

1 ENGROSSED HOUSE
2 BILL NO. 1397

By: Cox of the House

3 and

4 Jolley of the Senate
5
6

7 An Act relating to public health and safety; amending
8 Section 54, Chapter 197, O.S.L. 2003 (63 O.S. Supp.
9 2010, Section 1-105e), which relates to the duties of
10 the State Department of Health; adding duties of
11 Department; amending Section 1, Chapter 101, O.S.L.
12 2006, as amended by Section 1, Chapter 119, O.S.L.
13 2008 (63 O.S. Supp. 2010, Section 1-105f), which
14 relates to the Office of Accountability Systems;
15 providing for the issuance of administrative
16 subpoenas; amending 63 O.S. 2001, Section 1-214, as
17 last amended by Section 1, Chapter 198, O.S.L. 2010
18 (63 O.S. Supp. 2010, Section 1-214), which relates to
19 city-county health department; permitting city-county
20 health department to perform health-related services;
21 permitting city-county health department to submit
22 insurance claims; amending 63 O.S. 2001, Section 1-
23 301, as amended by Section 1, Chapter 187, O.S.L.
24 2008 (63 O.S. Supp. 2010, Section 1-301), which
relates to definitions; adding definition; amending
63 O.S. 2001, Section 1-304, which relates to the
duties of the State Commissioner of Health; deleting
certain duty; amending 63 O.S. 2001, Section 1-311,
which relates to the filing of birth certificates;
providing that birth certificates shall be filed with
State Registrar; providing birth certificate process
when delivering mother carries legal child of another
woman; amending 63 O.S. 2001, Section 1-312, which
relates to an infant of unknown parentage; requiring
that certain report be filed with State Registrar;
amending 63 O.S. 2001, Section 1-316, which relates
to new birth certificates; requiring certain
certificate to be restored and may be amended;
amending 63 O.S. 2001, Section 1-316a, which relates
to heirloom birth certificates; providing heirloom
birth certificate shall not be used as evidence of

1 live birth nor identification purposes; amending 63
2 O.S. 2001, Section 1-318, which relates to fetal
3 death certificates; removing provisions related to
4 location of fetal death; amending 63 O.S. 2001,
5 Section 1-319, which relates to burial permits;
6 modifying issuer of certain permits; 63 O.S. 2001,
7 Section 1-321, as amended by Section 61, Chapter 116,
8 O.S.L. 2006 (63 O.S. Supp. 2010, Section 1-321),
9 which relates to amendment of certificates;
10 permitting Board to promulgate certain rules;
11 amending 63 O.S. 2001, Section 1-323, as last amended
12 by Section 8, Chapter 226, O.S.L. 2010 (63 O.S. Supp.
13 2010, Section 1-323), which relates to vital
14 statistics records; deleting requirements that
15 certain certificates be issued upon request and
16 payment of certain fees; authorizing Commissioner to
17 disclose certain data for public health surveillance
18 purposes; deleting requirement that certain records
19 containing certain information not be disclosed;
20 amending Section 1, Chapter 384, O.S.L. 2003 (63 O.S.
21 2010, Section 1-324.1), which relates to the
22 prohibition of certain acts regarding certain
23 certificates; prohibiting certain act regarding
24 certain certificates; modifying certain penalties;
prohibiting certain acts regarding disinterment
permits; providing penalties; amending 63 O.S. 2001,
Section 1-325, which relates to fees for certain
records; permitting fees to be paid by credit cards;
amending 63 O.S. 2001, Section 1-329.1, which relates
to permit for disposal of bodies; requiring certain
form and certain certificate be filed with State
Registrar; amending 63 O.S. 2001, Section 1-502.2, as
last amended by Section 6, Chapter 393, O.S.L. 2008
(63 O.S. Supp. 2010, Section 1-502.2), which relates
to the confidentiality of certain information;
excluding certain information from being required
under Oklahoma Open Records Act; providing for
release of certain information whether within the
State or United States; deleting requirement that
certain releases contain certain notice; amending 63
O.S. 2001, Section 1-517, which relates to
definitions; modifying certain terms; amending 63
O.S. 2001, Section 1-520, which relates to
prohibiting physicians from making false discharge of
certain persons; creating certain penalty; amending
63 O.S. 2001, Section 1-522, which relates to
prohibiting certain treatment without a prescription;

1 modifying references; amending 63 O.S. 2001, Section
2 1-524, as last amended by Section 1, Chapter 346,
3 O.S.L. 2003 (63 O.S. Supp. 2010, Section 1-524),
4 which relates to required testing of persons in
5 prison; modifying references; amending Section 2,
6 Chapter 346, O.S.L. 2003 (63 O.S. Supp. 2010, Section
7 1-524.1), which relates to the required examination
8 of certain arrested persons; modifying references;
9 amending 63 O.S. 2001, Section 1-525, which relates
10 to the prescriptions and records of certain persons;
11 modifying references; amending 63 O.S. 2001, Section
12 1-526, which relates to certain Board rules and
13 regulations; modifying references; amending 63 O.S.
14 2001, Section 1-527, which relates to reports of
15 venereal disease; modifying references; amending 63
16 O.S. 2001, Section 1-528, which relates to required
17 instruction of certain persons by physician;
18 modifying references; amending 63 O.S. 2001, Section
19 1-529, which relates to certain investigations by
20 health officers; modifying references; amending 63
21 O.S. 2001, Section 1-530, which relates to the
22 protection against spread of certain disease;
23 modifying references; amending 63 O.S. 2001, Section
24 1-531, which relates to the issuance of certain
certificates; modifying reference; amending 63 O.S.
2001, Section 1-532, which relates to the publicity
of information and reports of certain persons;
modifying reference; amending 63 O.S. 2001, Section
1-532.1, which relates to the consent of a minor to
be examined and treated for certain disease;
modifying reference; amending 63 O.S. 2001, Section
1-534.1, which relates to the state plan for HIV
services; deleting requirement that state plan be
reviewed annually; amending 63 O.S. 2001, Section 1-
873, which relates to minimum adult day care
licensure requirements; providing certain licenses
may be issued for more than twelve months; amending
63 O.S. 2001, Section 1-1412, which relates to false
advertisement of drugs; modifying reference; amending
63 O.S. 2001, Section 1-1905, which relates to
licenses for certain facilities; providing certain
licenses may be issued for more than twelve months;
amending 63 O.S. 2001, Section 946, which relates to
exhuming of bodies; requiring certain court order be
provided to the Department; repealing 63 O.S. 2001,
Section 1-305, 1-306, 1-307, 1-308, 1-309 and 1-519,

1 which relate to local registrars; providing for
2 codification; and providing an effective date.

3
4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

5 SECTION 1. AMENDATORY Section 54, Chapter 197, O.S.L.
6 2003 (63 O.S. Supp. 2010, Section 1-105e), is amended to read as
7 follows:

8 Section 1-105e. A. The State Department of Health shall:

9 1. Perform duties and responsibilities as directed by the State
10 Commissioner of Health to ensure compliance with relevant provisions
11 of this act; ~~and~~

12 2. Fix and collect fees for the certification of compliance of
13 health maintenance organizations pursuant to the provisions of
14 Section 7 6907 of Title 36 of the Health Maintenance Organization
15 Act of 2003 Oklahoma Statutes; and

16 3. Perform any and all health-related services, within the
17 scope of practice, as prescribed by state law, by the State Board of
18 Health, or by standards of care for medical services. When the
19 Department provides a health-related service to any person covered
20 by an applicable health insurance plan, the Department may submit a
21 claim for said service to the appropriate insurance company, health
22 maintenance organization or preferred provider organization. Upon
23 receipt of the claim, said insurance company, health maintenance
24 organization or preferred provider organization shall reimburse the

1 Department for the service provided in accordance with the standard
2 and customary rate schedule established by the plan. All health
3 insurance plans doing business in Oklahoma shall recognize the
4 public health service delivery model utilized by the Department, as
5 an appropriate provider of services for reimbursement.

6 B. All actions of the Department shall be subject to the
7 provisions of the Administrative Procedures Act.

8 C. Fees and insurance reimbursement payments collected shall be
9 deposited in the Public Health Special Fund in the State Treasury.

10 SECTION 2. AMENDATORY Section 1, Chapter 101, O.S.L.
11 2006, as amended by Section 1, Chapter 119, O.S.L. 2008 (63 O.S.
12 Supp. 2010, Section 1-105f), is amended to read as follows:

13 Section 1-105f. A. The Office of Accountability Systems of the
14 State Department of Health (OAS) shall have the authority to:

15 1. Coordinate audits and investigations and make reports to the
16 State Board of Health and State Commissioner of Health within the
17 State Department of Health and State Health Officer relating to the
18 administration of programs and operations of the State Department of
19 Health;

20 2. Except as otherwise prohibited by current law, access all
21 records, reports, audits, reviews, documents, papers,
22 recommendations, or other material which relate to programs and
23 operations with respect to which the Director of the Office of
24 Accountability Systems has responsibilities;

1 3. Request assistance from other state, federal and local
2 government agencies;

3 4. Issue administrative subpoenas for the production of all
4 information, documents, reports, answers, records, accounts, papers,
5 and other data and documentary evidence ~~that is in the custody or~~
6 ~~control of the State Department of Health;~~

7 5. Administer to or take from any current or former employee of
8 the State Department of Health an oath, affirmation, or affidavit;

9 6. Receive and investigate complaints or information from an
10 employee of the Department, service recipient or member of the
11 public concerning the possible existence of an activity within the
12 State Department of Health constituting a violation of law, rules or
13 regulations, mismanagement, gross waste of funds, abuse of authority
14 or a substantial and specific danger to the public health and
15 safety;

16 7. Cause to be issued on behalf of OAS credentials, including
17 an identification card with the State Seal; and

18 8. Keep confidential all actions and records relating to OAS
19 complaints.

20 B. It shall be the duty and responsibility of the Director and
21 staff of the Office of Accountability Systems to:

22 1. Keep the State Board of Health and the State Commissioner of
23 Health fully informed of matters relating to fraud, abuses,
24 deficiencies and other serious problems of which the Director is

1 aware relating to the administration of programs and operations
2 within the State Department of Health. Further, the Director shall
3 recommend corrective action concerning such matters and report to
4 the State Board of Health and the State Commissioner of Health on
5 the progress of the corrective matters;

6 2. Report to and be under the direct supervision of the State
7 Board of Health. Unless otherwise directed by the State Board of
8 Health, the Director shall report to and be under the general
9 supervision of the State Commissioner of Health, but shall not be
10 subject to supervision or report to any other State Department of
11 Health employee. Unless otherwise instructed by the State Board of
12 Health, staff of the Office of Accountability Systems and
13 independent contractors performing internal investigative services
14 for the Office of Accountability Systems shall be directly
15 supervised by the Director of the Office of Accountability Systems
16 and not subject to the supervision of or required to report to any
17 other State Department of Health employee. Neither the State
18 Commissioner of Health nor any other employee of the State
19 Department of Health shall prevent, prohibit, or obstruct the
20 Director from initiating, implementing or completing any
21 investigation or from issuing any subpoena during the course of an
22 investigation or audit regarding the State Department of Health; and

23 3. Report expeditiously to the appropriate law enforcement
24 entity whenever the Director has reasonable grounds to believe that

1 there has been a felonious violation of state or federal criminal
2 law.

3 SECTION 3. AMENDATORY 63 O.S. 2001, Section 1-214, as
4 last amended by Section 1, Chapter 198, O.S.L. 2010 (63 O.S. Supp.
5 2010, Section 1-214), is amended to read as follows:

6 Section 1-214. A. The board of county commissioners of any
7 county and the governing body of any city which qualify under
8 Section 1-210 of this title shall enter into an agreement providing
9 for the creation of a city-county health department, and such
10 contracting bodies shall by agreement provide for the method of
11 operation thereof, the selection of a director of such department,
12 and the proportionate share of personnel and/or money that each
13 shall contribute for the operation and support of such department.

14 B. Unless an agreement made pursuant to subsection A of this
15 section specifically provides otherwise, any judgment against the
16 city-county health department or the city-county board of health
17 shall be treated as a judgment against the county and may be paid
18 from a sinking fund established pursuant to Section 28 of Article X
19 of the Oklahoma Constitution in the manner that other judgments
20 against the county are paid.

21 C. Unless an agreement made pursuant to subsection A of this
22 section specifically provides otherwise, a city-county health
23 department shall have the power to own, acquire, lease, or dispose
24

1 of real property in the performance of local public health
2 functions, duties, and responsibilities.

3 D. The qualifications of the director shall be determined by
4 the city-county board of health, with the advice of the State
5 Commissioner of Health, and subject to approval by the governing
6 body of the city and the board of county commissioners of the
7 county. The director, with the approval of the city-county board of
8 health, the board of county commissioners of the county, and the
9 governing body of the city, or the city manager in cities having a
10 managerial form of government, shall appoint other personnel of the
11 department.

12 E. The employees of a city-county health department shall
13 possess minimum qualifications as set forth in a system of personnel
14 administration delineating job specifications and a compensation
15 plan adopted by the city-county board of health, and approved by the
16 State Commissioner of Health, the board of county commissioners and
17 the governing body of the city. By March 1, 1991, the city-county
18 health department shall establish a personnel, merit and promotion
19 system which shall be approved by the Commissioner of Public Health.
20 The employees shall also be eligible for membership in any life or
21 health insurance plan of the county and the county retirement
22 program, subject to the same conditions or restrictions that apply
23 to county employees. Any state employees officed or located at or
24 assigned to a city-county health department shall be subject to the

1 state system of personnel administration and shall be eligible for
2 membership in the state employees insurance and retirement programs.

3 F. Such city-county health department shall, under the
4 supervision of the director, enforce and administer all municipal
5 and county ordinances, rules and regulations, and all state laws,
6 and rules and regulations of the State Board of Health pertaining to
7 public health matters in the jurisdiction where it is created, or in
8 any area where it has jurisdiction to operate by agreement.

9 G. A city-county health department may perform any and all
10 health-related services, within the scope of practice, as prescribed
11 by law, by the city-county board of health, or by standards of care
12 for medical services. When a city-county health department provides
13 a health-related service to any person covered by an applicable
14 health insurance plan, the city-county health department may submit
15 a claim for said service to the appropriate insurance company,
16 health maintenance organization or preferred provider organization.
17 Upon receipt of the claim, said insurance company, health
18 maintenance organization or preferred provider organization shall
19 reimburse the city-county health department for the service provided
20 in accordance with the standard and customary rate schedule
21 established by the plan. All health insurance plans, doing business
22 in Oklahoma, shall recognize the public health service delivery
23 model utilized by the city-county health department, as an
24 appropriate provider of services for reimbursement. All insurance

1 reimbursement payments collected shall become a part of the general
2 revenue of the unit of government levying the same.

3 SECTION 4. AMENDATORY 63 O.S. 2001, Section 1-301, as
4 amended by Section 1, Chapter 187, O.S.L. 2008 (63 O.S. Supp. 2010,
5 Section 1-301), is amended to read as follows:

6 Section 1-301. As used in this article:

7 1. "Vital statistics" means records of birth, death, fetal
8 death and data related thereto;

9 2. "System of vital statistics" means the registration,
10 collection, preservation, amendment and certification of vital
11 statistics records, and activities related thereto, including the
12 tabulation, analysis and publication of statistical data derived
13 from such records;

14 3. "Filing" means the presentation of a certificate, report or
15 other record provided for in this article, of a birth, death, fetal
16 death or adoption, for registration by the State Commissioner of
17 Health;

18 4. "Registration" means the acceptance by the State
19 Commissioner of Health and the incorporation in his official records
20 of certificates, reports or other records provided for in this
21 article, of births, deaths, fetal deaths or adoptions;

22 5. "Live birth" means the complete expulsion or extraction from
23 the mother of a product of human conception, irrespective of the
24 duration of pregnancy, which, after such expulsion or extraction,

1 breathes or shows any other evidence of life such as beating of the
2 heart, pulsation of the umbilical cord or definite movement of
3 voluntary muscles, whether or not the umbilical cord has been cut or
4 the placenta is attached;

5 6. "Stillbirth" or "stillborn child" means a fetal death;

6 7. "Certificate of birth resulting in stillbirth" means a
7 certificate issued to memorialize a stillborn child;

8 8. "Fetal death" means death prior to the complete expulsion or
9 extraction from its mother of a product of human conception after a
10 period of gestation as prescribed by the State Board of Health. The
11 death is indicated by the fact that, after such expulsion or
12 extraction, the fetus does not breathe or show any other evidence of
13 life such as beating of the heart, pulsation of the umbilical cord
14 or definite movement of voluntary muscles;

15 9. "Dead body" means an individual who is determined to be dead
16 pursuant to the provisions of the Uniform Determination of Death
17 Act;

18 10. "Final disposition" means the burial, interment, cremation,
19 or other disposition of a dead body or fetus;

20 11. "Physician" means a person who is a member of the class of
21 persons authorized to use the term "physician" pursuant to Section
22 725.2 of Title 59 of the Oklahoma Statutes; ~~and~~

23 12. "Institution" means any establishment, public or private,
24 which provides inpatient medical, surgical or diagnostic care or

1 treatment, or nursing, custodial or domiciliary care, to two or more
2 unrelated individuals, or to which persons are committed by law; and

3 13. "Disinterment" means the recovery of human remains by
4 exhumation or disentombment. "Disinterment" does not include the
5 raising and lowering of remains to accommodate two interments within
6 a single grave and does not include the repositioning of an outside
7 burial container that encroaches on adjoining burial space.

8 SECTION 5. AMENDATORY 63 O.S. 2001, Section 1-304, is
9 amended to read as follows:

10 Section 1-304. (a) The State Commissioner of Health shall:

11 (1) administer and enforce this article and the rules and
12 regulations issued hereunder, and issue instructions for the
13 efficient administration of the statewide system of vital
14 statistics.

15 (2) direct and supervise the statewide system of vital
16 statistics and be custodian of its records.

17 ~~(3) direct, supervise and control the activities of local~~
18 ~~registrars.~~

19 ~~(4)~~ prescribe and distribute such forms as are required by this
20 article and the rules and regulations issued hereunder.

21 ~~(5)~~ (4) prepare and publish reports of vital statistics of this
22 state, and such other reports as may be required by law.

23 (b) The Commissioner may delegate such functions and duties
24 vested in ~~him~~ the Commissioner to employees of the State Department

1 of Health and to the local registrars as ~~he~~ the Commissioner deems
2 necessary or expedient.

3 SECTION 6. AMENDATORY 63 O.S. 2001, Section 1-311, is
4 amended to read as follows:

5 Section 1-311. A. A certificate of birth for each live birth
6 which occurs in this state shall be filed with the ~~local registrar~~
7 ~~of the district in which the birth occurs~~ State Registrar, within
8 seven (7) days after the birth; ~~provided, that when a birth occurs~~
9 ~~on a moving conveyance, a birth certificate shall be filed in the~~
10 ~~district in which the child was first removed from the conveyance.~~

11 B. When a birth occurs in an institution, the person in charge
12 of the institution or a designated representative shall obtain the
13 personal data, prepare the certificate, and secure the signatures
14 required by the certificate ~~and file the certificate with the local~~
15 ~~registrar.~~ The physician in attendance shall certify to the facts
16 of birth and provide the medical information required by the
17 certificate within five (5) days after the birth.

18 C. When a birth occurs outside an institution, the certificate
19 shall be prepared and filed by one of the following in the indicated
20 order of priority:

21 1. The physician in attendance at or immediately after the
22 birth;

23 2. Any other person in attendance at or immediately after the
24 birth; or

1 3. The father, the mother, or, in the absence or inability of
2 the father or mother, the person in charge of the premises where the
3 birth occurred and present at the birth.

4 D. 1. If the mother was married at the time of conception and
5 birth, the name of the husband shall be entered on the certificate
6 as the father of the child unless paternity has been determined
7 otherwise by a court of competent jurisdiction or a husband's denial
8 of paternity form has been filed along with an affidavit
9 acknowledging paternity, in which case the name of the father as
10 determined by the court or affidavit acknowledging paternity shall
11 be entered.

12 2. If the mother was not married at the time of conception and
13 birth, the name of the father shall be entered on the certificate of
14 birth only if:

- 15 a. a determination of paternity has been made by an
16 administrative action through the Department of Human
17 Services or a court of competent jurisdiction, in
18 which case the name of the father shall be entered, or
19 b. the mother and father have signed an affidavit
20 acknowledging paternity pursuant to Section 1-311.3 of
21 this title, or substantially similar affidavit from
22 another state and filed it with the State Registrar of
23 Vital Statistics.

1 E. Either of the parents of the child shall sign the
2 certificate of live birth worksheet to attest to the accuracy of the
3 personal data entered thereon, in time to permit its filing within
4 the seven (7) days prescribed in this section.

5 F. If the live birth results from a process in which the
6 delivering mother was carrying the child of another woman by way of
7 a prearranged legal contract, the original birth certificate shall
8 be filed with the personal information of the woman who delivered
9 the child. A new birth certificate will be placed on file once the
10 State Registrar receives both a court order and a completed form
11 prescribed by the State Registrar which identifies the various
12 parties and documents the personal information of the intended
13 parents necessary to complete the new birth certificate.

14 SECTION 7. AMENDATORY 63 O.S. 2001, Section 1-312, is
15 amended to read as follows:

16 Section 1-312. (a) Whoever assumes the custody of a living
17 infant of unknown parentage shall report, on a form and in the
18 manner prescribed by the State Commissioner of Health within seven
19 (7) days to the ~~local registrar of the district in which the child~~
20 ~~was found~~ State Registrar, the following information:

21 (1) the date and place of finding.

22 (2) sex, color or race, and approximate age of child.

23 (3) name and address of the persons or institution with whom the
24 child has been placed for care.

1 (4) and other data required by the Commissioner.

2 (b) The place where the child was found shall be entered as the
3 place of birth and the date of birth shall be determined by
4 approximation.

5 (c) A report registered under this section shall constitute the
6 certificate of birth for the infant.

7 (d) If the child is identified and a certificate of birth is
8 found or obtained, any report registered under this section shall be
9 sealed and filed and may be opened only by order of a court of
10 competent jurisdiction.

11 SECTION 8. AMENDATORY 63 O.S. 2001, Section 1-316, is
12 amended to read as follows:

13 Section 1-316. A. The State Commissioner of Health shall
14 establish a new certificate of birth for a person born in this
15 state, when the Commissioner receives the following:

16 1. An adoption certificate as provided in the Oklahoma Adoption
17 Act, or a certified copy of the decree of adoption together with the
18 information necessary to identify the original certificate of birth
19 and to establish a new certificate of birth; except that a new
20 certificate of birth shall not be established if so requested by the
21 court decreeing the adoption, the adoptive parents, or the adopted
22 person; and

23 2. A request that a new certificate be established and such
24 evidence as required by regulation proving that such person has been

1 legitimated, or that a court of competent jurisdiction has
2 determined the paternity of such a person.

3 B. When a new certificate of birth is established, the actual
4 place and date of birth shall be shown. It shall be substituted for
5 the original certificate of birth:

6 1. Thereafter, the original certificate and the evidence of
7 adoption, paternity, or legitimation shall not be amended, nor shall
8 it be subject to inspection except upon order of a court of
9 competent jurisdiction or as otherwise specifically provided by law;
10 and

11 2. Upon receipt of notice of annulment of adoption, the
12 original certificate of birth shall be restored to its place in the
13 files and the new certificate and evidence shall not be subject to
14 inspection except upon order of a court of competent jurisdiction.
15 The original certificate shall be restored and may be amended in
16 accordance with Section 1-321 of this title.

17 SECTION 9. AMENDATORY 63 O.S. 2001, Section 1-316a, is
18 amended to read as follows:

19 Section 1-316a. A. ~~By November 1, 2001, the~~ The State
20 Department of Health shall provide for the issuance of an heirloom
21 birth certificate. The Department shall design the form of the
22 heirloom birth certificate with the advice and assistance of the
23 Oklahoma Arts Council and may promote and sell copies of the
24 certificate. An heirloom birth certificate ~~may contain the same~~

1 ~~information as, and may have the same effect of, a certified copy of~~
2 ~~the birth record shall not be used as evidence of live birth nor~~
3 ~~identification purposes.~~

4 B. The Department shall prescribe a fee for the issuance of an
5 heirloom birth certificate in an amount that does not exceed Thirty-
6 five Dollars (\$35.00).

7 C. Proceeds from the sale of heirloom birth certificates shall
8 be used by the Child Abuse Training and Coordination Program within
9 the State Department of Health to provide training and technical
10 assistance to judges, prosecutors, and members of multidisciplinary
11 child abuse teams who intervene in circumstances of child abuse,
12 ~~provided, the Department may retain an amount not to exceed Ten~~
13 ~~Dollars (\$10.00) from the fee to cover the cost of a standard birth~~
14 ~~certificate.~~

15 SECTION 10. AMENDATORY 63 O.S. 2001, Section 1-318, is
16 amended to read as follows:

17 Section 1-318. (a) A fetal death certificate for each fetal
18 death which occurs in this state shall be filed with the ~~local~~
19 ~~registrar of the district in which the delivery occurred~~ State
20 Registrar, within three (3) days after such delivery ~~and prior to~~
21 ~~removal of the fetus, and shall be registered with such registrar if~~
22 ~~it has been completed and filed in accordance with this section;~~
23 ~~provided that,~~

24

1 ~~(1) if the place of fetal death is unknown, a fetal death~~
2 ~~certificate shall be filed in the registration district in which a~~
3 ~~dead fetus was found, within three (3) days after the occurrence,~~
4 and

5 ~~(2) if a fetal death occurs on a moving conveyance, a fetal~~
6 ~~death certificate shall be filed in the registration district in~~
7 ~~which the fetus was first removed from such conveyance.~~

8 (b) The funeral director or person acting as such who first
9 assumes custody of a fetus shall file the fetal death certificate.
10 In the absence of such a person, the physician or other person in
11 attendance at or after the delivery shall file the certificate of
12 fetal death. He shall obtain the personal data from the next of kin
13 or the best qualified person or source available. He shall complete
14 the certificate as to personal data and deliver the certificate to
15 that person responsible for completing the medical certification of
16 cause of death within twenty-four (24) hours after delivery.

17 (c) The medical certification shall be completed and signed
18 within forty-eight (48) hours after delivery by the physician in
19 attendance at or after delivery, except when inquiry into the cause
20 of death is required by Section 938 of this title.

21 SECTION 11. AMENDATORY 63 O.S. 2001, Section 1-319, is
22 amended to read as follows:

23 Section 1-319. A. A burial transit permit issued under the
24 laws of another state which accompanies a dead body or fetus brought

1 into this state shall be authority for final disposition of the body
2 or fetus in this state.

3 ~~No person in charge of any premises on which interments are made~~
4 ~~shall inter or permit the interment of any dead body or fetus unless~~
5 ~~it is accompanied by such burial transit permit.~~

6 B. A permit for disinterment and reinternment shall be required
7 prior to disinterment of a dead body or fetus except as authorized
8 by regulation or otherwise provided by law. Such permit shall be
9 issued by the State ~~Commissioner of Health~~ Registrar to a licensed
10 funeral director, embalmer, or other person acting as such, upon
11 proper application.

12 SECTION 12. AMENDATORY 63 O.S. 2001, Section 1-321, as
13 amended by Section 61, Chapter 116, O.S.L. 2006 (63 O.S. Supp. 2010,
14 Section 1-321), is amended to read as follows:

15 Section 1-321. (a) A certificate or record registered under
16 this article may be amended only in accordance with this article and
17 regulations thereunder adopted by the State Board of Health to
18 protect the integrity and accuracy of vital statistics records.

19 (b) A certificate that is amended under this section shall be
20 marked "amended", except as provided in subsection (d) of this
21 section. The date of amendment and a summary description of the
22 evidence submitted in support of the amendment shall be endorsed on
23 or made a part of the record. The Board shall prescribe by
24 regulation the conditions under which additions or minor corrections

1 shall be made to birth certificates within one (1) year after the
2 date of birth without the certificate being considered as amended.

3 (c) Upon receipt of a certified copy of a court order, from a
4 court of competent jurisdiction, changing the name of a person born
5 in this state and upon request of such person or his parent,
6 guardian, or legal representative, the State Commissioner of Health
7 shall amend the certificate of birth to reflect the new name.

8 (d) When a child is born out of wedlock, the Commissioner shall
9 amend a certificate of birth to show paternity, if paternity is not
10 currently shown on the birth certificate, in the following
11 situations:

12 (1) Upon request and receipt of a sworn acknowledgment of
13 paternity of a child born out of wedlock signed by both parents; or

14 (2) Upon receipt of a certified copy of a court order
15 establishing paternity.

16 (e) For a child born out of wedlock, the Commissioner shall also
17 change the surname of the child on the certificate:

18 (1) To the specified surname upon receipt of acknowledgment of
19 paternity signed by both parents or upon receipt of a certified copy
20 of a court order directing such name be changed. Such certificate
21 amended pursuant to this subsection shall not be marked "amended";
22 or

23 (2) To the surname of the mother on the birth certificate in the
24 event the acknowledgment of paternity is rescinded.

1 (f) The State Board of Health shall have the power and duty to
2 promulgate rules for situations in which the State Registrar of
3 Vital Statistics receives false information regarding the identity
4 of a parent.

5 SECTION 13. AMENDATORY 63 O.S. 2001, Section 1-323, as
6 last amended by Section 8, Chapter 226, O.S.L. 2010 (63 O.S. Supp.
7 2010, Section 1-323), is amended to read as follows:

8 Section 1-323. A. To protect the integrity of vital statistics
9 records, to insure their proper use, and to insure the efficient and
10 proper administration of the vital statistics system, it shall be
11 unlawful for any person to permit inspection of, or to disclose
12 information contained in, vital statistics records, or to copy or
13 issue a copy of all or part of any such record except to the person
14 who is the subject of the record or in such person's interest unless
15 ordered to do so by a court of competent jurisdiction; ~~provided,~~
16 ~~however, that death certificates shall be issued upon request and~~
17 ~~the payment of applicable fees as provided in Section 1-325 of this~~
18 ~~Code.~~ Certified copies of birth certificates and death certificates
19 shall be provided without cost and without a court order to the
20 Attorney General or to any district attorney upon request in the
21 course of a criminal investigation.

22 B. The State Commissioner of Health may authorize the
23 disclosure of data contained in vital statistics records for public
24 health surveillance or research purposes.

1 C. The State Department of Health shall transmit to the
2 Department of Public Safety⁺:

3 1. At the end of each quarter year, a list of all registered
4 deaths which have occurred during such period of time. Upon receipt
5 of such list the Department of Public Safety shall use such list
6 solely to update Department of Public Safety records and to cancel
7 the driver license for those deceased individuals with a valid
8 Oklahoma driver license at the time of death;

9 2. At the end of each month, a report of all registered deaths
10 that resulted from a motor vehicle collision which have occurred
11 during such period of time. The report shall be used by the
12 Department solely for the purpose of statistical analysis and
13 reporting; and

14 3. Upon written request from the Department, a death
15 certificate. The certificate shall be used solely by the Fatality
16 Analysis Reporting System (FARS) Analyst of the Oklahoma Highway
17 Safety Office to populate the federal FARS database.

18 D. Each month, the Commissioner shall authorize the
19 transmission to the Oklahoma Health Care Authority of a certified
20 list of all registered deaths of residents of this state that have
21 occurred within the state for the immediately preceding month. The
22 Oklahoma Health Care Authority shall use the transmitted list to
23 ascertain the names of those individuals participating in the state

24

1 Medicaid program who are deceased, and shall thereafter terminate
2 such deceased person's enrollment in the state Medicaid program.

3 ~~E. Information in vital statistics records indicating that a
4 birth occurred out of wedlock shall not be disclosed except as
5 provided by rule or upon order of a court of competent jurisdiction.~~

6 ~~F.~~ For the purpose of assisting in the location and recovery of
7 missing children, information pertaining to birth certificates and
8 requests for copies of birth certificates shall be provided to the
9 Oklahoma State Bureau of Investigation pursuant to the provisions of
10 Section 1-323.1 of this title and Section 150.12A of Title 74 of the
11 Oklahoma Statutes.

12 ~~G.~~ F. The Commissioner shall authorize the transmission of
13 death certificates to the Department of Labor for the purpose of the
14 Department of Labor conducting a census of total occupational
15 injuries and illnesses. The Department shall transmit to the
16 Department of Labor statistics of fatal occupational injuries that
17 shall include the following:

- 18 1. Name of the deceased;
- 19 2. Date of death;
- 20 3. Sex;
- 21 4. Race;
- 22 5. Age;
- 23 6. Birth date;
- 24 7. Social security number;

- 1 8. Whether an autopsy was conducted;
- 2 9. Month of the accident; and
- 3 10. Whether decedent was of Hispanic origin.

4 H. The Department of Labor shall be required to protect the
5 integrity of the vital statistics records to the same extent
6 required of the Department pursuant to this section.

7 SECTION 14. AMENDATORY Section 1, Chapter 384, O.S.L.
8 2003 (63 O.S. 2010, Section 1-324.1), is amended to read as follows:

9 Section 1-324.1 A. It shall be unlawful for any person to
10 commit any of the following specified acts in relation to birth,
11 death or stillbirth certificates issued by this state:

12 1. Create, issue, present or possess a fictitious birth, death
13 or stillbirth certificate;

14 2. Apply for a birth, death or stillbirth certificate under
15 false pretenses;

16 3. Alter information contained on a birth, death or stillbirth
17 certificate;

18 4. Obtain, display or represent a birth certificate of any
19 person as one's own by any person, other than the person named on
20 the birth certificate;

21 5. Obtain, display or represent a fictitious death or
22 stillbirth certificate for the purpose of fraud; ~~or~~

1 6. Make a false statement or knowingly conceal a material fact
2 or otherwise commit fraud in an application for a birth, death or
3 stillbirth certificate; or

4 7. Knowingly presenting a false or forged certificate for
5 filing.

6 B. Except as otherwise provided in subsection C of this
7 section, it is a felony for any employee or person authorized to
8 issue or create a birth, death or stillbirth certificate or related
9 record under this title to knowingly issue such certificate or
10 related record to a person not entitled thereto, or to knowingly
11 create or record such certificate bearing erroneous information
12 thereon.

13 C. A violation of any of the provisions of this section shall
14 constitute a ~~misdemeanor for a first offense and, upon conviction,~~
15 ~~shall be punishable by a fine not exceeding Ten Thousand Dollars~~
16 ~~(\$10,000.00). Any second or subsequent offense shall constitute a~~
17 ~~felony and, upon conviction, shall be punishable by a fine of Ten~~
18 ~~Thousand Dollars (\$10,000.00) or imprisonment in the State~~
19 ~~Penitentiary for a term of not more than two (2) years, or by both~~
20 ~~such fine and imprisonment~~ felony.

21 D. Notwithstanding any provision of this section, the State
22 Commissioner of Health or a designated agent, upon the request of a
23 chief administrator of a health or law enforcement agency, may
24 authorize the issuance, display or possession of a birth, death or

1 stillbirth certificate, which would otherwise be in violation of
2 this section, for the sole purpose of education with regard to
3 public health or safety; provided, however, any materials used for
4 such purposes shall be marked "void".

5 SECTION 15. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 1-324.2 of Title 63, unless
7 there is created a duplication in numbering, reads as follows:

8 A. It shall be unlawful for any person to commit any of the
9 following specified acts in relation to disinterment permits issued
10 by this state:

- 11 1. Create, issue, or present a fictitious disinterment permit;
- 12 2. Apply for a disinterment permit under false pretenses;
- 13 3. Alter information contained on a disinterment permit;
- 14 4. Obtain, display or represent a disinterment permit for the
15 purpose of fraud;
- 16 5. Make a false statement or knowingly conceal a material fact
17 or otherwise commit fraud in an application for a disinterment
18 permit; or
- 19 6. Reinter the remains in a location other than that specified
20 on the permit.

21 B. A violation of any of the provisions of this section shall
22 constitute a misdemeanor for a first offense and, upon conviction,
23 shall be punishable by a fine not exceeding Ten Thousand Dollars
24 (\$10,000.00). Any second or subsequent offense shall constitute a

1 felony and, upon conviction, shall be punishable by a fine of up to
2 Ten Thousand Dollars (\$10,000.00) or imprisonment in the custody of
3 the Department of Corrections for a term of not more than two (2)
4 years, or both.

5 SECTION 16. AMENDATORY 63 O.S. 2001, Section 1-325, is
6 amended to read as follows:

7 Section 1-325. The State Board of Health shall prescribe the
8 fees to be paid for certified copies of certificates or records, or
9 for a search of the files or records when no copy is made.

10 The collection of such fees may be accomplished by acceptance of
11 cash, money orders, credit cards, organization or personal checks;
12 in the event money orders or checks are proved to be noncollectible,
13 neither the Board of Health, the Commissioner of Health, nor any of
14 the employees of the Department of Health will be held responsible
15 and personally liable; it is further required that no additional
16 certified copies of records may be delivered to persons on whom
17 noncollectible drafts remain outstanding.

18 A search and a verification of birth facts shall be furnished
19 free of charge to any person volunteering for enlistment into a
20 branch of the Armed Forces of the United States, upon written
21 request therefor by an officer of the Armed Forces representing the
22 interests of such person who shall be volunteering for service.

23 SECTION 17. AMENDATORY 63 O.S. 2001, Section 1-329.1, is
24 amended to read as follows:

1 Section 1-329.1 Until a permit for disposal has been issued in
2 accordance with this section, no dead human body whose death
3 occurred within the State of Oklahoma shall be cremated, buried at
4 sea, or made unavailable for further pathologic study by other
5 recognized means of destruction or dissolution of such remains.

6 When the person legally responsible for disposition of a dead
7 human body, whose death occurred or was pronounced within this
8 state, desires that the body be cremated, buried at sea, or made
9 unavailable for further pathologic study by other recognized means
10 of destruction or dissolution of such remains, that person shall
11 complete an application-permit form for such procedure provided by
12 the Office of the Chief Medical Examiner. The Office of the Chief
13 Medical Examiner shall charge a fee of One Hundred Dollars (\$100.00)
14 for each cremation permit issued. The Medical Examiner shall be
15 notified, as required in Section 938 of this title. He shall
16 perform the required investigation and shall issue a valid death
17 certificate as required by Section 947 of this title and execute the
18 permit in accordance with rules established by the Office of the
19 Chief Medical Examiner. In order to be valid each permit must
20 contain an individual number assigned to the particular permit by
21 the Office of the Chief Medical Examiner. A copy of the
22 application-permit form and the original death certificate shall be
23 filed with the ~~local registrar of vital statistics of the~~
24 ~~registration district in which the death occurred or was pronounced~~

1 State Registrar. The original application-permit form shall be
2 filed by the funeral director with the Office of the Chief Medical
3 Examiner. Such filing shall occur or be postmarked within
4 forty-eight (48) hours of the death.

5 If death occurred or was pronounced outside the geographic
6 limits of the State of Oklahoma and the body is brought into this
7 state for such disposal, a transit permit or a permit for removal,
8 issued in accordance with the laws and regulations in force where
9 the death occurred shall authorize the transportation of the body
10 into or through this state and shall be accepted in lieu of a
11 certificate of death as required above. A valid permit issued for
12 disposal of such body in accordance with the laws in the
13 jurisdiction where the body died or death was pronounced shall be
14 authority for cremation or burial at sea or to make the body
15 otherwise unavailable for further pathologic study by other
16 recognized means of destruction or dissolution of such remains.

17 SECTION 18. AMENDATORY 63 O.S. 2001, Section 1-502.2, as
18 last amended by Section 6, Chapter 393, O.S.L. 2008 (63 O.S. Supp.
19 2010, Section 1-502.2), is amended to read as follows:

20 Section 1-502.2 A. Unless otherwise provided by law, all
21 information and records ~~which identify~~ concerning any person who has
22 participated in a public health investigation or who may have any
23 communicable or noncommunicable disease which is required to be
24 reported pursuant to Sections 1-501 through 1-532.1 of this title or

1 information and records of any disease which are held or maintained
2 by any state agency, health care provider or facility, physician,
3 health professional, laboratory, clinic, blood bank, funeral
4 director, third party payor, or any other agency, person, or
5 organization in the state shall be confidential. Any information
6 obtained pursuant to the requirements of Sections 1-501 through 1-
7 532.1 of this title shall not be required to be produced pursuant to
8 the Oklahoma Open Records Act. Any information authorized to be
9 released pursuant to paragraphs 1 through 8 of this subsection shall
10 be released in such a way that no person can be identified unless
11 otherwise provided for in such paragraph or by law. Such
12 information shall not be released except under the following
13 circumstances:

- 14 1. Release is made upon court order;
- 15 2. Release is made in writing, by or with the written consent
16 of the person whose information is being kept confidential or with
17 the written consent of the legal guardian or legal custodian of such
18 person, or if such person is a minor, with the written consent of
19 the parent or legal guardian of such minor;
- 20 3. Release is necessary as determined by the State Department
21 of Health to protect the health and well-being of the general
22 public. Any such order for release by the Department and any review
23 of such order shall be in accordance with the procedures specified
24 in Sections 309 through 323 of Title 75 of the Oklahoma Statutes.

1 Only the initials of the person whose information is being kept
2 confidential shall be on public record for such proceedings unless
3 the order by the Department specifies the release of the name of
4 such person and such order is not appealed by such person or such
5 order is upheld by the reviewing court;

6 4. Release is made of medical or epidemiological information to
7 those persons who have had risk exposures pursuant to Section 1-
8 502.1 of this title;

9 5. Release is made of medical or epidemiological information to
10 health professionals, appropriate state agencies, or district courts
11 to enforce the provisions of Sections 1-501 through 1-532.1 of this
12 title and related rules and regulations concerning the control and
13 treatment of communicable or noncommunicable diseases;

14 6. Release is made of specific medical or epidemiological
15 information for statistical purposes whether within the State of
16 Oklahoma or throughout the United States, in such a way that no
17 person can be identified;

18 7. Release is made of medical information among health care
19 providers, their agents or employees, within the continuum of care
20 for the purpose of diagnosis and treatment of the person whose
21 information is released. ~~This exception shall not authorize the~~
22 ~~release of confidential information by a state agency to a health~~
23 ~~care provider unless such release is otherwise authorized by this~~

24

1 ~~section~~ whether within the State of Oklahoma or throughout the
2 United States; or

3 8. When the patient is an inmate in the custody of the
4 Department of Corrections or a private prison or facility under
5 contract with the Department of Corrections, and the release of the
6 information is necessary:

7 a. to prevent or lessen a serious and imminent threat to
8 the health or safety of a person or the public, and it
9 is to a person or persons reasonably able to prevent
10 or lessen the threat, including the target of the
11 threat, or

12 b. for law enforcement authorities to identify or
13 apprehend an individual where it appears from all the
14 circumstances that the individual has escaped from a
15 correctional institution or from lawful custody.

16 B. For the purposes of this section only, "written consent"
17 means that the person whose information is required to be kept
18 confidential by this section or the person legally authorized to
19 consent to release by this section has been informed of all persons
20 or organizations to whom such information may be released or
21 disclosed by the specific release granted. ~~Releases granted~~
22 ~~pursuant to paragraph 2 of subsection A of this section shall~~
23 ~~include a notice in bold typeface that the information authorized~~
24 ~~for release may include records which may indicate the presence of a~~

1 ~~communicable or noncommunicable disease.~~ Consent obtained for
2 release of information, pursuant to paragraph 2 of subsection A of
3 this section, shall not be considered valid unless, prior to
4 consent, the person consenting to the release was given notice of
5 the provisions for release of confidential information pursuant to
6 this section. The provisions of this subsection shall not apply to
7 written authorizations to disclose information to the Social
8 Security Administration.

9 C. 1. The State Department of Health may convene a
10 confidential meeting of a multidisciplinary team for recommendation
11 on school placement of a student who is infected with the human
12 immunodeficiency virus. The multidisciplinary team shall include,
13 but not be limited to, the following:

- 14 a. the parent, parents, legal representative, or legal
15 guardian or legal custodian of the student;
- 16 b. the physician of the student;
- 17 c. a representative from the superintendent's office of
18 the affected school district;
- 19 d. a representative from the State Department of
20 Education; and
- 21 e. a representative from the State Department of Health.

22 Each member of the team shall be responsible for protecting the
23 confidentiality of the student and any information made available to
24 such person as a member of the team. The multidisciplinary team

1 shall be exempt from the requirements of Sections 301 through 314 of
2 Title 25 of the Oklahoma Statutes and Sections 24A.1 through 24A.19
3 of Title 51 of the Oklahoma Statutes.

4 2. Each member of the local school board having jurisdiction
5 over the student shall also be responsible for protecting the
6 confidentiality of the student and any information made available to
7 such person as a school board member.

8 D. The State Department of Health may convene a confidential
9 meeting of a multidisciplinary advisory committee to make
10 recommendations regarding the practice of health care workers who
11 are infected with the human immunodeficiency virus (HIV) or
12 hepatitis B (HBV), who may be performing exposure-prone procedures.
13 The membership of the multidisciplinary advisory committee shall
14 include, but not be limited to, the following:

15 1. The State Commissioner of Health or designee;

16 2. Legal counsel to the State Commissioner of Health;

17 3. The state epidemiologist or designee;

18 4. An infectious disease specialist with expertise in HIV/HBV
19 infection; and

20 5. Two practicing health care workers from the same discipline
21 as the HIV/HBV-infected health care worker.

22 In addition, the health care worker being discussed, and/or an
23 advocate, and the personal physician of the health care worker being
24 discussed shall be invited to the multidisciplinary advisory

1 committee meeting. Discussion of the case shall be made without
2 using the actual name of the health care worker. Each member of the
3 multidisciplinary advisory committee shall be responsible for
4 protecting the confidentiality of the HIV/HBV-infected health care
5 worker and the confidentiality of any information made available to
6 such person as a member of the multidisciplinary advisory committee.
7 The multidisciplinary advisory committee shall be exempt from the
8 requirements of the Oklahoma Open Meeting Act and the Oklahoma Open
9 Records Act.

10 E. Upon advice of the multidisciplinary advisory committee, the
11 State Commissioner of Health or designee may notify an appropriate
12 official at the health care facility where the HIV/HBV-infected
13 health care worker practices that the health care worker is
14 seropositive for HIV and/or HBV. Notification shall be made only
15 when necessary to monitor the ability of the HIV/HBV-infected health
16 care worker to comply with universal precautions and appropriate
17 infection control practices, and/or to monitor the ongoing
18 functional capacity of the health care worker to perform his or her
19 duties. Notification shall occur through one of the following
20 officials:

- 21 1. The facility administrator;
- 22 2. The hospital epidemiologist;
- 23 3. The chair of the infection control committee of the
24 facility; or

1 4. The medical chief of staff of the facility.

2 F. If the HIV/HBV-infected health care worker fails or refuses
3 to comply with the recommendations of the multidisciplinary advisory
4 committee, the State Commissioner of Health or designee may take
5 such actions as may be required to perform the duties imposed by the
6 laws of the State of Oklahoma, and may advise the appropriate
7 licensing board.

8 G. Any person who negligently, knowingly or intentionally
9 discloses or fails to protect medical or epidemiological information
10 classified as confidential pursuant to this section, upon
11 conviction, shall be guilty of a misdemeanor punishable by the
12 imposition of a fine of not less than One Thousand Dollars
13 (\$1,000.00) or by imprisonment in the county jail for not more than
14 thirty (30) days, or by both such fine and imprisonment.

15 H. Any person who negligently, knowingly or intentionally
16 discloses or fails to protect medical or epidemiological information
17 classified as confidential pursuant to this section shall be civilly
18 liable to the person who is the subject of the disclosure for court
19 costs, attorney fees, exemplary damages and all actual damages,
20 including damages for economic, bodily or psychological harm which
21 is proximately caused by the disclosure.

22 SECTION 19. AMENDATORY 63 O.S. 2001, Section 1-517, is
23 amended to read as follows:
24

1 Section 1-517. For the purposes of the following sections of
2 this article:

3 (a) The term ~~"venereal disease"~~ "sexually transmitted infection
4 (STI)" means syphilis, gonorrhea, ~~chaneroid, granuloma inguinale,~~
5 ~~lymphogranuloma venereum~~ chlamydia, human immunodeficiency virus
6 (HIV)/acquired immune deficiency syndrome (AIDS), and any other
7 disease which may be transmitted from any person to any other person
8 through or by means of ~~sexual intercourse and found and declared by~~
9 ~~medical science or accredited schools of medicine to be infectious~~
10 ~~or contagious; and is hereby declared to be communicable and~~
11 ~~dangerous to the public health~~ any form of sexual contact.

12 (b) The term "infected person" means any individual, either sex,
13 who may be carrying the organism or is afflicted with any ~~venereal~~
14 ~~disease~~ STI.

15 (c) The term "dealer" means any person who may handle, for sale,
16 any medicinal remedies or supposed remedies for ~~venereal diseases~~ an
17 STI, and the agents, clerks and employees of any such person; and
18 any person who may profess or claim to treat or cure, by the use of
19 medicine or otherwise, any ~~venereal disease~~ sexually transmitted
20 infection (STI), and ~~his~~ the agents, clerks and employees.

21 (d) The term "physician" shall include reputable physicians who
22 have complied with all the requirements of law regulating the
23 practice of their respective schools of medicine, and duly licensed
24

1 by such law to practice medicine in their respective schools, or
2 surgery, or both, and no other person.

3 SECTION 20. AMENDATORY 63 O.S. 2001, Section 1-520, is
4 amended to read as follows:

5 Section 1-520. Any physician who shall, after having knowledge
6 or information that any person is or may be an infected person,
7 sell, give or furnish to such infected person, or to any other
8 person for such infected person, a discharge from treatment, or
9 written instrument or statement pronouncing such infected person
10 cured, before such infected person is actually cured of such
11 ~~venereal disease~~ sexually transmitted infection (STI), shall be
12 guilty of a misdemeanor. Provided, however, that no person who is
13 infected with a ~~venereal disease~~ an STI but who has received
14 treatment adequate to render ~~him~~ the person noninfectious shall be
15 denied a permit to work, because of ~~his~~ the infection, in those
16 categories of employment where permits to work are required by state
17 law or local ordinance.

18 SECTION 21. AMENDATORY 63 O.S. 2001, Section 1-522, is
19 amended to read as follows:

20 Section 1-522. It shall be unlawful for any dealer to treat or
21 offer to treat any infected person, or to sell, furnish or give to
22 any infected person, or to any other person whomsoever, any
23 medicines of any kind that may be advertised or used for treatment
24 of ~~venereal diseases~~ (STI), before requiring such person to produce

1 and file with such dealer a proper prescription for such medicine,
2 issued and signed by a physician, which prescription shall be by the
3 dealer kept on file for a period of one (1) year from the date of
4 ~~his~~ the person receiving the same, and subject, at all reasonable
5 hours, to the inspection of the State Commissioner of Health or
6 local health officer.

7 SECTION 22. AMENDATORY 63 O.S. 2001, Section 1-524, as
8 last amended by Section 1, Chapter 346, O.S.L. 2003 (63 O.S. Supp.
9 2010, Section 1-524), is amended to read as follows:

10 Section 1-524. A. The keeper of any prison or penal
11 institution in this state shall cause to be examined every person
12 confined in such prison or penal institution, to determine whether
13 such person is an infected person.

14 B. Any licensed physician may examine persons who are arrested
15 by lawful warrant for prostitution, or other sex crimes not
16 specified in Section ~~2~~ 1-524.1 of this ~~act~~ title, for the purpose of
17 determining if they are infected with a ~~venereal disease~~ sexually
18 transmitted infection (STI) or a communicable disease including, but
19 not limited to, the human immunodeficiency virus (HIV). For
20 purposes of expediting such examination, in counties with a
21 population of greater than four hundred thousand (400,000), the
22 county sheriff or the chief of police of any municipality with a
23 population of greater than two hundred thousand (200,000) that is
24 located within such county and that has a municipal court of record

1 shall notify the city-county health department serving the county of
2 any person who has been arrested by county or city officers for
3 prostitution. Any such examination shall be made subsequent to
4 arrest and if the examination is for the human immunodeficiency
5 virus, upon order of the court issued at the initial appearance of
6 the arrested person. Every person shall submit to the examination
7 and shall permit specimens to be taken for laboratory examinations.
8 Such person may be detained until the results of the examination are
9 known. The examination shall be made by a licensed physician. A
10 determination as to whether or not the person is infected shall not
11 be based on any prior examination. Any person found to be infected
12 with a ~~venereal disease~~ sexually transmitted infection (STI) shall
13 be treated by the State Commissioner of Health or local health
14 officer, or a physician of such person's own choice, until such
15 person is noninfectious or dismissed by the Commissioner or local
16 health officer or physician. In the event a person infected with a
17 ~~venereal disease~~ sexually transmitted infection (STI) refuses or
18 fails to submit to treatment, then such person may be quarantined
19 for the purpose of treatment, and a report thereof shall be made to
20 the Commissioner.

21 C. For purposes of this section, the term "initial appearance"
22 shall refer to the first court appearance of an individual, in
23 person or by closed circuit television, before a magistrate on a
24

1 presentment, indictment or preliminary information on a felony
2 offense.

3 SECTION 23. AMENDATORY Section 2, Chapter 346, O.S.L.
4 2003 (63 O.S. Supp. 2010, Section 1-524.1), is amended to read as
5 follows:

6 Section 1-524.1 A. A licensed physician shall examine persons
7 who are arrested by lawful warrant for the offense of first or
8 second degree rape, forcible sodomy or the intentional infection or
9 attempt to intentionally infect a person with the human
10 immunodeficiency virus for the purpose of determining if the person
11 is infected with a ~~venereal disease~~ sexually transmitted infection
12 (STI), including, but not limited to, the human immunodeficiency
13 virus (HIV). For purposes of expediting such examination, in
14 counties with a population of greater than four hundred thousand
15 (400,000), the county sheriff or the chief of police of any
16 municipality with a population of greater than two hundred thousand
17 (200,000) that is located within such county and that has a
18 municipal court of record shall notify the city-county health
19 department serving the county of any person who has been arrested by
20 county or city officers for such offense. Any such examination
21 shall be made subsequent to arrest as provided in this section.
22 Every person shall submit to the examination and shall permit
23 specimens to be taken for laboratory examinations. Such person may
24 be detained until the results of the examination are known. A

1 determination as to whether or not the person is infected shall not
2 be based on any prior examination. Any person found to be infected
3 with a ~~venereal disease~~ sexually transmitted infection (STI) shall
4 be treated by ~~the State Commissioner of Health or local health~~
5 ~~officer, or~~ a physician of such person's own choice, until such
6 person is noninfectious or dismissed by the Commissioner or local
7 health officer or physician. The costs of such treatment shall be
8 the responsibility of the person who is examined and tested and the
9 court shall order the person to pay such costs. In the event a
10 person infected with a ~~venereal disease~~ sexually transmitted
11 infection (STI) refuses or fails to submit to treatment, then such
12 person may be quarantined for the purpose of treatment, and a report
13 thereof shall be made to the Commissioner.

14 B. The district attorney shall file a motion for a court-
15 ordered examination and testing of the person arrested for the
16 offenses specified in subsection A of this section at the time the
17 criminal charges are filed or the court may provide a standing order
18 for such examination and testing which shall issue automatically at
19 the time of arrest for the offenses specified in subsection A of
20 this section.

21 C. Any peace officer in this state upon the arrest of a person
22 within six (6) hours or less of the actual offense of first or
23 second degree rape, forcible sodomy or intentional infection or
24 attempt to intentionally infect a person with the human

1 immunodeficiency virus shall immediately deliver and submit the
2 person for a rapid test for human immunodeficiency virus (HIV)
3 without a court order, if a rapid test site is available. If the
4 rapid HIV test results are positive the physician examining the
5 victim of such offense shall be immediately notified and the
6 physician shall immediately provide the victim with preventive
7 treatment, if the victim can be treated within the medically
8 proscribed period for preventive measures.

9 D. The examination and testing required by this section shall
10 not be for evidentiary purposes and shall be expedited and conducted
11 solely to screen for and identify the need for the victim's
12 treatment due to potential exposure to ~~venereal diseases~~ sexually
13 transmitted infections (STIs). A confirmation examination and test
14 may be conducted following any examination or test yielding a
15 positive result that is not conclusive of the presence of the human
16 immunodeficiency virus (HIV) or other ~~venereal diseases~~ sexually
17 transmitted infection (STI).

18 E. The court shall include the following provisions in its order
19 and shall not include the name or address of the alleged victim:

20 1. A list of specific examinations and tests, including, but
21 not limited to: blood tests for human immunodeficiency virus (HIV),
22 hepatitis B, hepatitis C, ~~and~~ syphilis, ~~and cultures or smears for~~
23 gonorrhea ~~and~~, chlamydia, and visual examinations for evidence of
24

1 genital herpes and genital warts for which examinations and tests
2 are available;

3 2. A provision requiring the physician, clinic or hospital
4 which provides the examination and testing to immediately notify the
5 district attorney's office, through the Victim Witness Coordinator,
6 when the test and examination results have been completed;

7 3. A provision requiring copies of the examination report and
8 test results be forwarded by the physician, clinic or hospital that
9 conducted such examination and tests to the designated physician or
10 counseling site as made known to the Victim Witness Coordinator by
11 the victim, or if not specified by the victim then copies of the
12 reports and results shall be forwarded to the Victim Witness
13 Coordinator. Results of examinations and tests shall be forwarded
14 within three (3) days of completion of the examination or testing;

15 4. A provision that the victim be notified within three (3)
16 days of the receipt of the examination report and test results by
17 the designated physician or counseling site as designated by the
18 victim or the Victim Witness Coordinator, if no designation has been
19 made by the victim;

20 5. A provision directing the offender and victim to be treated
21 for infection as indicated in any positive examination and test
22 result; and

23 6. A provision directing the facility having custody of the
24 arrested person to be responsible for the costs of examination and

1 tests; provided, however, that the court may order reimbursement of
2 such costs at the time of sentencing.

3 F. Upon notification that the results of the examination and
4 tests are completed, the Victim Witness Coordinator shall instruct
5 the physician, clinical laboratory or hospital that completed such
6 results to forward copies of the results according to the victim's
7 designation or, if no designation has been made, forward copies to
8 the Victim Witness Coordinator's office. The Victim Witness
9 Coordinator shall notify the victim's designated professional that
10 the results are being forwarded and instruct the victim to set a
11 time to receive the results in person.

12 G. When the examination and test results indicate infection of
13 any ~~venereal disease~~ sexually transmitted infection (STI), the
14 victim shall be treated by the State Commissioner of Health or local
15 health officer, or a physician of the victim's own choice, until
16 noninfectious or dismissed by the Commissioner, local health officer
17 or physician.

18 H. All examinations and testing shall be performed by a
19 licensed physician and/or clinical laboratory or hospital. The test
20 forms shall include the words "Sex Crime" to expedite handling and
21 shall include a criminal case number, if known.

22 I. If the arrested person refuses to be examined and tested
23 upon arrest, the court shall issue an order for such examination and
24 test at the initial appearance of the person arrested.

1 J. The cost of examination and testing authorized by this
2 section shall be the responsibility of the facility having custody
3 of the person at the time of arrest. The court shall order the
4 defendant to reimburse such facility at the time of sentencing for
5 all actual costs associated with examination and testing required by
6 this section. No cost of any kind shall be incurred by any victim
7 of such crimes for testing, obtaining the results of tests, or for
8 treatment required by a victim due to a positive result for a test
9 for ~~venereal disease~~ a sexually transmitted infection (STI)
10 resulting from an offense specified in this section.

11 K. For purposes of this section, the term "initial appearance"
12 shall refer to the first court appearance of an individual, in
13 person or by closed circuit television, before a magistrate on a
14 presentment, indictment or preliminary information on a felony
15 offense.

16 SECTION 24. AMENDATORY 63 O.S. 2001, Section 1-525, is
17 amended to read as follows:

18 Section 1-525. A. Except as otherwise provided by law, the
19 prescription and records required by the foregoing provisions to be
20 filed and kept shall not be exposed to any person other than the
21 State Commissioner of Health or local health officer, or when
22 properly ordered by a court of competent jurisdiction to be used as
23 evidence in such court, and no information whatever shall be given
24 to any person concerning any infected person except to appropriate

1 persons for use in the proper courts of this state. Provided, that
2 records of diagnosis and treatment may be transmitted to physicians
3 and to health authorities in this and other states upon written
4 request of the person affected. Provided further, results of
5 examinations conducted on persons arrested by lawful warrant for the
6 offense of first or second degree rape, forcible sodomy, or
7 intentional infection or attempted infection of a person with the
8 human immunodeficiency virus, shall be provided to the alleged
9 victim of the crime upon the request of the victim, the parent of
10 the victim if the victim is a minor, or upon request of the legal
11 guardian or custodian of the victim. The name of the arrested and
12 examined person shall not be disclosed on the transmitted record.
13 The State Department of Health shall provide to the victims the
14 positive test results. The Department shall provide free testing to
15 the alleged victim for any ~~venereal~~ sexually transmitted infection
16 (STI) or communicable disease for which the arrestee tests positive,
17 as indicated in the transmitted record of diagnosis. Such testing
18 shall be accompanied with pretest and post-test counseling. Such
19 counseling shall include the provision of information to the victim
20 or the parent, legal guardian or custodian of the victim concerning
21 the venereal or communicable disease indicated in the transmitted
22 record and the location of public and private facilities in the
23 vicinity offering tests and counseling for persons who have the
24

1 ~~venereal~~ sexually transmitted infection (STI) or communicable
2 disease.

3 B. The State Board of Health shall promulgate rules and
4 regulations for the examination authorized or required by Section 1-
5 524 of this title and for the release of records containing results
6 of examinations authorized by subsection A of this section. The
7 rules and regulations shall establish procedural guidelines which
8 respect the rights of the person arrested for the alleged offense
9 and the victim of the alleged offense.

10 SECTION 25. AMENDATORY 63 O.S. 2001, Section 1-526, is
11 amended to read as follows:

12 Section 1-526. The State Board of Health shall make all rules
13 and regulations for the prevention and cure, and to prevent the
14 spread, of ~~venereal diseases~~ sexually transmitted infections (STIs),
15 which it deems necessary for the control of ~~venereal diseases~~ STIs.

16 SECTION 26. AMENDATORY 63 O.S. 2001, Section 1-527, is
17 amended to read as follows:

18 Section 1-527. Any physician who makes a diagnosis or treats a
19 case of ~~venereal disease~~ a sexually transmitted infection (STI), and
20 every superintendent or manager of a hospital, dispensary or
21 charitable or penal institution in which there is a case of ~~venereal~~
22 ~~disease~~ an STI, shall report such case immediately, in writing, to
23 the State Commissioner of Health, or the local health officer, in
24

1 the same manner as other communicable diseases are reported, in
2 forms to be prescribed and furnished by the Commissioner.

3 SECTION 27. AMENDATORY 63 O.S. 2001, Section 1-528, is
4 amended to read as follows:

5 Section 1-528. (a) It shall be the duty of every physician who
6 examines or treats a person having a ~~venereal-disease~~ sexually
7 transmitted infection (STI) to instruct ~~him~~ that person in measures
8 preventing the spread of such disease and of the necessity for
9 treatment until cured.

10 (b) If an attending physician or other person knows or has good
11 reason to suspect that a person having a ~~venereal-disease~~ sexually
12 transmitted infection (STI) is so conducting ~~himself~~ as to expose
13 other persons to infection, or is about to so conduct ~~himself~~, ~~he~~
14 the person shall notify the local health officer of the name and
15 address of the diseased person and the essential facts in the case.

16 SECTION 28. AMENDATORY 63 O.S. 2001, Section 1-529, is
17 amended to read as follows:

18 Section 1-529. All local health officers shall use every
19 available means to ascertain the existence of, and to investigate
20 all cases of, ~~venereal-disease~~ sexually transmitted infection (STI)
21 within their respective jurisdictions, and to ascertain the sources
22 of such infections; and shall make examination of any person
23 reported two or more times as a suspected source of ~~venereal~~
24 ~~infection~~ an STI.

1 SECTION 29. AMENDATORY 63 O.S. 2001, Section 1-530, is
2 amended to read as follows:

3 Section 1-530. (a) Upon receipt of a report of a case of
4 ~~venereal disease~~ sexually transmitted infection (STI), the local
5 health officer shall institute measures, which may include
6 quarantine, for protection of other persons from infection by ~~such~~
7 ~~venereally diseased~~ a person infected with an STI.

8 (b) The State Board of Health shall adopt rules and regulations
9 for the quarantine of persons infected with a ~~venereal disease~~
10 sexually transmitted infection (STI), to prevent the spread of
11 ~~venereal disease~~ sexually transmitted infection (STI).

12 (c) Boards of county commissioners and governing boards of all
13 incorporated towns and cities may provide suitable places for the
14 detention of persons who may be subject to quarantine and who should
15 be segregated.

16 SECTION 30. AMENDATORY 63 O.S. 2001, Section 1-531, is
17 amended to read as follows:

18 Section 1-531. It shall be unlawful for physicians, health
19 officers, and other persons to issue certificates of freedom from
20 ~~venereal disease~~ sexually transmitted infection (STI), except as
21 authorized by law and the rules and regulations of the State Board
22 of Health.

23 SECTION 31. AMENDATORY 63 O.S. 2001, Section 1-532, is
24 amended to read as follows:

1 Section 1-532. All information and reports concerning persons
2 infected with ~~venereal diseases~~ sexually transmitted infections
3 (STIs) shall be inaccessible to the public, except insofar as
4 publicity may attend the performance of duties imposed by the laws
5 of the state.

6 SECTION 32. AMENDATORY 63 O.S. 2001, Section 1-532.1, is
7 amended to read as follows:

8 Section 1-532.1 Any person, regardless of age, has the capacity
9 to consent to examination and treatment by a licensed physician for
10 any ~~venereal disease~~ sexually transmitted infection (STI).

11 SECTION 33. AMENDATORY 63 O.S. 2001, Section 1-534.1, is
12 amended to read as follows:

13 Section 1-534.1 A. The State Department of Health shall be the
14 lead agency for the coordination of programs and services related to
15 the Human Immunodeficiency Virus (HIV).

16 B. On or before January 1, 1994, the State Department of Health
17 shall submit a State Plan for the Prevention and Treatment of
18 Acquired Immune Deficiency Syndrome (AIDS) to the Governor, the
19 President Pro Tempore of the Oklahoma State Senate, the Speaker of
20 the Oklahoma House of Representatives, the chairmen of the
21 appropriate committees of the Senate and the House of
22 Representatives, and the chief executive officer and members of the
23 governing bodies of each agency affected by the State Plan. Copies
24 of the State Plan for the Prevention and Treatment of AIDS shall be

1 available to members of the Oklahoma Legislature and the general
2 public upon request.

3 C. The State Plan for the Prevention and Treatment of AIDS
4 shall be prepared jointly by the State Department of Health, the
5 Department of Human Services, the State Department of Education, and
6 the Department of Mental Health and Substance Abuse Services in
7 collaboration with other appropriate public and private agencies and
8 organizations.

9 ~~D. The State Plan for the Prevention and Treatment of AIDS~~
10 ~~shall be reviewed annually by the entities responsible for the~~
11 ~~preparation of the plan and modified as necessary and appropriate.~~
12 ~~On or before October 1 of each year the State Department of Health~~
13 ~~shall prepare a report of the annual review, including any~~
14 ~~modifications to the State Plan and any recommendations for the~~
15 ~~continued development of programs and services for the prevention~~
16 ~~and treatment of AIDS. The annual report shall be submitted and~~
17 ~~made available in the same manner as the State Plan, as provided in~~
18 ~~subsection B of this section.~~

19 SECTION 34. AMENDATORY 63 O.S. 2001, Section 1-873, is
20 amended to read as follows:

21 Section 1-873. A. The State Board of Health, with the advice
22 of the Long-Term Care Facility Advisory Board, created pursuant to
23 Section 1-1923 of ~~Title 63 of the Oklahoma Statutes~~ this title,

24

1 shall define minimum adult day care licensure requirements and rules
2 including standards for:

3 1. Health and social services which may be provided to
4 participants;

5 2. The range of services to be provided by a center based on
6 the type of participants to be served;

7 3. Staff to participant ratios;

8 4. Staff and volunteer qualifications;

9 5. Staff training;

10 6. Food services;

11 7. Participant records and care plans;

12 8. Antidiscrimination policies;

13 9. Sanitary and fire standards; and

14 10. Any other requirements necessary to ensure the safety and
15 well-being of frail elderly and disabled adults.

16 B. Centers to be licensed shall include all adult day care
17 centers. Sheltered workshops and senior recreational centers which
18 do not receive participant fees for services are not required to be
19 licensed. It shall be unlawful to operate a center without first
20 obtaining a license for such operation as required by the Adult Day
21 Care Act, regardless of other licenses held by the operator.

22 Organizations operating more than one center shall obtain a license
23 for each site.

24

1 C. The license for operation of a center shall be issued by the
2 State Department of Health. The license shall:

- 3 1. Not be transferable or assignable;
- 4 2. Be posted in a conspicuous place on the licensed premises;
- 5 3. Be issued only for the premises named in the application;

6 and

7 4. ~~Expire on July 31 of each year~~ twelve (12) months from the
8 date of issuance, provided an initial license shall expire one
9 hundred eighty (180) days after the date of issuance. Licenses may
10 be issued for a period of more than twelve (12) months, but not more
11 than twenty-four (24) months, for the licensing period immediately
12 following November 1, 2011, in order to permit an equitable
13 distribution of license expiration dates to all months of the year.

14 D. A center shall meet the safety, sanitation and food service
15 standards of the State Department of Health.

16 E. Local health, fire and building codes relating to adult day
17 care centers shall be classified as an education use group.

18 F. The issuance or renewal of a license after notice of a
19 violation has been sent shall not constitute a waiver by the State
20 Department of Health of its power to subsequently revoke the license
21 or take other enforcement action for any violations of the Adult Day
22 Care Act committed prior to issuance or renewal of the license.

23 SECTION 35. AMENDATORY 63 O.S. 2001, Section 1-1412, is
24 amended to read as follows:

1 Section 1-1412. (a) An advertisement of a drug, device, or
2 cosmetic shall be deemed to be false if it is false or misleading in
3 any particular.

4 (b) For the purposes of this article, the advertisement of a
5 drug or device representing it to have any effect in albuminuria,
6 appendicitis, arteriosclerosis, blood poison, bone disease, Bright's
7 disease, cancer, carbuncles, cholecystitis, diabetes, diphtheria,
8 dropsy, erysipelas, gallstone, heart and vascular diseases, high
9 blood pressure, mastoiditis, measles, meningitis, mumps, nephritis,
10 otitis media, paralysis, pneumonia, poliomyelitis (infantile
11 paralysis), prostate gland disorders, pyelitis, scarlet fever,
12 sexual impotence, sinus infection, smallpox, tuberculosis, tumors,
13 typhoid, uremia, or ~~venereal disease~~ sexually transmitted infection
14 (STI) shall also be deemed to be false, except that no advertisement
15 not in violation of subsection (a) of this section shall be deemed
16 to be false under this subsection if it is disseminated only to
17 members of the medical, dental, or veterinary professions, or
18 appears only in scientific periodicals of those professions, or is
19 disseminated only for the purpose of public health education by
20 persons not commercially interested, directly or indirectly, in the
21 sale of drugs or devices; provided, that whenever the State
22 Commissioner of Health determines that an advance in medical science
23 has made any type of self-medication safe as to any of the diseases
24 named above, the State Board of Health shall by regulation authorize

1 the advertisement of drugs having curative or therapeutic effect for
2 such disease, subject to such conditions and restrictions as the
3 Board and the Commissioner may deem necessary in the interests of
4 public health; provided, that this subsection shall not be construed
5 as indicating that self-medication for disease other than those
6 named herein is safe or efficacious.

7 SECTION 36. AMENDATORY 63 O.S. 2001, Section 1-1905, is
8 amended to read as follows:

9 Section 1-1905. A. An application for a license, or renewal
10 thereof, to operate a facility shall be accompanied by a fee of Ten
11 Dollars (\$10.00) for each bed included in the maximum bed capacity
12 at such facility. All licenses shall be on a form prescribed by the
13 State Commissioner of Health, which shall include, but not be
14 limited to, the maximum bed capacity for which it is granted and the
15 date the license was issued. The license shall:

- 16 1. Not be transferable or assignable;
- 17 2. Be posted in a conspicuous place on the licensed premises;
- 18 3. Be issued only for the premises named in the application;

19 and

- 20 4. Expire on July 30 of each year twelve (12) months from the
21 date of issuance, provided an initial license shall expire one
22 hundred eighty (180) days after the date of issuance. Licenses may
23 be issued for a period of more than twelve (12) months, but not more
24 than twenty-four (24) months, for the license period immediately

1 following the effective date of this provision in order to permit an
2 equitable distribution of license expiration dates to all months of
3 the year.

4 B. ~~The fee for a license renewal following an initial license,~~
5 ~~or~~ for a license amendment to reflect ~~a change~~ an increase in bed
6 capacity, shall be prorated based on the number of days remaining
7 ~~until July 30,~~ in the licensure period and, ~~in the case of a change~~
8 in the number of beds, ~~the total number of beds.~~

9 C. The issuance or renewal of a license after notice of a
10 violation has been sent shall not constitute a waiver by the State
11 Department of Health of its power to rely on the violation as the
12 basis for subsequent license revocation or other enforcement action
13 under this act arising out of the notice of violation.

14 D. 1. When transfer of ownership or operation of a facility is
15 proposed, the transferee shall notify the Department of the transfer
16 and apply for a new license at least thirty (30) days prior to final
17 transfer.

18 2. The transferor shall remain responsible for the operation of
19 the facility until such time as a license is issued to the
20 transferee.

21 3. The license granted to the transferee shall be subject to
22 the plan of correction submitted by the previous owner and approved
23 by the Department and any conditions contained in a conditional
24 license issued to the previous owner. If there are outstanding

1 violations and no approved plan of correction has been implemented,
2 the Department may issue a conditional license and plan of
3 correction as provided in this act.

4 4. The transferor shall remain liable for all penalties
5 assessed against the facility which are imposed for violations
6 occurring prior to transfer of ownership.

7 E. Nursing and specialized facilities, as defined and licensed
8 pursuant to the Nursing Home Care Act shall be surveyed through an
9 unannounced inspection at least once every fifteen (15) months, with
10 a statewide average survey cycle of twelve (12) months.

11 SECTION 37. AMENDATORY 63 O.S. 2001, Section 946, is
12 amended to read as follows:

13 Section 946. A. If death occurred under circumstances as
14 enumerated in Section 938 of this title, and if the body has been
15 buried without proper certification of death, it shall be the duty
16 of the medical examiner, upon ascertaining such facts, to notify the
17 Chief Medical Examiner and the district attorney of the county in
18 which the body was buried. The district attorney shall present
19 facts to the judge of the district court of that county, and the
20 judge, after a hearing, may by written order require the body to be
21 exhumed and an autopsy performed by the Chief Medical Examiner or
22 his designee. A copy of the court order for exhumation shall be
23 provided to the State Department of Health. A complete report of
24 the facts developed by the autopsy and the findings of the person

1 making the same shall be filed with the Chief Medical Examiner
2 without unnecessary delay and a copy furnished the district attorney
3 of the county within which the death occurred or within which the
4 body was buried, or both.

5 B. No order for exhumation, as provided for in subsection A of
6 this section, shall be made without notice of the hearing being
7 served upon the decedent's surviving spouse, parents or next of kin,
8 five (5) days prior to the hearing. The notice shall be served in
9 the same manner as provided for by law for the service of summons in
10 a civil action, shall include the date, time and place of the
11 hearing and shall advise the person so notified that he or she has
12 the right to appear and be heard by the court at that time.
13 Provided, that the district attorney may, by affidavit, advise the
14 court that the identity or whereabouts of any persons required to be
15 served with notice under this subsection is unknown and cannot be
16 ascertained with due diligence. Upon finding that the facts stated
17 in the affidavit are true, the court shall not require notice be
18 given.

19 SECTION 38. REPEALER 63 O.S. 2001, Sections 1-305, 1-
20 306, 1-307, 1-308, 1-309 and 1-519, are hereby repealed.

21 SECTION 39. This act shall become effective November 1, 2011.
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Passed the House of Representatives the 9th day of March, 2011.

Presiding Officer of the House of
Representatives

Passed the Senate the ____ day of _____, 2011.

Presiding Officer of the Senate