

STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

CONFERENCE COMMITTEE
SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 2305

By: Hamilton, Piatt, Lindley,
Vaughn, Adkins, Calvey,
Graves, Hiett, Liotta and
Peters of the House

and

Shurden, Lawler, Leftwich
(Debbe) and Williams of the
Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to public health and safety;
establishing the State Advisory Council on Pain
Management; providing for appointments; providing for
qualifications; providing for terms, reimbursement
for travel, meetings, duties, and purpose; providing
for assistance; requiring certain reports; requiring
pain assessments for nursing home residents;
requiring promulgation of rules; 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 1-1918A of Title 63, unless
there is created a duplication in numbering, reads as follows:

A. There is hereby created to continue until April 1, 2005, the
Advisory Council on Pain Management.

1. The Advisory Council shall consist of nineteen (19) members.

2. Of the nineteen members:

a. six shall be appointed by the Speaker of the Oklahoma
House of Representatives, as follows:

(1) one shall be a representative of the nursing home
community,

- (2) one shall be a licensed osteopathic physician with experience in pain management,
 - (3) one shall represent the hospice community,
 - (4) one shall be a pharmacist,
 - (5) one shall be a member of the Oklahoma House of Representatives, and
 - (6) one shall be a medical director in a continuum of care facility,
- b. six shall be appointed by the President Pro Tempore of the State Senate, as follows:
- (1) one shall be a representative of the assisted living community,
 - (2) one shall be a representative of a statewide senior citizen advocacy association,
 - (3) one shall be a representative of the continuum of care community,
 - (4) one shall be a licensed allopathic physician with experience in geriatric medicine,
 - (5) one shall be a member of the Oklahoma State Senate, and
 - (6) one shall be a director of nursing in a nursing facility,
- c. six shall be appointed by the Governor, as follows:
- (1) one shall be a representative of the State Department of Health,
 - (2) one shall be a dentist,
 - (3) one shall be a nursing home administrator,
 - (4) one shall be a representative of the home health care community,
 - (5) one shall be a registered nurse with expertise in hospice, oncology, long-term care, anesthesia, or pain management, and

(6) one shall be a hospital administrator, and

d. one shall be a member of the task force established by the Attorney General to study end-of-life care in Oklahoma appointed by the Attorney General.

B. 1. The term of a member shall be two (2) years.

2. A vacancy on the Advisory Council shall be filled by the original appointing authority. A person so appointed shall serve until a successor is duly appointed and qualified.

C. 1. The Secretary of Health shall convene the first meeting of the Advisory Council by July 1, 2004.

2. The Advisory Council shall elect a chair and vice-chair from among the members of the Advisory Council.

D. 1. A majority of the members present at a meeting shall represent a quorum to do business.

2. The Advisory Council shall meet at least four times a year, at times and places determined by the Council. The State Department of Health shall provide a meeting space and staffing for the Advisory Council and shall publish notification of the Advisory Council meetings.

E. Members of the Advisory Council shall receive no compensation but shall be reimbursed for necessary travel expenses incurred in the performance of their duties pursuant to the provisions of the State Travel Reimbursement Act as follows:

1. Legislative members of the Advisory Council shall be reimbursed in accordance with the provisions of Section 456 of Title 74 of the Oklahoma Statutes; and

2. Nonlegislative members of the Advisory Council shall be reimbursed by their appointing authorities.

F. The purpose of the Advisory Council shall be to provide advice and recommendations with respect to pain management policy including, but not limited to, the following:

1. Acute and chronic pain management treatment practices by health care providers in Oklahoma;

2. State statutes and rules relating to pain management therapies;

3. The sanction and use of complementary therapies;

4. Acute and chronic pain management education provided by medical, nursing, pharmacy, and dental schools in this state;

5. Acute and chronic pain management needs of both adults and children with specific emphasis on nursing home residents;

6. Development of a pain management resource compendium;

7. Procedures for use in nursing facilities to assess and treat chronic pain experienced by nursing home residents; and

8. Other issues relating to pain management that the Advisory Council deems appropriate.

G. In achieving its purpose, the Advisory Council may, as appropriate, consult with the following individuals, organizations or entities:

1. Senior citizen advocacy groups;

2. The Department of Human Services, the Oklahoma Health Care Authority, the Department of Mental Health and Substance Abuse Services and the State Department of Health;

3. Associations relating to hospitals and health systems, nursing facilities, and providers associated with continuum of care, assisted living residential care, residential care, and home health care;

4. Individuals currently being treated for chronic pain;

5. Caregivers for individuals currently being treated for chronic pain;

6. Pharmacists;

7. The hospice network of Oklahoma;

8. The Oklahoma schools of medicine;

9. Long-term care representatives;

10. Oklahoma patient advocacy groups;
11. Nurses;
12. Oncologists;
13. Pain specialists;
14. Pharmaceutical research representatives;
15. Acupuncturists;
16. The American Pain Foundation;
17. Health care specialists who specialize in emergency medicine; and
18. Any other individual or group that is knowledgeable about pain management.

H. 1. On or before November 30, 2004, the Advisory Council shall issue an interim report to the Legislature that includes recommendations on pain management issues in Oklahoma.

2. On or before April 1, 2005, the Advisory Council shall issue a final report to the Legislature that includes recommendations on pain management issues in Oklahoma.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-1918B of Title 63, unless there is created a duplication in numbering, reads as follows:

A. It is the intent of the Legislature that pain experienced by nursing home residents be assessed and treated promptly, effectively, and for as long as pain persists.

B. On and after July 1, 2005, every nursing facility licensed pursuant to the Nursing Home Care Act shall, as a condition of licensure, include pain as an item to be assessed at the same time as vital signs are taken. The nursing facility shall ensure that pain assessment is performed in a consistent manner that is appropriate to the patient. The pain assessment shall be noted in the patient's chart in a manner consistent with other vital signs.

C. The State Board of Health shall promulgate rules, pursuant to recommendations issued by the State Advisory Council on Pain Management, for assessing and documenting pain.

SECTION 3. 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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