesses or foundations.

D. 1. On July 1, 1998, any unallotted balance in the Breast Cancer Act Revolving Fund created in Section 5060.9d of Title 74 of the Oklahoma Statutes shall be transferred to the fund created by this section.

2. All monies donated for the Breast Cancer Act which have not been allocated to the Breast Cancer Act Revolving Fund created in Section 5060.9d of Title 74 of the Oklahoma Statutes before July 1, 1998, shall be allocated to the fund created in this section.

3. All outstanding obligations and encumbrances of the Breast Cancer Act Revolving Fund created in Section 5060.9d of Title 74 of the Oklahoma Statutes shall be transferred to the fund created by this section on the effective date of this act.

SECTION 6. AMENDATORY Section 2, Chapter 245, O.S.L. 1995 (74 O.S. Supp. 1997, Section 5060.9e), is amended to read as follows:

Section 5060.9e A. Each state individual income tax return form for tax years commencing after December 31, 1994, and each state corporate tax return form for tax years commencing after December 31, 1994, shall contain a designation as follows, or contain similar wording as space allows on the tax return form: Oklahoma Breast Cancer Act. Check if you wish to donate from your tax refund ( ) \$2.00, ( ) \$5.00 or ( ) \$\_\_\_\_\_.

B. The monies generated from donations made pursuant to subsection A of this section shall be used by the ~~Oklahoma Center for the Advancement of Science and Technology~~ State Department of Health for the purposes specified in the Oklahoma Breast Cancer Act.

C. All monies generated pursuant to subsection A of this section shall be paid to the State Treasurer and placed to the credit of the Breast Cancer Act Revolving Fund.

SECTION 7. AMENDATORY 74 O.S. 1991, Section 5060.14, as last amended by Section 3, Chapter 143, O.S.L. 1996 (74 O.S. Supp. 1997, Section 5060.14), is amended to read as follows:

Section 5060.14 A. The Oklahoma Center for the Advancement of Science and Technology may use monies from the Research Support Revolving Fund to carry out the purposes of the Oklahoma Center for the Advancement of Science and Technology Act ~~and the Oklahoma Breast Cancer Act~~ by awarding competitive health research funds, through professional service contracts, to institutions of higher education, nonprofit research foundations and private enterprises of special importance to the Oklahoma economy.

B. There is hereby created within the Oklahoma Center for the Advancement of Science and Technology, the Oklahoma Health Research Committee to be appointed by the Governor which shall consist of nine (9) members, no more than five nor less than three of whom shall be physicians licensed pursuant to the laws of this state. For the initial Committee, three members shall be appointed for a term of two (2) years; three members shall be appointed for a term of four (4) years; and three members shall be appointed for a term of six (6) years. Thereafter members shall

be appointed for a term of six (6) years. At all times the Committee shall be composed of at least:

1. One member from the clergy or who has an advanced degree in philosophy from an accredited institution of higher learning;
2. Five members who shall be basic health research scientists each having an established record of basic health science research accomplishment and a demonstrated interest in public service to represent the following areas: Epidemiology, public health or biometrics or psychology; biochemistry, anatomy or nutrition; microbiology, immunology or molecular biology; genetics, pathology, or pharmacology; biology or physiology; and
3. Three members who shall be clinical research scientists having an established record of clinical biomedical science research accomplishment and a demonstrated interest in public service to represent the clinical research disciplines.

The Health Research Committee as constituted prior to the effective date of this act shall be re-created within the Oklahoma Center for the Advancement of Science and Technology. Members of the Committee, formerly within the Oklahoma Department of Commerce, serving terms upon the effective date of this act shall continue to serve such terms.

Upon expiration of any term of office of the Health Research Committee, in making appointments to the Committee appropriate consideration shall be given to representation upon the Committee by race, gender and geographical area.

C. Any vacancy on the Committee shall be filled for the unexpired term within thirty (30) days after the vacancy occurs.

D. No more than three members of the Committee shall have the same primary affiliation with an institution of higher learning or a nonprofit research institution.

E. A basic health research scientist or clinical research scientist shall not be eligible to become a member of the Committee unless said scientist is the inventor of one or more products which have earned more than Two Hundred Thousand Dollars (\$200,000.00) in royalties or other profit within the fifteen (15) years immediately preceding appointment or is the principal

investigator for research grants awarded by national health research organizations for at least five (5) years during the fifteen (15) years immediately preceding appointment. Contractual commitments which have been made for a product or products shall qualify in meeting the royalty or profit requirement. Tentative commitments for future funding from national health research organizations shall satisfy the research grant requirement. Research grants awarded by the National Science Foundation, the National Institutes of Health, the American Heart Association, the Lung Association, the American Cancer Society, the Arthritis Foundation, the March of Dimes, and such other organizations that hold a peer-reviewed national competition for the distribution of research funds that the Committee deems acceptable from time to time shall satisfy the research grant requirement. Research grants which only may be awarded to investigators in this state shall not be used to satisfy the research grant time of support requirement. Service contracts or other grants which do not require submission of a research project or which are not funded competitively on the basis of scientific merit of the research project shall not satisfy the research grant time of support requirement.

F. Members of the Committee shall be reimbursed for expenses incurred in the performance of their duties as provided by the board of directors of the Center.

G. The Committee shall elect from its membership a chair to serve a two-year term and such other officers from its membership as deemed necessary for the performance of the duties of the Committee. The Committee shall hold regular meetings not less than once a quarter and such additional meetings as called by the chair as may be required for the proper discharge of the duties of the Committee. Any action by the Committee shall require the affirmative vote of a majority of its members present. Five members shall constitute a quorum.

SECTION 8. REPEALER Section 5, Chapter 288, O.S.L. 1994, as last amended by Section 2, Chapter 143, O.S.L. 1996 (74 O.S. Supp. 1997, Section 5060.9d), is hereby repealed.

SECTION 9. RECODIFICATION Section 2, Chapter 288, O.S.L. 1994, as renumbered by Section 4, Chapter 143, O.S.L. 1996 (74 O.S. Supp. 1997, Section 5060.9a-1), and as amended by Section 2 of this act, Section 3, Chapter 288, O.S.L. 1994 (74 O.S. Supp. 1997, Section 5060.9b), as amended by Section 3 of this act, Section 4, Chapter 288, O.S.L. 1994 (74 O.S. Supp. 1997, Section 5060.9c), as last amended by Section 4 of this act, and Section 2, Chapter 245, O.S.L. 1995 (74 O.S. Supp. 1997, Section 5060.9e), as amended by Section 6 of this act, shall be renumbered as Sections 1-554, 1-555, 1-556 and 1-558 of Title 63 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 10. This act shall become effective July 1, 1998.

SECTION 11. 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.

46-2-11490 KSM