

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 1239

By: Kirby

COMMITTEE SUBSTITUTE

An Act relating to soldiers and sailors; providing for studies and reports relating to the Gulf War Syndrome; defining terms; requiring the submission of certain reports under certain conditions; providing for certain forms; specifying such forms; providing for the compilation, evaluation and distribution of certain information; requiring certain consent; providing for certain confidentiality; requiring assistance from certain state agencies; authorizing certain contracts; prohibiting disclosure of certain veteran's identities; providing exceptions; providing exemption for civil and criminal liability for certain health care professionals; authorizing the Attorney General to represent certain veterans in certain class actions; limiting such actions; providing for certain cooperative programs; specifying purpose for such programs; requiring adoption of certain rules involving such programs; authorizing the discontinuance of certain referral and screening functions under certain conditions; creating the Gulf War Syndrome Outreach Committee; providing for membership, appointments, qualifications, terms, removal, compensation, reimbursement, duties and powers of the Committee; authorizing the Attorney General to obtain certain information for certain purposes; 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 360 of Title 72, unless there is created a duplication in numbering, reads as follows:

As used in this act:

1. "Veteran" means a person who was a resident of this state at the time of his or her induction into the Armed Forces of the United States of America, and is currently a resident of this state, who served on and after August 2, 1990, during the Gulf War

in the southwest Asia theater of operations, which includes Iraq, Kuwait, Saudi Arabia, the neutral zone between Iraq and Saudi Arabia, Bahrain, Qatar, the United Arab Emirates, Oman, the Gulf of Aden, the Gulf of Oman, the Persian Gulf, the Arabian Sea, the Red Sea, and the airspace above these locations;

2. "Department" means the State Department of Health;

3. "Resident of this state" means a person who has any one of the following:

a. a valid Oklahoma driver license or license for identification only,

b. a motor vehicle registered within the state,

c. a valid Oklahoma voter identification card, or

d. any other valid identification as determined by the Department;

5. "Committee" means the Gulf War Syndrome Outreach Committee; and

6. "Commissioner" means the State Commissioner of Health.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 361 of Title 72, unless there is created a duplication in numbering, reads as follows:

A. A physician or other qualified health care professional who has primary responsibility for treating a veteran who believes the veteran may have been exposed to certain causative agents while serving in the Armed Forces of the United States during the Gulf War, shall, at the request of the veteran, submit a report to the Department on a form provided by the Department. If there is no physician or other qualified health care professional having primary responsibility for treating the veteran, the hospital or other medical facility treating the veteran shall, at the request of the veteran, submit the report to the Department.

B. The form provided by the Department to the physician or other qualified health care professional or hospital or other medical facility shall request the following information:

1. Symptoms of the veteran which may be related to exposure to causative agents during the Gulf War;

2. Diagnoses of the veteran; and

3. Methods of treatment prescribed.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 362 of Title 72, unless there is created a duplication in numbering, reads as follows:

A. The Department, with the assistance of the Committee, shall compile and evaluate information received and actions taken pursuant to this act in a report to be distributed annually to the Governor, the Legislature, the Oklahoma Department of Veterans Affairs and, upon request, to other interested institutions or groups.

B. The Department must obtain consent from each veteran or individual examined pursuant to this act. All information obtained from a veteran or individual shall be confidential and shall only be used for purposes of the study. The Department shall compile and evaluate information obtained from these studies in a report to be distributed as provided by subsection A of this section.

C. The Department may request and shall receive from any state agency such assistance and data as is necessary for the Department to implement the provisions of this act. The Department may enter into contracts for services necessary to implement the provisions of this act.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 363 of Title 72, unless there is created a duplication in numbering, reads as follows:

The identity of a veteran, the subject of a report made pursuant to the provisions of this act, may not be disclosed unless the veteran consents to the disclosure. Statistical information collected pursuant to this act is public information.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 364 of Title 72, unless there is created a duplication in numbering, reads as follows:

A physician or other qualified health care professional or a hospital or other medical facility, subject to this act, who complies with this act may not be held civilly or criminally liable for providing the information required by this act.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 365 of Title 72, unless there is created a duplication in numbering, reads as follows:

The Attorney General may represent a class of individuals composed of veterans who may have been injured because of contact with causative agents during the Gulf War, in a suit for release of information relating to exposure to such causative agents during military service and for release of individual medical records.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 366 of Title 72, unless there is created a duplication in numbering, reads as follows:

A. The Department and the health science centers and other medical facilities of the University of Oklahoma, Children's Hospital of Oklahoma, Oklahoma Memorial Hospital and the Oklahoma College of Osteopathic Medicine shall institute a cooperative program to:

1. Refer veterans to appropriate state and federal agencies for the purpose of filing claims to remedy medical and financial problems caused by the veteran's exposure to causative agents during the Gulf War; and

2. Initiate an education program for health professionals on the detection, diagnosis and treatment of the symptoms associated with exposure to causative agents during the Gulf War.

B. The State Board of Health shall promulgate and adopt rules necessary for the administration of the programs authorized by this section.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 367 of Title 72, unless there is created a duplication in numbering, reads as follows:

If the Commissioner determines that an agency of the federal government is performing the referral and screening functions required by this act, the Commissioner may discontinue any program required by this act or any duty required of a physician or hospital or other medical facility pursuant to this act.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 368 of Title 72, unless there is created a duplication in numbering, reads as follows:

A. The Gulf War Syndrome Outreach Committee is hereby created under the direction of the Department. The Committee shall be composed of at least seven members, two of whom shall be Gulf War veterans and one a Gulf War era veteran. The other members shall be health care professionals with demonstrated skills in those areas related to toxic chemical and other causative agent contamination. The members of the Committee shall be appointed by the Commissioner for a term of two (2) years. Members may be removed for cause and vacancies shall be filled in the same manner as provided for original appointments. The members shall receive no compensation except for reimbursement for their actual and necessary expenses as provided for in the State Travel Reimbursement Act.

B. The Committee shall have the following duties:

1. To advise the Commissioner in developing and conducting an outreach program to identify and inform veterans of the possible detrimental effects of exposure to causative agents during the Gulf War;

2. To obtain and disseminate medical, scientific, epidemiological and any other data on the effects of exposure to causative agents during the Gulf War by veterans;

3. To determine medical, administrative and social services available to veterans exposed to causative agents during the Gulf War, and provide all necessary referral services;

4. To refer veterans to the appropriate health care professionals or medical institution for diagnosis of signs and symptoms related to exposure to causative agents during the Gulf War;

5. To recommend to the Commissioner procedures for the design and implementation of an epidemiological study related to exposure to causative agents during the Gulf War;

6. To coordinate activities with other states providing veterans with similar programs related to causative agents during the Gulf War;

7. To determine the availability of federal and private funds to offset state expenses in assisting veterans in an outreach program; and

8. To determine the costs of travel and medical or epidemiological tests or diagnostic procedures incurred by veterans pursuant to the provisions of this act and to recommend financial compensation for any affected veteran to be provided by the Department.

The Committee may request and shall receive any necessary data or assistance of any state or local entity to carry out the duties of the Committee.

The Attorney General, at the request of the Committee, shall obtain through the Freedom of Information Act the location of veterans in Oklahoma who served during the Gulf War for purposes of identifying veterans who may have been exposed to causative agents during the Gulf War.

SECTION 10. This act shall become effective July 1, 1997.

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.

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