

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE BILL 1113

By: Miller and Martin (Scott)
of the House

4 and

5 Johnson (Mike) and Myers of
6 the Senate

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9 AS INTRODUCED

10 An Act relating to public health and safety; amending
11 63 O.S. 2001, Section 1-106.1, as amended by Section
12 1, Chapter 282, O.S.L. 2005 (63 O.S. Supp. 2008,
13 Section 1-106.1), which relates to the fee schedule
for licenses, permits, and other health services;
modifying fee ranges; providing an effective date;
and declaring an emergency.

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

17 SECTION 1. AMENDATORY 63 O.S. 2001, Section 1-106.1, as
18 amended by Section 1, Chapter 282, O.S.L. 2005 (63 O.S. Supp. 2008,
19 Section 1-106.1), is amended to read as follows:

20 A. The State Board of Health may establish a system of fees to
21 be charged for health services and for services rendered to members
22 of the public in the issuance and renewal of licenses and permits by
23 the State Commissioner of Health and the State Department of Health.
24 This provision is subject to the following limitations:

1 1. No schedule of fees may be established or amended by the
2 Board except during such times as the Legislature is in session;
3 provided, the Board may establish or amend a schedule of fees at a
4 time when the Legislature is not in session if the fees or schedule
5 of fees has been specifically authorized by the Legislature or has
6 been approved by the Contingency Review Board. The State Board of
7 Health must follow the procedures required by Article I of the
8 Administrative Procedures Act for adoption of rules and regulations
9 in establishing or amending any such schedule of fees; and

10 2. The Board shall charge fees only within the following
11 ranges, except as may be otherwise provided for in this title.

12 For license or permit issuance: \$50.00 to
13 ~~\$2,000.00~~

14 \$3,000.00

15 For license or permit renewal: \$10.00 to
16 ~~\$500.00~~

17 \$2,000.00

18 For health services: \$25.00 to \$250.00

19 For a hospital or other facility license issued or renewed
20 pursuant to 63 O.S. 1-701 et seq., or for a nursing
21 facility or specialized license issued pursuant to 63 O.S.
22 Section 1-1901 et seq., or for an assisted living center or
23 continuum of care facility establishment application or

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1 license issued or renewed pursuant to 63 O.S. 1-890.1 et
2 seq.: \$10.00 to \$25.00 per bed

3 provided further, that any facility exempt from the requirement to
4 obtain a permit based on date of construction or start-up may be
5 assessed an annual permit renewal fee equivalent.

6 B. The Board's authority to establish such a fee schedule shall
7 extend to all programs administered by the State Commissioner of
8 Health and the State Department of Health, regardless of whether the
9 statutes creating such programs are codified in the Oklahoma Public
10 Health Code.

11 C. The Board shall base its schedule of licensing or permitting
12 fees upon the reasonable costs of review and inspection services
13 rendered in connection with each license and permit program, but
14 shall be within the ranges specified in subsection A of this
15 section, except as may be otherwise specified in this section. The
16 Department shall establish a system of training for all personnel
17 who render review and inspection services in order to assure uniform
18 statewide application of rules and regulations and the Board shall
19 also base the fee on reasonable costs associated with the training
20 of those personnel. Such fees shall not be used in the operation of
21 local health departments whose personnel do not participate fully in
22 applicable State Department of Health training and standardization
23 programs.

1 D. The Board may exempt by rule any class of licensee or
2 permittee or any class of facility or activity to be licensed or
3 permitted from the requirements of the fee schedule if the Board
4 determines that the creation of such a schedule for any such class
5 would work an unreasonable economic hardship.

6 E. All statutory fees now in effect for health services and for
7 the issuance and renewal of any license or permit administered by
8 the State Commissioner of Health and the State Department of Health
9 within the jurisdiction of the Department shall remain in effect
10 until such time as the Board acts to implement new fee schedules
11 pursuant to the provisions of this Code.

12 F. Unless a longer duration is specified for certain permits by
13 the rules and regulations of the Board, licenses and permits issued
14 by the Commissioner of Health shall be for a one-year period.

15 SECTION 2. This act shall become effective July 1, 2009.

16 SECTION 3. It being immediately necessary for the preservation
17 of the public peace, health and safety, an emergency is hereby
18 declared to exist, by reason whereof this act shall take effect and
19 be in full force from and after its passage and approval.

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21 52-1-15014 MN 12/30/08

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