

CS for EHB 2305

1 THE STATE SENATE
2 Tuesday, April 6, 2004

3 Committee Substitute for
4 ENGROSSED
5 House Bill No. 2305

6 COMMITTEE SUBSTITUTE FOR ENGROSSED HOUSE BILL NO. 2305 - By:
7 HAMILTON, PIATT, LINDLEY, VAUGHN, ADKINS, CALVEY, GRAVES, HIETT,
8 LIOTTA and PETERS of the House and SHURDEN, LAWLER, LEFTWICH (Debbe)
9 and WILLIAMS of the Senate.

10 An Act relating to public health and safety; establishing
11 the Advisory Council on Pain Management; providing for
12 appointment, qualifications, terms, travel, and
13 reimbursement of members for travel; providing for meetings,
14 duties and purpose of Advisory Council; providing for
15 assistance; requiring certain reports; providing for
16 codification; and declaring an emergency.

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

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

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

23 1. The Advisory Council shall consist of eighteen (18) members.

24 2. Of the eighteen members:

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

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

- 1 (2) one shall be a licensed osteopathic physician
2 with experience in pain management,
3 (3) one shall represent the hospice community,
4 (4) one shall be a pharmacist,
5 (5) one shall be a member of the Oklahoma House of
6 Representatives, and
7 (6) one shall be a medical director in a continuum of
8 care facility,
- 9 b. six shall be appointed by the President Pro Tempore of
10 the State Senate, as follows:
- 11 (1) one shall be a representative of the assisted
12 living community,
13 (2) one shall be a representative of a statewide
14 senior citizen advocacy association,
15 (3) one shall be a representative of the continuum of
16 care community,
17 (4) one shall be a physician with experience in
18 geriatric medicine,
19 (5) one shall be a member of the Oklahoma State
20 Senate, and
21 (6) one shall be a director of nursing in a nursing
22 facility, and
23 c. six shall be appointed by the Governor, as follows:

- 1 (1) one shall be a representative of the State
- 2 Department of Health,
- 3 (2) one shall be a dentist,
- 4 (3) one shall be a nursing home administrator,
- 5 (4) one shall be a representative of the home health
- 6 care community,
- 7 (5) one shall be a registered nurse with expertise in
- 8 hospice, oncology, long-term care, anesthesia, or
- 9 pain management, and
- 10 (6) one shall be a hospital administrator.

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

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

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

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

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

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

1 Council and shall publish notification of the Advisory Council
2 meetings.

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

7 1. Legislative members of the Advisory Council shall be
8 reimbursed in accordance with the provisions of Section 456 of Title
9 74 of the Oklahoma Statutes; and

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

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

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

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

19 3. The sanction and use of complementary therapies;

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

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

- 1 6. Development of a pain management resource compendium;
- 2 7. Procedures for use in nursing facilities to assess and treat
- 3 chronic pain experienced by nursing home residents; and
- 4 8. Other issues relating to pain management that the Advisory
- 5 Council deems appropriate.

6 G. In achieving its purpose, the Advisory Council may, as

7 appropriate, consult with the following individuals, organizations

8 or entities:

- 9 1. Senior citizen advocacy groups;
- 10 2. The Department of Human Services, the Oklahoma Health Care
- 11 Authority, the Department of Mental Health and Substance Abuse
- 12 Services and the State Department of Health;
- 13 3. Associations relating to hospitals and health systems,
- 14 nursing facilities, and providers associated with continuum of care,
- 15 assisted living residential care, residential care, and home health
- 16 care;
- 17 4. Individuals currently being treated for chronic pain;
- 18 5. Caregivers for individuals currently being treated for
- 19 chronic pain;
- 20 6. Pharmacists;
- 21 7. The hospice network of Oklahoma;
- 22 8. The Oklahoma schools of medicine;
- 23 9. Long-term care representatives;

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

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

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

18 SECTION 2. It being immediately necessary for the preservation
19 of the public peace, health and safety, an emergency is hereby
20 declared to exist, by reason whereof this act shall take effect and
21 be in full force from and after its passage and approval.

22 COMMITTEE REPORT BY: COMMITTEE ON HUMAN RESOURCES, dated 4-1-04 - DO
23 PASS, As Amended and Coauthored.