

ENGROSSED HOUSE
BILL NO. 1499

By: Stanley of the House
and
Shurden of the Senate

An Act relating to public health and safety; amending 63 O.S. 1991, Section 1-103, which relates to the State Board of Health; deleting out-of-date language; amending Section 8, Chapter 347, O.S.L. 1992, as last amended by Section 4, Chapter 350, O.S.L. 1994 (63 O.S. Supp. 1996, Section 1-122), which relates to the Health Care Information Advisory Committee; removing out-of-date language and making Administrator of the Oklahoma Health Care Authority responsible for appointments; amending 63 O.S. 1991, Sections 2-309D and 2-309G, which relate to the central repository; updating language; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 1991, Section 1-103, is amended to read as follows:

Section 1-103. ~~(a)~~ A. There is hereby created the State Board of Health, which shall consist of nine (9) members appointed by the Governor and confirmed by the Senate for regular terms of nine (9) years, except as hereinafter otherwise indicated; ~~provided, however,~~

~~that members serving on the State Board of Health created by 63 O.S. 1961, Sec. 1.1, when this Code becomes effective shall continue to serve as members of the State Board of Health created by this section for the terms for which they were appointed. Not less than four members shall be licensed as physicians and surgeons by the State Board of Medical Licensure and Supervision and shall be members of the Oklahoma State Medical Association, one member of which shall be a diplomate of the American Board of Psychiatry and Neurology or be similarly qualified.~~

~~(b)~~ B. 1. The term of office of one member shall expire on June 30, 1964, and each nine (9) years thereafter, and he shall be a resident of one of the following counties and shall have been a resident of one or more of such counties for not less than five (5) years immediately preceding his appointment: Creek, Lincoln, Okfuskee, Seminole, Pottawatomie, Pontotoc, Hughes, Johnston, and Coal.

~~(c)~~ 2. The term of office of one member shall expire on June 30, 1965, and each nine (9) years thereafter, and he shall be a resident of one of the following counties and shall have been a resident of one or more of such counties for not less than five (5) years immediately preceding his appointment: Blaine, Kingfisher, Canadian, Caddo, Grady, Comanche, Stephens, Jefferson, and Cotton.

~~(d)~~ 3. The term of office of one member shall expire on June 30, 1966, and each nine (9) years thereafter, and he shall be a resident of one of the following counties and shall have been a resident of one or more of such counties for not less than five (5) years immediately preceding his appointment: Le Flore, Latimer, Pittsburg, Atoka, Pushmataha, McCurtain, Choctaw, Bryan, Marshall, Carter, and Love.

~~(e)~~ 4. The term of office of one member shall expire on June 30, 1967, and each nine (9) years thereafter, and he shall be a resident of one of the following counties and shall have been a

resident of one or more of such counties for not less than five (5) years immediately preceding his appointment: Cimarron, Texas, Beaver, Harper, Woodward, Woods, Major, Alfalfa, Grant, Garfield, Kay, and Noble.

~~(f)~~ 5. The term of office of one member shall expire on June 30, 1968, and each nine (9) years thereafter, and he shall be a resident of one of the following counties and shall have been a resident of one or more of such counties for not less than five (5) years immediately preceding his appointment: Adair, Sequoyah, Cherokee, Wagoner, Muskogee, Haskell, McIntosh, and Okmulgee.

~~(g)~~ 6. The term of office of one member shall expire on June 30, 1969, and each nine (9) years thereafter, and he shall be a resident of one of the following counties and shall have been a resident of one or more of such counties for not less than five (5) years immediately preceding his appointment: Ottawa, Delaware, Craig, Mayes, Nowata, Rogers, Washington, Tulsa, Pawnee, and Osage.

~~(h)~~ 7. The term of office of one member shall expire on June 30, 1970, and each nine (9) years thereafter, and he shall be a resident of one of the following counties and shall have been a resident of one or more of such counties for not less than five (5) years immediately preceding his appointment: Logan, Oklahoma, Cleveland, McClain, Garvin, Murray, and Payne.

~~(i)~~ 8. The term of office of one member shall expire on June 30, 1971, and each nine (9) years thereafter, and he shall be a resident of one of the following counties and shall have been a resident of one or more of such counties for not less than five (5) years immediately preceding his appointment: Ellis, Dewey, Roger Mills, Custer, Beckham, Washita, Kiowa, Greer, Jackson, Harmon, and Tillman.

~~(j)~~ 9. The term of office of one member shall expire on June 30, 1972, and each nine (9) years thereafter, and he shall be appointed from the State of Oklahoma at large, and shall have been a resident

of the state for not less than five (5) years immediately preceding his appointment.

SECTION 2. AMENDATORY Section 8, Chapter 347, O.S.L. 1992, as last amended by Section 4, Chapter 350, O.S.L. 1994 (63 O.S. Supp. 1996, Section 1-122), is amended to read as follows:

Section 1-122. A. ~~The Commissioner of Health~~ Administrator of the Oklahoma Health Care Authority shall appoint a Health Care Information Advisory Committee to advise and assist the Division of Health Care Information with determinations related to data elements to be collected, reporting requirements, and the release and dissemination of information to the public. ~~The membership of the Committee shall remain in office upon the transfer of the responsibility for the Oklahoma Health Care Information Act, Section 1-115 et seq. of this title, to the Oklahoma Health Care Authority. Beginning July 1, 1994, any vacancies in office or additional appointment shall be made by the Authority.~~

B. The membership of the Health Care Information Advisory Committee shall include, but not be limited to, the Commissioner of Health or designee and the presidents of the following organizations or their designees:

1. The Oklahoma State Chamber of Commerce;
2. The Oklahoma Hospital Association;
3. The Oklahoma State Medical Association;
4. The Oklahoma Osteopathic Association;
5. The Oklahoma AFL-CIO;
6. A statewide health care consumer coalition;
7. The Association of Oklahoma Life Insurance Companies;
8. The Oklahoma Health Care Association;
9. The Oklahoma Pharmaceutical Association;
10. The Oklahoma Dental Association;
11. The Joint Chiropractic Association of Oklahoma;
12. The Oklahoma Optometric Association;

13. The Oklahoma Physical Therapy Association;
14. The Oklahoma Podiatric Medical Association;
15. The Oklahoma Psychological Association; and
16. The Oklahoma Association of Home Care.

C. The Division, with the approval of the ~~State Commissioner of Health or~~ Administrator of the Authority, may appoint health care data technical advisory committees as needed and appropriate to assist in the development of implementation methods and in the interpretation and evaluation of the data received pursuant to the Oklahoma Health Care Information System Act.

The Health Care Information Advisory Committee and any technical advisory committees established pursuant to this section shall provide information and assistance to any legislative committee or task force requesting such information or assistance.

SECTION 3. AMENDATORY 63 O.S. 1991, Section 2-309D, is amended to read as follows:

Section 2-309D. A. The information collected at the central repository pursuant to the Anti-Drug Diversion Act shall be confidential and shall not be open to the public. Access to the information shall be limited to:

1. Peace officers certified pursuant to Section 3311 of Title 70 of the Oklahoma Statutes who are employed as investigative agents of the Bureau;

2. The United States Drug Enforcement Administration Diversion Group Supervisor;

3. The executive director or chief investigator, as designated by each board, of the ~~State Boards of Podiatry, Governors of Registered Dentists,~~ following state boards:

- a. Oklahoma State Board of Podiatric Medical Examiners,
- b. Oklahoma Board of Dentistry,
- c. Board of Pharmacy,
- d. State Board of Medical Licensure and Supervision,

e. State Board of Osteopathic Examiners, and

f. Board of Veterinary Medical Examiners;

provided, however, that the executive director or chief investigator of each of these boards shall be limited to access to information relevant to licensees of his employing board; and

4. A multi-county grand jury properly convened pursuant to the Multicounty Grand Jury Act, Sections 350 through 363 of Title 22 of the Oklahoma Statutes.

B. This section shall not prevent the disclosure, at the discretion of the Director of the Bureau, of investigative information to peace officers and investigative agents of federal, state, county or municipal law enforcement agencies, district attorneys and the Attorney General in furtherance of criminal investigations or prosecutions within their respective jurisdictions.

C. Any unauthorized disclosure of any information collected at the central repository provided by the Anti-Drug Diversion Act shall be a misdemeanor. Violation of the provisions of this section shall be deemed willful neglect of duty and shall be grounds for removal from office.

SECTION 4. AMENDATORY 63 O.S. 1991, Section 2-309G, is amended to read as follows:

Section 2-309G. The Bureau shall develop criteria for the production of exception reports out of the information collected at the central repository. ~~The~~ In developing these criteria, the Bureau shall seek the counsel of the ~~State Boards of Podiatry, Governors of Registered Dentists,~~ following entities:

1. Oklahoma State Board of Podiatric Medical Examiners;
2. Oklahoma Board of Dentistry;
3. Board of Pharmacy;
4. State Board of Medical Licensure and Supervision;
5. State Board of Osteopathic Examiners;

6. Board of Veterinary Medical Examiners, ~~and the~~ i

7. Oklahoma ~~Podiatry~~ Podiatric Medical Association ; i

8. Oklahoma Dental Association ; i

9. Oklahoma Pharmaceutical Association ; i

10. Oklahoma State Medical Association ; i

11. Oklahoma Osteopathic Association ; and

12. Oklahoma Veterinary Medical Association ~~in developing these~~
criteria.

SECTION 5. This act shall become effective November 1, 1997.

Passed the House of Representatives the 3rd day of March, 1997.

Speaker

of the House of
Representatives

Passed the Senate the ____ day of _____, 1997.

President

of the Senate