

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB2163
Page _____ Section _____ Lines _____
Of the printed Bill
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Daniel Sullivan _____

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 PROPOSED COMMITTEE

4 SUBSTITUTE

5 FOR ENGROSSED

6 SENATE BILL NO. 2163

By: Paddack of the Senate

and

Sullivan of the House

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9 PROPOSED COMMITTEE SUBSTITUTE

10 An Act relating to damages; creating the Health Care
11 Indemnity Trust Fund; specifying sources of funding;
12 creating Health Care Indemnity Trust Fund Board of
13 Trustees; establishing membership of Board; providing
14 for appointment of Board members; providing for terms
15 of initial appointees; providing for succession of
16 members; authorizing removal of member for cause;
17 specifying authorized expenditures from fund;
18 authorizing Board to take certain actions; directing
19 Board to develop rules and review certain bids;
20 directing Board to solicit certain bids; requiring
21 certain report; providing that Board members shall
22 not receive salaries; authorizing certain travel
23 expenses; providing for the selection of chair and
24 vice-chair; requiring quarterly meetings of Board;
providing quorum requirements; specifying certain
exception; specifying applicability of Open Meeting
Act, Open Records Act, and the Administrative
Procedures Act to Board's activities; requiring
submission of certain annual report; providing for
codification; and declaring an emergency.

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

1 SECTION 1. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 61.3 of Title 23, unless there
3 is created a duplication in numbering, reads as follows:

4 A. There is hereby created a trust fund to be known as the
5 "Health Care Indemnity Trust Fund". The trust fund principal shall
6 consist of all funds appropriated, transferred, donated or otherwise
7 directed to the fund by law and any monies or assets contributed to
8 the trust fund from any other source, public or private.

9 B. There is hereby created the Board of Trustees of the Health
10 Care Indemnity Trust Fund. The Board of Trustees shall consist of
11 seven (7) members, to be appointed as follows:

- 12 1. The Governor shall select one member;
- 13 2. The President Pro Tempore of the Senate shall select two
14 members, one of whom shall be a health care professional;
- 15 3. The Speaker of the House of Representatives shall select two
16 members, one of whom shall have expertise and experience in the
17 insurance and reinsurance industry;
- 18 4. The Chief Executive Officer of the Oklahoma Health Care
19 Authority shall select one member; and
- 20 5. The Insurance Commissioner shall select one member.

21 C. The initially appointed members shall serve staggered terms
22 as follows:

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1 1. The term of the appointee of the Governor and one appointee
2 of the President Pro Tempore of the Senate shall expire on June 30,
3 2011;

4 2. The term of one appointee of the President Pro Tempore shall
5 expire on June 30, 2012;

6 3. The term of one appointee of the Speaker of the House shall
7 expire on June 30, 2013;

8 4. The term of the appointee of the Chief Executive Officer of
9 the Oklahoma Health Care Authority and one appointee of the Speaker
10 of the House shall expire on June 30, 2014; and

11 5. The term of the appointee of the Insurance Commissioner
12 shall expire on June 30, 2014.

13 Thereafter, successors shall be appointed for terms of four (4)
14 years. An appointee may be removed for cause.

15 D. Earnings from the trust fund, including but not limited to
16 interest, dividends, and realized capital gains from investments of
17 the trust fund shall be expended to pay a portion of damages awarded
18 and approved by the district court in professional negligence cases
19 against physicians in the state following entry of a jury verdict.
20 However, such expenditures shall be limited to noneconomic damages
21 as provided in Section 61.2 of Title 23 of the Oklahoma Statutes.

22 E. The Board of Trustees shall develop rules to request and
23 review bids for insurance coverage required for the operation of the
24 trust fund. The Board of Trustees may take any action necessary to

1 implement the provisions of this act, including but not limited to
2 retaining counsel. The Board of Trustees shall solicit bids for
3 such insurance. The Board of Trustees shall report the cost of
4 implementing the trust fund to the Legislature before December 1,
5 2010.

6 F. Members of the Board of Trustees shall receive no salary for
7 serving on the Board of Trustees. All members shall receive
8 necessary travel expenses for the performance of their duties from
9 the Office of the Governor in accordance with the provisions of the
10 State Travel Reimbursement Act.

11 G. The Board of Trustees shall annually elect a chair and vice-
12 chair. The vice-chair shall preside over meetings in the absence of
13 the chair, and any other officers, provided that no member shall be
14 elected chair or vice-chair for more than two (2) consecutive years.
15 The Board of Trustees shall meet at least quarterly. A majority of
16 the members of the Board of Trustees shall constitute a quorum to
17 transact business, but no vacancy shall impair the right of the
18 remaining members to exercise all of the powers of the Board of
19 Trustees.

20 H. The Board of Trustees shall be subject to the Oklahoma Open
21 Meeting Act, the Oklahoma Open Records Act and the Administrative
22 Procedures Act.

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1 I. The Board of Trustees shall submit a report of the Health
2 Care Indemnity Trust Fund's investment and asset value annually to
3 the Governor and the State Treasurer.

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

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