

CS for SB 708

1 THE STATE SENATE  
2 Thursday, February 17, 2005

3 Committee Substitute for  
4 Senate Bill No. 708

5 COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 708 - By: WILSON of the  
6 Senate and COX of the House.

7 An Act relating to public health; stating legislative  
8 findings regarding Federally Qualified Health Centers;  
9 requiring compliance with certain requirements; requiring  
10 certain boards of directors be subject to the Oklahoma Open  
11 Meeting Act; requiring removal of board members under  
12 certain circumstances; providing for appointment of board  
13 members under certain circumstances; providing penalty and  
14 enforcement; providing for codification; and declaring an  
15 emergency.

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

17 SECTION 1. NEW LAW A new section of law to be codified  
18 in the Oklahoma Statutes as Section 1-173.1 of Title 63, unless  
19 there is created a duplication in numbering, reads as follows:

20 A. The Legislature finds that:

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

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

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

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

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

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

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

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

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

10 E. In the event that an entire board or a majority of board  
11 members must be removed from a board, new board members shall be  
12 appointed in compliance with federal statutes, regulations and  
13 policies governing such. Board member appointments required under  
14 this subsection shall be made by the following persons, on a  
15 rotating basis and in the following order as necessary:

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

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

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

22 F. The State Department of Health shall investigate reported  
23 violations of this act and, notwithstanding any other provision,

1 shall enforce this act by not contracting to reimburse any Federally  
2 Qualified Health Center found to be in violation of the provisions  
3 of this act for uncompensated care costs. The Department shall  
4 further report any violations of federal statutes, regulations and  
5 policies related to this act to the appropriate federal funding  
6 agency, and shall report violations of the Oklahoma Open Meeting Act  
7 to the district attorney in the jurisdiction where the entity is  
8 located.

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

13 COMMITTEE REPORT BY: COMMITTEE ON HEALTH & HUMAN RESOURCES, dated  
14 2-10-05 - DO PASS, As Amended and Coauthored.