STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 832 By: Robinson of the Senate

and

Ervin of the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to telemedicine; creating the Telemedicine Advisory Council; providing for membership, appointment of members, filling of vacancies, and officers; stating requirements for quorum; providing for travel reimbursement and staff services; proscribing receipt or expenditure of funds; proscribing promulgation of rules; providing exemption from the Oklahoma Open Records Act; requiring compliance with the Oklahoma Open Meeting Act; stating exception thereto; stating duties; providing for codification; 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 6805 of Title 36, unless there is created a duplication in numbering, reads as follows:

There is hereby created, to continue until July 1, 2004, in accordance with the provisions of the Oklahoma Sunset Law, the Telemedicine Advisory Council.

A. All members of the Council shall be at least generally knowledgeable of the technology utilized for telemedicine or shall be represented by designees who have such knowledge. The membership of the Council shall be as follows:

1. Ex officio and voting members:

a. the Administrator of the Oklahoma Health Care Authority,

b. the Administrator of the State and Education Employees Group Insurance Board,

c. the Commissioner of Health,

d. the Director of the Department of Corrections,

e. the Chancellor of Higher Education, and

f. the Director of Human Services;

2. Voting members appointed by the Governor:

a. an executive of a tertiary hospital,

b. an executive of a regional hospital,

c. three persons who shall each be an executive of a not-for-profit rural hospital, clinic, or other not-for-profit entity presumed to be a user of services provided by means of telemedicine, and

d. a medical director of a health maintenance organization;

3. Voting members appointed by the President Pro Tempore of the Senate:

a. a member of the Senate,

b. a representative of a hospital association, and

c. a representative of an association of medical professionals;

4. Voting members appointed by the Speaker of the House of Representatives:

a. a member of the House of Representatives,

b. a representative of an association of medical professionals, and

c. a representative of a rural development body; and

5. Not more than five additional members to be appointed by the Council, if the Council so desires, and for such term or terms of service as the Council desires.

B. Appointees shall serve at the pleasure of the appointing authority. Vacancies shall be filled in the same manner as original appointments.

C. A quorum shall consist of at least three of the ex-officio members and at least six of the appointed members.

D. The Governor shall, from among the ex-officio or appointed members, appoint a member to chair the Council until July 1, 1999. At its first meeting, the Council shall elect a member as vice chair. At that time or at any subsequent meeting, the Council may elect such other officers as it deems appropriate. Officers shall serve terms ending June 30 of each year. No officer shall serve more than two terms in any one office. Chairs to serve terms beginning July 1, 1999, and thereafter shall be elected by the Council from among its membership.

E. Members shall receive no compensation for serving on the Council but shall receive travel reimbursement as follows:

1. Legislative members shall be reimbursed for their necessary travel expenses incurred in the performance of their duties in accordance with Section 456 of Title 74 of the Oklahoma Statutes;

2. Nonlegislative members who are state officers or employees shall be reimbursed by their respective agencies for their necessary travel expenses incurred in the performance of their duties in accordance with the State Travel Reimbursement Act; and

3. Members who are not legislators or officers or employees of the state shall be reimbursed by the Oklahoma Health Care Authority in accordance with the State Travel Reimbursement Act.

F. Staff assistance for the Council shall be provided by the Oklahoma Health Care Authority.

G. The Council shall be an advisory body without authority to receive or expend state funds or to promulgate rules. It shall be exempt from the Oklahoma Open Records Act but shall comply with the

Oklahoma Open Meeting Act; provided, the Council may go into executive session to review and discuss proprietary information.

H. The Council shall:

1. Study the apparent barriers to the development of effective telemedicine services in this state and make recommendations to public agencies and private entities for the overcoming of barriers found;

2. Engage with any and all parties to encourage the development of contracts or other agreements whereby entities needing telemedicine services can obtain them pursuant to reasonable terms and conditions;

3. Meet with the Director of Information Services of the Office of State Finance and such other persons as are instrumental to the provision of telecommunications services to address problems, develop policies, and otherwise improve the delivery of telemedicine services;

4. Advise the Governor and the members of the Legislature regarding the improvement of public policy relating to telemedicine, and

5. Generally use its good offices for the furtherance of telemedicine in this state.

SECTION 2. 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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