

STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 2305

By: Hamilton

COMMITTEE SUBSTITUTE

An Act relating to public health and safety; establishing the State Advisory Council on Pain Management; providing for appointment; 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 the State Advisory Council on Pain Management.

1. The Advisory Council shall consist of eighteen (18) members.
2. Of the eighteen 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 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 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, and

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.

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

2. If a vacancy occurs during the term of a member, the appointing authority shall appoint a successor who will serve only

for the rest of the term and until another successor is appointed and qualifies.

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

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

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

2. The Advisory Council shall meet at least four times a year, at the times and places that it determines. The State Department of Health shall provide meeting rooms and staff deemed necessary by the Advisory Council.

3. The State Department of Health shall publish notification of the meetings.

E. Members of the Advisory Council shall not receive compensation for membership and serving on the Advisory Council, but shall be entitled to reimbursement for reasonable expenses incurred for their duties thereon as follows:

1. Legislative members of the Advisory Council shall be reimbursed for their necessary travel expenses incurred in the performance of their duties in accordance with the provisions of Section 465 of Title 74 of the Oklahoma Statutes; and

2. Nonlegislative members of the Advisory Council shall be reimbursed by their appointing authorities for their necessary travel expenses incurred in the performance of their duties in accordance with the State Travel Reimbursement Act.

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 alternative 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; and

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

5. Pharmacists;

6. The hospice network of Oklahoma;

7. Individuals currently being treated for chronic pain;

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 knowledgeable in 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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