ENGROSSED SENATE
BILL NO. 708

By: Wilson of the Senate

and

Cox of the House

An Act relating to public health and safety; 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 penalty and enforcement; directing the State Board of Health to adopt certain 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 1-713.1 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. The primary source of funding for Federally Qualified Health Centers is 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 minimize the possibility of jeopardizing federal funding for such entities, all Federally Qualified Health Centers in Oklahoma that receive grants under Section 330 of the Public Health Service Act shall:

1. Remain in compliance at all times with the federal statutes, regulations and polices governing their existence at 42 U.S.C. 254b, 42 CFR 51c.303, 51c.304 and 51c.305, and BPHC Policy Information Notice 98-23; and

2. Adhere to bylaws adopted in compliance with the federal statutes, regulations and polices including, but not limited to, provisions regarding the composition, functions and responsibilities of boards of directors of Federally Qualified Health Centers.

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 shall be subject to the provisions of that act, including criminal penalties provided therein for violations of that act.

D. Any Federally Qualified Health Center in Oklahoma that fails to comply with federal statutes, regulations and policies governing its existence shall be ineligible for state reimbursement for uncompensated care. Further, the entity shall be ineligible to receive such state reimbursement if the board of directors fails to remove, for cause, any board member convicted of a misdemeanor for violating the provisions of 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. 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 the uncompensated care costs of any Federally Qualified Health Center found to be in violation of the provisions of this act. The

Department shall further report any violations of federal statutes, regulations and policies related to this act to the Bureau of Primary Health Care or other 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.

F. In order to ensure that Federally Qualified Health Centers in Oklahoma remain eligible to receive state reimbursement for uncompensated care under the provisions of this act, the State Board of Health shall adopt rules, as it deems necessary and appropriate, requiring board members of such entities to receive board member training and establishing certification for entities to provide such training.

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.

Passed the Senate the 10th day of March, 2005.

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Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____, 2005.

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Presiding Officer of the House
of Representatives