

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL 708

By: Wilson

COMMITTEE SUBSTITUTE

An Act relating to public health; stating legislative findings regarding Federally Qualified Health Centers; requiring compliance with certain requirements; requiring certain boards of directors be subject to the Oklahoma Open Meeting Act; requiring removal of board members under certain circumstances; providing for appointment of board members under certain circumstances; providing penalty and enforcement; 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 1-173.1 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. The Legislature finds that:

1. As providers of health care to medically underserved populations, Federally Qualified Health Centers are extremely beneficial to the citizens of Oklahoma;

2. Federally Qualified Health Centers are entities that exist through grants of funds by the Bureau of Primary Health Care (BPHC) under section 330 of the Public Health Service Act as amended by the Health Centers Consolidation Act of 1996;

3. The receipt of federal grants is dependent upon compliance with federal statutes, regulations and policies regarding the mission, programs, governance, management and financial responsibilities of such entities; and

4. In addition to federal grant monies, Federally Qualified Health Centers in Oklahoma receive additional monies through the appropriation of state funds.

B. In an effort to maintain the presence of Federally Qualified Health Centers in Oklahoma and reduce the possibility of jeopardizing federal funding for such entities, all Federally Qualified Health Centers in Oklahoma shall be required to:

1. Remain in compliance at all times with the federal statutes, regulations and polices governing their existence; and

2. Follow their own bylaws, adopted in compliance with the federal statutes, regulations and polices, including, but not limited to, provisions regarding composition of and functions and responsibilities of the board of directors.

C. Further, the board of directors of a Federally Qualified Health Center shall be considered a public body for purposes of the Oklahoma Open Meeting Act and is thereby subject to the provisions of that act, including criminal penalties provided therein for violations of that act.

D. No Federally Qualified Health Center in Oklahoma will be eligible for state reimbursement for uncompensated care costs if the entity is out of compliance with federal statutes, regulations and policies governing its existence. Further, the entity shall be ineligible to receive such state reimbursements if the board of directors fails to remove, for cause, any board member convicted of a misdemeanor for violating the Oklahoma Open Meeting Act or any board member against whom a civil judgment is rendered relating to that member's service on the board.

E. In the event that an entire board or a majority of board members must be removed from a board, new board members shall be appointed in compliance with federal statutes, regulations and policies governing such. Board member appointments required under

this subsection shall be made by the following persons, on a rotating basis and in the following order as necessary:

1. The board of county commissioners of the county in which the entity is located;

2. The mayor of the town or city in which the entity is located; and

3. The state senator representing the district in which the entity is located.

F. The State Department of Health shall investigate reported violations of this act and, notwithstanding any other provision, shall enforce this act by not contracting to reimburse any Federally Qualified Health Center found to be in violation of the provisions of this act for uncompensated care costs. The Department shall further report any violations of federal statutes, regulations and policies related to this act to the appropriate federal funding agency, and shall report violations of the Oklahoma Open Meeting Act to the district attorney in the jurisdiction where the entity is located.

SECTION 2. 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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