

STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

SENATE BILL 793

By: Morgan

AS INTRODUCED

An Act relating to The Oklahoma Industrial Finance Authority and Physician Advisory Committee; amending 74 O.S. 2001, Section 854, as amended by Section 22, Chapter 375, O.S.L. 2002 (74 O.S. Supp. 2002, Section 854), and 85 O.S. 2001, Section 201.1, as amended by Section 25, Chapter 375, O.S.L. 2002 (85 O.S. Supp. 2002, Section 201.1), which relate to appointments to the Oklahoma Industrial Finance Authority and the Physician Advisory Committee; providing description of congressional districts for purposes of certain appointments; removing certain appointment requirements based on congressional redistricting; providing for certain appointment from state at large; and declaring an emergency.

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

SECTION 1. AMENDATORY 74 O.S. 2001, Section 854, as amended by Section 22, Chapter 375, O.S.L. 2002 (74 O.S. Supp. 2002, Section 854), is amended to read as follows:

Section 854. A. There is hereby created a body corporate and politic, constituting a public corporation and governmental instrumentality of this state, to be known and identified as "The Oklahoma Industrial Finance Authority". Said Authority shall be under the control of a Board of Directors, to be composed of seven (7) members appointed by the Governor for overlapping terms, with the advice and consent of the Senate, one of whom shall be the Director of the Oklahoma Department of Commerce, representing the state at large. One member shall be appointed from each congressional district ~~and any remaining members shall be appointed from the state at large. However, when congressional districts are redrawn then each member appointed prior to July 1 of the year in which such modification becomes effective shall complete the current~~

~~term of office and appointments made after July 1 of the year in which such modification becomes effective shall be based on the redrawn districts. Appointments made after July 1 of the year in which such modification becomes effective shall be from any redrawn districts which are not represented by a board member until such time as each of the modified congressional districts are represented by a board member. No appointments may be made after July 1 of the year in which such modification becomes effective if such appointment would result in more than two members serving from the same modified district~~ as the districts were configured in 1960. At least five of the members, other than the Director of the Oklahoma Department of Commerce, shall have had at least fifteen (15) years' experience in banking, mortgage loans or financial management, and the remaining member shall have demonstrated outstanding ability in business or industry. Members initially appointed shall continue in office for terms of from one (1) to six (6) years, respectively, from the date of their appointment and until their respective successors shall be duly appointed and qualified, the term of each appointed member to be designated by the Governor at the time of his appointment; but their successors shall each be appointed for a term of six (6) years, except that any person appointed to fill a vacancy shall serve only for the unexpired term. Any appointed member of the Authority shall be eligible for reappointment, and no member shall be removed from office except for good cause shown.

B. The Chairman and other officers of the Board shall be elected annually by the Board from its own membership. Members of the Authority shall be compensated for their travel expenses pursuant to the State Travel Reimbursement Act.

C. The State Treasurer shall be an ex officio, nonvoting member of said Board of Directors, and shall serve without compensation. All other Board members, excluding the Director of the Oklahoma Department of Commerce, shall receive a stipend of Three Hundred

Dollars (\$300.00) for each Board meeting attended not to exceed Three Thousand Six Hundred Dollars (\$3,600.00) per annum. In addition, the actual expenses, documented by receipts, incurred by employees of the Authority for necessary travel and subsistence to attend Board meetings and to carry out the powers and duties of the Authority under Section 851 et seq. of this title shall be reimbursed to such Board member or employee. All such stipends and expenses must be approved by the Board prior to reimbursement. No state appropriated monies shall be used for said reimbursement.

D. The meetings of the Board of Directors of the Authority shall be subject to the Oklahoma Open Meeting Act, ~~Section 301 et seq. of Title 25 of the Oklahoma Statutes,~~ and the Oklahoma Open Records Act, ~~Section 24A.1 et seq. of Title 51 of the Oklahoma Statutes.~~ Any information submitted to or compiled by the Authority with respect to the marketing plans, financial statements, trade secrets or any other commercially sensitive information of persons, firms, associations, partnerships, agencies, corporations or other entities shall be confidential, except to the extent that the person or entity which provided such information or which is the subject of such information consents to disclosure. Executive sessions may be held to discuss such materials if deemed necessary by the Board of Directors.

SECTION 2. AMENDATORY 85 O.S. 2001, Section 201.1, as amended by Section 25, Chapter 375, O.S.L. 2002 (85 O.S. Supp. 2002, Section 201.1), is amended to read as follows:

Section 201.1 A. 1. There is hereby created a Physician Advisory Committee comprised of nine (9) members to be appointed as follows:

- a. the Governor shall appoint three members, one of whom shall be licensed in this state as a doctor of medicine and surgery, one of whom shall be engaged in the practice of family medicine in a rural community

of the state, and one of whom shall be an osteopathic physician,

b. the President Pro Tempore of the Senate shall appoint three members, one of whom shall be licensed in this state as a doctor of medicine and surgery, one of whom shall be licensed in this state either as a doctor of medicine or a doctor of osteopathy, and one of whom shall be licensed in this state as a podiatric physician,

c. the Speaker of the House of Representatives shall appoint three members, one of whom shall be licensed in this state as an osteopathic physician, one of whom shall be licensed in this state either as a doctor of medicine or a doctor of osteopathy, and one of whom shall be licensed in this state as a chiropractic physician.

2. a. To fill the positions for which the term of office expires on January 1, 1996, the Governor shall appoint a resident of the Fifth Congressional District, the President Pro Tempore of the Senate shall appoint a resident of the First Congressional District and the Speaker of the House of Representatives shall appoint a resident of the Second Congressional District.

b. To fill the positions for which the term of office expires on January 1, 1997, the Governor shall appoint a resident of the Sixth Congressional District, the President Pro Tempore of the Senate shall appoint a resident of the Third Congressional District and the Speaker of the House of Representatives shall appoint a resident of the Fourth Congressional District.

c. To fill the positions for which the term of office expires on January 1, 1998, the Governor, the

President Pro Tempore of the Senate and the Speaker of the House of Representatives shall appoint residents of the state at large.

- d. Thereafter, appointments shall be made from the ~~same~~ Congressional District numbered the same as the district from which the original appointment was made pursuant to this paragraph, if a Congressional District so numbered exists. ~~However, when~~ When congressional districts are redrawn, each member appointed prior to July 1 of the year in which such modification becomes effective shall complete the current term of office and appointments made after July 1 of the year in which such modification becomes effective shall be based on the redrawn districts and any remaining members. Appointments that were to be made from a numbered congressional district which no longer exists shall be appointed from the state at large. ~~Appointments made after July 1 of the year in which such modification becomes effective shall be from any redrawn districts which are not represented by a board member until such time as each of the modified congressional districts are represented by a board member.~~

B. The Committee shall:

1. Assist and advise the Administrator of the Workers' Compensation Court regarding utilization review as it relates to the medical practice and treatment of work-related injuries. Such utilization review shall include a review of reasonable and necessary treatment; abusive practices; needless treatments, testing, or procedures; or a pattern of billing in excess of or in violation of the Schedule of Medical Fees. The Physician Advisory Committee shall review and make findings and recommendations to the

Administrator of the Workers' Compensation Court with respect to charges of inappropriate or unnecessary treatment or procedures, abusive practices, or excessive billing disclosed through utilization review.

2. Assist the Administrator of the Workers' Compensation Court in reviewing medical practices of health care providers, including evaluations of permanent impairment provided by health care providers, as provided for in Section 201 of this title. The Committee shall review and make findings and recommendations to the Administrator with respect to charges of abusive practices by health care providers providing medical services or evaluations of permanent impairment through the workers' compensation system.

3. After public hearing, review and make recommendations for acceptable deviations from the American Medical Association's "Guides to the Evaluation of Permanent Impairment" using appropriate and scientifically valid data. Those recommendations may be adopted, in part or in whole, by the Administrator to be used as provided for in paragraph 11 of Section 3 and Section 22 of this title;

4. After public hearing, review and make recommendations for an alternative method or system to evaluate permanent impairment that shall be used in place of or in combination with the American Medical Association's "Guides to the Evaluation of Permanent Impairment". Appropriate and scientific data shall be considered. The alternative method or system to evaluate permanent impairment may be adopted, in part or in whole, by the Administrator to be used as provided for in paragraph 11 of Section 3 and Section 22 of this title. Revisions, deviations and alternatives to the American Medical Association's "Guides to the Evaluation of Permanent Impairment" shall become effective as provided in paragraph 11 of Section 3 and Section 22 of this title;

5. After public hearing, review and make recommendations for treatment guidelines and protocols and utilization controls for adoption, in part or in whole, by the Administrator. Treatment guidelines and protocols and utilization controls may be adopted incrementally in the descending order of utilization frequency;

6. Provide general recommendations to the judges of the Workers' Compensation Court on the issues of injury causation and apportionment;

7. Conduct educational seminars for the judges of the Workers' Compensation Court, employers, employees, and other interested parties;

8. Assist the judges of the Workers' Compensation Court in accessing medical information from scientific literature; and

9. Report its progress annually to the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives.

C. The term of office for initial appointees shall expire March 1, 1994. Thereafter, successors in office shall serve as follows:

1. The term of office for three positions, one each appointed by the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives, shall expire on January 1, 1996;

2. The term of office for three positions, one each appointed by the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives, shall expire on January 1, 1997;

3. The term of office for three positions, one each appointed by the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives, shall expire on January 1, 1998;

4. Thereafter, successors in office shall be appointed for a three-year term. Members shall be eligible to succeed themselves in office; and

5. Any person appointed to fill a vacancy shall be appointed for the unexpired portion of the term.

D. Members of the Physician Advisory Committee shall receive no compensation for serving on the Committee but shall be reimbursed by the Workers' Compensation Court for their necessary travel expenses incurred in the performance of their duties in accordance with the State Travel Reimbursement Act, ~~Section 500.1 et seq. of Title 74 of the Oklahoma Statutes.~~

E. Meetings of the Physician Advisory Committee shall be called by the Administrator but held at least quarterly. The presence of a simple majority of the members constitutes a quorum. No action shall be taken by the Physician Advisory Committee without the affirmative vote of at least a simple majority of the members.

F. The Administrator shall provide office supplies and personnel of the Workers' Compensation Court to assist the Committee in the performance of its duties.

G. Upon written request, the State Insurance Commissioner, the State Insurance Fund, and every approved self-insured employer in Oklahoma shall provide the Committee with data necessary to the performance of its duties.

H. Any health care provider acting in good faith and within the scope of the provider's duties as a member of the Physician Advisory Committee shall be immune from civil liability for making any report or other information available to the judges of the Workers' Compensation Court or to the Administrator of the Workers' Compensation Court or for assisting in the origination, investigation, or preparation of the report or other information so provided.

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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