ENROLLED SENATE
BILL NO. 234

By: Morgan and Crutchfield of the Senate

and

Benge, Newport, Cox, Denney, DeWitt, Lamons, Martin, Peterson (Pam), Richardson and Trebilcock of the House

An Act relating to public health and safety; amending 63 O.S. 2001, Section 931, which relates to Board of Medicolegal Investigations; clarifying membership of Board; amending Section 5, Chapter 374, O.S.L. 2002, as amended by Section 2, Chapter 412, O.S.L. 2003 (63 O.S. Supp. 2004, Section 3240.3), which relates to Community Hospitals Authority; clarifying language; amending 63 O.S. 2001, Section 1-879.1, which relates to Alzheimer's Research Advisory Council; clarifying membership of Council; creating the Joint Legislative Commission to Study and Evaluate the Operations of the Oklahoma State University Center for Health Sciences and the Indigent Health Care System in the Tulsa Metropolitan Service Area; providing for membership of Commission; providing for selection of officers; prescribing quorum requirement; providing for filling of vacancies; authorizing support services; providing for payment of certain expenses; prescribing duties and responsibilities of Commission; authorizing hearings; authorizing exercise of certain powers by Commission; authorizing administration of oaths, issuance of subpoenas and hearing of evidence; providing for travel reimbursement; authorizing exemption from the Oklahoma Open Records Act for proprietary information; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 63 O.S. 2001, Section 931, is amended to read as follows:

Section 931. The Board of Medicolegal Investigations is hereby re-created. The members of the Board shall be:

1. The Director of the State Bureau of Investigation, or a designee;

2. The State Commissioner of Health, or a designee;

3. The Dean of the College of Medicine of the University of Oklahoma, or a designee;

4. The President or Dean of the Oklahoma State University ~~College of Osteopathic Medicine~~ Center for Health Sciences, or a designee;

5. The President of the Oklahoma Bar Association, or a designee;

6. The President of the Oklahoma Osteopathic Association, or a designee;

7. The President of the Oklahoma State Medical Association, or a designee; and

8. A funeral director, as provided by Section 396.3 of Title 59 of the Oklahoma Statutes, appointed by the Oklahoma State Board of Embalmers and Funeral Directors.

The Chief Medical Examiner shall be an ex officio nonvoting member of the Board. The Board shall elect one of its members as chair and one of its members as vice-chair. Members of the Board shall receive no compensation for their services on this Board. Regular meetings of the Board shall be held at such times as determined by its members, and special meetings may be called by the chair. Four members shall constitute a quorum.

SECTION 2. AMENDATORY Section 5, Chapter 374, O.S.L. 2002, as amended by Section 2, Chapter 412, O.S.L. 2003 (63 O.S. Supp. 2004, Section 3240.3), is amended to read as follows:

Section 3240.3 A. The Oklahoma Legislature finds that care of medically indigent persons and the needs of the Oklahoma State University ~~College of Osteopathic Medicine~~ Center for Health Sciences and the University of Oklahoma College of Medicine (Tulsa) will be enhanced through the establishment of the Community Hospitals Authority. The purpose of the Community Hospitals Authority is to provide maximum utilization and efficient administration in order to deliver health care services to medically indigent persons and to promote the teaching and training of physicians.

B. The Community Hospitals Authority shall:

1. Support the missions of the Oklahoma State University ~~College of Osteopathic Medicine~~ Center for Health Sciences and the University of Oklahoma College of Medicine (Tulsa) with regard to:

a. teaching and training for medical students,

b. conducting medical and biomedical research, and

c. medical care for indigent and nonindigent populations;

2. Act as a vehicle for securing funding that is in addition to existing state Medicaid Program appropriated funding for education and indigent care and graduate medical education; provided, however, under no circumstance shall funds secured pursuant to this provision be used to supplant such existing state Medicaid Program appropriated funding; and

3. Coordinate the delivery and efficiency of medical service across Northeast Oklahoma including, but not limited to, all counties located totally or partly in the Tulsa Metropolitan Area.

C. The Authority may contract for indigent care services with participating health care systems.

D. In the event the Legislature enacts a statewide program to reimburse hospitals for the cost, or a portion thereof, of providing indigent health care, the Legislature shall ensure that such reimbursement shall be made to all hospitals providing indigent care within the state.

SECTION 3. AMENDATORY 63 O.S. 2001, Section 1-879.1, is amended to read as follows:

Section 1-879.1 A. It is the intent of the Oklahoma State Legislature that the State Department of Health be designated as the lead agency for Alzheimer's research. Efforts shall be in cooperation with the Department of Human Services, the Department of Mental Health and Substance Abuse Services, the Department of Veterans Affairs, the United States Veterans Administration Medical Center in Oklahoma City, and appropriate state institutions of higher education.

B. There is hereby created the Alzheimer's Research Advisory Council. The Advisory Council shall consist of thirteen (13) members who have had at least two (2) years of experience in the Alzheimer's field, except as otherwise provided by law, to be appointed as follows:

1. One member of the Oklahoma State Senate appointed by the President Pro Tempore of the Senate. The State Senate member shall not be required to have experience in the Alzheimer's field;

2. One member of the Oklahoma House of Representatives appointed by the Speaker of the House of Representatives. The House member shall not be required to have experience in the Alzheimer's field;

3. The Commissioner of Health, or designee of the Commissioner;

4. The Executive Dean of the University of Oklahoma College of Medicine;

5. One physician who is a primary care physician experienced in the treatment of Alzheimer's disease and related disorders appointed

by the Executive Dean of the University of Oklahoma College of Medicine;

6. One physician or research scientist with experience in Alzheimer's-related research appointed by the Executive Dean of the University of Oklahoma College of Medicine;

7. One physician or research scientist with experience in Alzheimer's related research appointed by the Dean or President of the ~~Osteopathic College of Medicine at~~ Oklahoma State University Center for Health Sciences;

8. One physician or research scientist from an Oklahoma medical research foundation with experience in Alzheimer's-related research appointed by the Governor;

9. One physician or research scientist with experience in Alzheimer's-related research specializing in veterans medical practices appointed by the Governor;

10. One psychiatrist with experience in Alzheimer's treatment appointed by the Executive Dean of the University of Oklahoma College of Medicine; and

11. Three individuals who are citizens of the State of Oklahoma appointed by the Governor. The Governor shall consult with Alzheimer's associations and foundations and other related interest groups in selecting these individuals.

C. The Governor shall appoint the chairperson of the Alzheimer's Research Advisory Council. All appointments after the initial appointments shall be for two-year terms. Vacancies shall be filled for the remainder of these terms in the same manner as the initial appointments.

D. Meetings shall be held at least biannually or at the call of the chairperson or upon the request of a majority of the membership. Members shall be reimbursed for travel in performance of official duties pursuant to the provisions of the State Travel Reimbursement Act~~, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes~~.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3301 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created until February 6, 2006, a Joint Legislative Commission to Study and Evaluate the Operations of the Oklahoma State University Center for Health Sciences and the Indigent Health Care System in the Tulsa Metropolitan Service Area. The Commission shall be composed of nine (9) members as follows:

1. Three members from the House of Representatives, to be appointed by the Speaker of the House of Representatives;

2. Three members from the Senate, to be appointed by the President Pro Tempore of the Senate; and

3. Three members from the Office of the Governor, to be appointed by the Governor.

B. The co-chairpersons of the Commission shall be appointed by the Speaker of the House of Representatives and the President Pro Tempore of the Senate. Five members shall constitute a quorum. A quorum shall be present to conduct official business of the Commission. Vacancies on the Commission shall be filled by the authority where such vacancies exist. The Commission shall commence work not later than July 15, 2005.

C. Supportive services shall be provided by the staff of the Oklahoma House of Representatives and the State Senate. The Commission shall also have the authority to hire such consultants or auditors as deemed necessary to accomplish the duties and responsibilities of the Commission. The expense of hiring any consultants or auditors shall be paid by the Oklahoma State University Center for Health Sciences and/or private or foundation funds.

D. The duties and responsibilities of the Commission shall include, but not be limited to:

1. Study, evaluate and investigate the management and operations of the Oklahoma State University Center for Health Sciences, including any relationships currently existing or proposed with hospitals in the Tulsa Metropolitan Service Area;

2. Evaluate the mission and ability of the Oklahoma State University Center for Health Sciences in providing medical teaching and residency programs to prepare doctors for placement in rural Oklahoma communities;

3. Investigate potential options for providing a stable teaching hospital environment for the continuation of residency programs for the Oklahoma State University Center for Health Sciences;

4. Audit and study all financial arrangements or proposed financial agreements related to maintaining the highest quality medical teaching and residency program possible for the Oklahoma State University Center for Health Sciences; and

5. Study, make recommendations, and submit a written report to the Legislature and the Governor by December 15, 2005, regarding the Oklahoma State University Center for Health Sciences and the future of the delivery and efficiency of teaching, residency, and medical services across rural Oklahoma and the delivery of care to the indigent, underserved, and nonindigent populations of the Tulsa Metropolitan Service Area. The report shall include, at a minimum, recommendations for appropriate written agreements for the lease and management of facilities, provision of indigent care, and recommended minimum levels of state appropriations required for the achievement of a long-term solution for graduate medical education at the Oklahoma State University Center for Health Sciences.

E. In performing its duties and responsibilities, the Commission may hold public hearings in various geographical locations of the state and may invite individuals and organizations to make presentations to the Commission. The Commission is further granted the authority to administer oaths, subpoena witnesses and records, and to hear evidence.

F. Travel reimbursement shall be the responsibility of the appointing authority and shall be subject to the State Travel Reimbursement Act. Legislative members to the Commission shall be reimbursed pursuant to the provisions of Section 456 of Title 74 of the Oklahoma Statutes.

G. The Commission shall not be subject to the provisions of the Oklahoma Open Records Act with respect to any proprietary information, financial information related to a private for-profit business entity or a nonprofit organization, or other information that would place a business entity or nonprofit organization at a competitive disadvantage or that the entity would not disclose to a third party without the requirement of judicial process. The Commission may require that documents and records that it requests or that it compels be produced for its review subject to a protective order that prohibits disclosure of the information provided to any person other than a member of the Commission or its designated agents or representatives.

SECTION 5. This act shall become effective July 1, 2005.

SECTION 6. 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 26th day of May, 2005.

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Presiding Officer of the Senate

Passed the House of Representatives the 26th day of May, 2005.

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Presiding Officer of the House
of Representatives