

1 Health, or by standards of care for medical services. When the
2 Department provides a health-related service to any person covered
3 by an applicable health insurance plan, the Department may submit a
4 claim for said service to the appropriate insurance company, health
5 maintenance organization or preferred provider organization. Upon
6 receipt of the claim, said insurance company, health maintenance
7 organization or preferred provider organization shall reimburse the
8 Department for the service provided in accordance with the standard
9 and customary rate schedule established by the plan. All health
10 insurance plans doing business in Oklahoma shall recognize the
11 public health service delivery model utilized by the Department, as
12 an appropriate provider of services for reimbursement.

13 B. All actions of the Department shall be subject to the
14 provisions of the Administrative Procedures Act.

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

17 SECTION 2. AMENDATORY Section 1, Chapter 101, O.S.L.
18 2006, as amended by Section 1, Chapter 119, O.S.L. 2008 (63 O.S.
19 Supp. 2010, Section 1-105f), is amended to read as follows:

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

22 1. Coordinate audits and investigations and make reports to the
23 State Board of Health and State Commissioner of Health within the
24 State Department of Health and State Health Officer relating to the

1 administration of programs and operations of the State Department of
2 Health;

3 2. Except as otherwise prohibited by current law, access all
4 records, reports, audits, reviews, documents, papers,
5 recommendations, or other material which relate to programs and
6 operations with respect to which the Director of the Office of
7 Accountability Systems has responsibilities;

8 3. Request assistance from other state, federal and local
9 government agencies;

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

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

16 6. Receive and investigate complaints or information from an
17 employee of the Department, service recipient or member of the
18 public concerning the possible existence of an activity within the
19 State Department of Health constituting a violation of law, rules or
20 regulations, mismanagement, gross waste of funds, abuse of authority
21 or a substantial and specific danger to the public health and
22 safety;

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

1 8. Keep confidential all actions and records relating to OAS
2 complaints.

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

5 1. Keep the State Board of Health and the State Commissioner of
6 Health fully informed of matters relating to fraud, abuses,
7 deficiencies and other serious problems of which the Director is
8 aware relating to the administration of programs and operations
9 within the State Department of Health. Further, the Director shall
10 recommend corrective action concerning such matters and report to
11 the State Board of Health and the State Commissioner of Health on
12 the progress of the corrective matters;

13 2. Report to and be under the direct supervision of the State
14 Board of Health. Unless otherwise directed by the State Board of
15 Health, the Director shall report to and be under the general
16 supervision of the State Commissioner of Health, but shall not be
17 subject to supervision or report to any other State Department of
18 Health employee. Unless otherwise instructed by the State Board of
19 Health, staff of the Office of Accountability Systems and
20 independent contractors performing internal investigative services
21 for the Office of Accountability Systems shall be directly
22 supervised by the Director of the Office of Accountability Systems
23 and not subject to the supervision of or required to report to any
24 other State Department of Health employee. Neither the State

1 Commissioner of Health nor any other employee of the State
2 Department of Health shall prevent, prohibit, or obstruct the
3 Director from initiating, implementing or completing any
4 investigation or from issuing any subpoena during the course of an
5 investigation or audit regarding the State Department of Health; and

6 3. Report expeditiously to the appropriate law enforcement
7 entity whenever the Director has reasonable grounds to believe that
8 there has been a felonious violation of state or federal criminal
9 law.

10 SECTION 3. AMENDATORY 63 O.S. 2001, Section 1-214, as
11 last amended by Section 1, Chapter 198, O.S.L. 2010 (63 O.S. Supp.
12 2010, Section 1-214), is amended to read as follows:

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

21 B. Unless an agreement made pursuant to subsection A of this
22 section specifically provides otherwise, any judgment against the
23 city-county health department or the city-county board of health
24 shall be treated as a judgment against the county and may be paid

1 from a sinking fund established pursuant to Section 28 of Article X
2 of the Oklahoma Constitution in the manner that other judgments
3 against the county are paid.

4 C. Unless an agreement made pursuant to subsection A of this
5 section specifically provides otherwise, a city-county health
6 department shall have the power to own, acquire, lease, or dispose
7 of real property in the performance of local public health
8 functions, duties, and responsibilities.

9 D. The qualifications of the director shall be determined by
10 the city-county board of health, with the advice of the State
11 Commissioner of Health, and subject to approval by the governing
12 body of the city and the board of county commissioners of the
13 county. The director, with the approval of the city-county board of
14 health, the board of county commissioners of the county, and the
15 governing body of the city, or the city manager in cities having a
16 managerial form of government, shall appoint other personnel of the
17 department.

18 E. The employees of a city-county health department shall
19 possess minimum qualifications as set forth in a system of personnel
20 administration delineating job specifications and a compensation
21 plan adopted by the city-county board of health, and approved by the
22 State Commissioner of Health, the board of county commissioners and
23 the governing body of the city. By March 1, 1991, the city-county
24 health department shall establish a personnel, merit and promotion

1 system which shall be approved by the Commissioner of Public Health.
2 The employees shall also be eligible for membership in any life or
3 health insurance plan of the county and the county retirement
4 program, subject to the same conditions or restrictions that apply
5 to county employees. Any state employees officed or located at or
6 assigned to a city-county health department shall be subject to the
7 state system of personnel administration and shall be eligible for
8 membership in the state employees insurance and retirement programs.

9 F. Such city-county health department shall, under the
10 supervision of the director, enforce and administer all municipal
11 and county ordinances, rules and regulations, and all state laws,
12 and rules and regulations of the State Board of Health pertaining to
13 public health matters in the jurisdiction where it is created, or in
14 any area where it has jurisdiction to operate by agreement.

15 G. A city-county health department may perform any and all
16 health-related services, within the scope of practice, as prescribed
17 by law, by the city-county board of health, or by standards of care
18 for medical services. When a city-county health department provides
19 a health-related service to any person covered by an applicable
20 health insurance plan, the city-county health department may submit
21 a claim for said service to the appropriate insurance company,
22 health maintenance organization or preferred provider organization.
23 Upon receipt of the claim, said insurance company, health
24 maintenance organization or preferred provider organization shall

1 reimburse the city-county health department for the service provided
2 in accordance with the standard and customary rate schedule
3 established by the plan. All health insurance plans, doing business
4 in Oklahoma, shall recognize the public health service delivery
5 model utilized by the city-county health department, as an
6 appropriate provider of services for reimbursement. All insurance
7 reimbursement payments collected shall become a part of the general
8 revenue of the unit of government levying the same.

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

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

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

15 2. "System of vital statistics" means the registration,
16 collection, preservation, amendment and certification of vital
17 statistics records, and activities related thereto, including the
18 tabulation, analysis and publication of statistical data derived
19 from such records;

20 3. "Filing" means the presentation of a certificate, report or
21 other record provided for in this article, of a birth, death, fetal
22 death or adoption, for registration by the State Commissioner of
23 Health;

24

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

5 5. "Live birth" means the complete expulsion or extraction from
6 the mother of a product of human conception, irrespective of the
7 duration of pregnancy, which, after such expulsion or extraction,
8 breathes or shows any other evidence of life such as beating of the
9 heart, pulsation of the umbilical cord or definite movement of
10 voluntary muscles, whether or not the umbilical cord has been cut or
11 the placenta is attached;

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

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

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

22 9. "Dead body" means an individual who is determined to be dead
23 pursuant to the provisions of the Uniform Determination of Death
24 Act;

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

3 11. "Physician" means a person who is a member of the class of
4 persons authorized to use the term "physician" pursuant to Section
5 725.2 of Title 59 of the Oklahoma Statutes; ~~and~~

6 12. "Institution" means any establishment, public or private,
7 which provides inpatient medical, surgical or diagnostic care or
8 treatment, or nursing, custodial or domiciliary care, to two or more
9 unrelated individuals, or to which persons are committed by law; and

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

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

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

18 (1) administer and enforce this article and the rules and
19 regulations issued hereunder, and issue instructions for the
20 efficient administration of the statewide system of vital
21 statistics.

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

24

1 (3) ~~direct, supervise and control the activities of local~~
2 ~~registrars.~~

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

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

7 (b) The Commissioner may delegate such functions and duties
8 vested in ~~him~~ the Commissioner to employees of the State Department
9 of Health and to the local registrars as ~~he~~ the Commissioner deems
10 necessary or expedient.

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

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

19 B. When a birth occurs in an institution, the person in charge
20 of the institution or a designated representative shall obtain the
21 personal data, prepare the certificate, and secure the signatures
22 required by the certificate ~~and file the certificate with the local~~
23 ~~registrar.~~ The physician in attendance shall certify to the facts
24

1 of birth and provide the medical information required by the
2 certificate within five (5) days after the birth.

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

6 1. The physician in attendance at or immediately after the
7 birth;

8 2. Any other person in attendance at or immediately after the
9 birth; or

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

13 D. 1. If the mother was married at the time of conception and
14 birth, the name of the husband shall be entered on the certificate
15 as the father of the child unless paternity has been determined
16 otherwise by a court of competent jurisdiction or a husband's denial
17 of paternity form has been filed along with an affidavit
18 acknowledging paternity, in which case the name of the father as
19 determined by the court or affidavit acknowledging paternity shall
20 be entered.

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

24

- 1 a. a determination of paternity has been made by an
2 administrative action through the Department of Human
3 Services or a court of competent jurisdiction, in
4 which case the name of the father shall be entered, or
5 b. the mother and father have signed an affidavit
6 acknowledging paternity pursuant to Section 1-311.3 of
7 this title, or substantially similar affidavit from
8 another state and filed it with the State Registrar of
9 Vital Statistics.

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

14 F. If the live birth results from a process in which the
15 delivering mother was carrying the child of another woman by way of
16 a prearranged legal contract, the original birth certificate shall
17 be filed with the personal information of the woman who delivered
18 the child. A new birth certificate will be placed on file once the
19 State Registrar receives both a court order and a completed form
20 prescribed by the State Registrar which identifies the various
21 parties and documents the personal information of the intended
22 parents necessary to complete the new birth certificate.

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

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

6 (1) the date and place of finding.

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

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

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

11 (b) The place where the child was found shall be entered as the
12 place of birth and the date of birth shall be determined by
13 approximation.

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

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

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

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

1 1. An adoption certificate as provided in the Oklahoma Adoption
2 Act, or a certified copy of the decree of adoption together with the
3 information necessary to identify the original certificate of birth
4 and to establish a new certificate of birth; except that a new
5 certificate of birth shall not be established if so requested by the
6 court decreeing the adoption, the adoptive parents, or the adopted
7 person; and

8 2. A request that a new certificate be established and such
9 evidence as required by regulation proving that such person has been
10 legitimated, or that a court of competent jurisdiction has
11 determined the paternity of such a person.

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

15 1. Thereafter, the original certificate and the evidence of
16 adoption, paternity, or legitimation shall not be amended, nor shall
17 it be subject to inspection except upon order of a court of
18 competent jurisdiction or as otherwise specifically provided by law;
19 and

20 2. Upon receipt of notice of annulment of adoption, the
21 original certificate of birth shall be restored to its place in the
22 files and the new certificate and evidence shall not be subject to
23 inspection except upon order of a court of competent jurisdiction.
24

1 The original certificate shall be restored and may be amended in
2 accordance with Section 1-321 of this title.

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

5 Section 1-316a. A. ~~By November 1, 2001, the~~ The State
6 Department of Health shall provide for the issuance of an heirloom
7 birth certificate. The Department shall design the form of the
8 heirloom birth certificate with the advice and assistance of the
9 Oklahoma Arts Council and may promote and sell copies of the
10 certificate. An heirloom birth certificate ~~may contain the same~~
11 ~~information as, and may have the same effect of, a certified copy of~~
12 ~~the birth record~~ shall not be used as evidence of live birth nor
13 identification purposes.

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

17 C. Proceeds from the sale of heirloom birth certificates shall
18 be used by the Child Abuse Training and Coordination Program within
19 the State Department of Health to provide training and technical
20 assistance to judges, prosecutors, and members of multidisciplinary
21 child abuse teams who intervene in circumstances of child abuse,
22 ~~provided, the Department may retain an amount not to exceed Ten~~
23 ~~Dollars (\$10.00) from the fee to cover the cost of a standard birth~~
24 ~~certificate.~~

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

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

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

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

17 (b) The funeral director or person acting as such who first
18 assumes custody of a fetus shall file the fetal death certificate.
19 In the absence of such a person, the physician or other person in
20 attendance at or after the delivery shall file the certificate of
21 fetal death. He shall obtain the personal data from the next of kin
22 or the best qualified person or source available. He shall complete
23 the certificate as to personal data and deliver the certificate to

24

1 that person responsible for completing the medical certification of
2 cause of death within twenty-four (24) hours after delivery.

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

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

9 Section 1-319. A. A burial transit permit issued under the
10 laws of another state which accompanies a dead body or fetus brought
11 into this state shall be authority for final disposition of the body
12 or fetus in this state.

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

16 B. A permit for disinterment and reinterment shall be required
17 prior to disinterment of a dead body or fetus except as authorized
18 by regulation or otherwise provided by law. Such permit shall be
19 issued by the State ~~Commissioner of Health~~ Registrar to a licensed
20 funeral director, embalmer, or other person acting as such, upon
21 proper application.

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

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

5 (b) A certificate that is amended under this section shall be
6 marked "amended", except as provided in subsection (d) of this
7 section. The date of amendment and a summary description of the
8 evidence submitted in support of the amendment shall be endorsed on
9 or made a part of the record. The Board shall prescribe by
10 regulation the conditions under which additions or minor corrections
11 shall be made to birth certificates within one (1) year after the
12 date of birth without the certificate being considered as amended.

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

18 (d) When a child is born out of wedlock, the Commissioner shall
19 amend a certificate of birth to show paternity, if paternity is not
20 currently shown on the birth certificate, in the following
21 situations:

22 (1) Upon request and receipt of a sworn acknowledgment of
23 paternity of a child born out of wedlock signed by both parents; or
24

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

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

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

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

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

16 SECTION 13. AMENDATORY 63 O.S. 2001, Section 1-323, as
17 last amended by Section 8, Chapter 226, O.S.L. 2010 (63 O.S. Supp.
18 2010, Section 1-323), is amended to read as follows:

19 Section 1-323. A. To protect the integrity of vital statistics
20 records, to insure their proper use, and to insure the efficient and
21 proper administration of the vital statistics system, it shall be
22 unlawful for any person to permit inspection of, or to disclose
23 information contained in, vital statistics records, or to copy or
24 issue a copy of all or part of any such record except to the person

1 who is the subject of the record or in such person's interest unless
2 ordered to do so by a court of competent jurisdiction; ~~provided,~~
3 ~~however, that death certificates shall be issued upon request and~~
4 ~~the payment of applicable fees as provided in Section 1-325 of this~~
5 ~~Code.~~ Certified copies of birth certificates and death certificates
6 shall be provided without cost and without a court order to the
7 Attorney General or to any district attorney upon request in the
8 course of a criminal investigation.

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

12 C. The State Department of Health shall transmit to the
13 Department of Public Safety+;

14 1. At the end of each quarter year, a list of all registered
15 deaths which have occurred during such period of time. Upon receipt
16 of such list the Department of Public Safety shall use such list
17 solely to update Department of Public Safety records and to cancel
18 the driver license for those deceased individuals with a valid
19 Oklahoma driver license at the time of death;

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

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

5 D. Each month, the Commissioner shall authorize the
6 transmission to the Oklahoma Health Care Authority of a certified
7 list of all registered deaths of residents of this state that have
8 occurred within the state for the immediately preceding month. The
9 Oklahoma Health Care Authority shall use the transmitted list to
10 ascertain the names of those individuals participating in the state
11 Medicaid program who are deceased, and shall thereafter terminate
12 such deceased person's enrollment in the state Medicaid program.

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

16 ~~F.~~ For the purpose of assisting in the location and recovery of
17 missing children, information pertaining to birth certificates and
18 requests for copies of birth certificates shall be provided to the
19 Oklahoma State Bureau of Investigation pursuant to the provisions of
20 Section 1-323.1 of this title and Section 150.12A of Title 74 of the
21 Oklahoma Statutes.

22 ~~G.~~ F. The Commissioner shall authorize the transmission of
23 death certificates to the Department of Labor for the purpose of the
24 Department of Labor conducting a census of total occupational

1 injuries and illnesses. The Department shall transmit to the
2 Department of Labor statistics of fatal occupational injuries that
3 shall include the following:

- 4 1. Name of the deceased;
- 5 2. Date of death;
- 6 3. Sex;
- 7 4. Race;
- 8 5. Age;
- 9 6. Birth date;
- 10 7. Social security number;
- 11 8. Whether an autopsy was conducted;
- 12 9. Month of the accident; and
- 13 10. Whether decedent was of Hispanic origin.

14 H. The Department of Labor shall be required to protect the
15 integrity of the vital statistics records to the same extent
16 required of the Department pursuant to this section.

17 SECTION 14. AMENDATORY Section 1, Chapter 384, O.S.L.
18 2003 (63 O.S. 2010, Section 1-324.1), is amended to read as follows:

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

- 22 1. Create, issue, present or possess a fictitious birth, death
23 or stillbirth certificate;

24

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

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

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

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

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

13 7. Knowingly presenting a false or forged certificate for
14 filing.

15 B. Except as otherwise provided in subsection C of this
16 section, it is a felony for any employee or person authorized to
17 issue or create a birth, death or stillbirth certificate or related
18 record under this title to knowingly issue such certificate or
19 related record to a person not entitled thereto, or to knowingly
20 create or record such certificate bearing erroneous information
21 thereon.

22 C. A violation of any of the provisions of this section shall
23 constitute a ~~misdemeanor for a first offense and, upon conviction,~~
24 ~~shall be punishable by a fine not exceeding Ten Thousand Dollars~~

1 ~~(\$10,000.00). Any second or subsequent offense shall constitute a~~
2 ~~felony and, upon conviction, shall be punishable by a fine of Ten~~
3 ~~Thousand Dollars (\$10,000.00) or imprisonment in the State~~
4 ~~Penitentiary for a term of not more than two (2) years, or by both~~
5 ~~such fine and imprisonment felony.~~

6 D. Notwithstanding any provision of this section, the State
7 Commissioner of Health or a designated agent, upon the request of a
8 chief administrator of a health or law enforcement agency, may
9 authorize the issuance, display or possession of a birth, death or
10 stillbirth certificate, which would otherwise be in violation of
11 this section, for the sole purpose of education with regard to
12 public health or safety; provided, however, any materials used for
13 such purposes shall be marked "void".

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

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

- 20 1. Create, issue, or present a fictitious disinterment permit;
- 21 2. Apply for a disinterment permit under false pretenses;
- 22 3. Alter information contained on a disinterment permit;
- 23 4. Obtain, display or represent a disinterment permit for the
24 purpose of fraud;

1 5. Make a false statement or knowingly conceal a material fact
2 or otherwise commit fraud in an application for a disinterment
3 permit; or

4 6. Reinter the remains in a location other than that specified
5 on the permit.

6 B. A violation of any of the provisions of this section shall
7 constitute a misdemeanor for a first offense and, upon conviction,
8 shall be punishable by a fine not exceeding Ten Thousand Dollars
9 (\$10,000.00). Any second or subsequent offense shall constitute a
10 felony and, upon conviction, shall be punishable by a fine of up to
11 Ten Thousand Dollars (\$10,000.00) or imprisonment in the custody of
12 the Department of Corrections for a term of not more than two (2)
13 years, or both.

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

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

19 The collection of such fees may be accomplished by acceptance of
20 cash, money orders, credit cards, organization or personal checks;
21 in the event money orders or checks are proved to be noncollectible,
22 neither the Board of Health, the Commissioner of Health, nor any of
23 the employees of the Department of Health will be held responsible
24 and personally liable; it is further required that no additional

1 certified copies of records may be delivered to persons on whom
2 noncollectible drafts remain outstanding.

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

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

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

15 When the person legally responsible for disposition of a dead
16 human body, whose death occurred or was pronounced within this
17 state, desires that the body be cremated, buried at sea, or made
18 unavailable for further pathologic study by other recognized means
19 of destruction or dissolution of such remains, that person shall
20 complete an application-permit form for such procedure provided by
21 the Office of the Chief Medical Examiner. The Office of the Chief
22 Medical Examiner shall charge a fee of One Hundred Dollars (\$100.00)
23 for each cremation permit issued. The Medical Examiner shall be
24 notified, as required in Section 938 of this title. He shall

1 perform the required investigation and shall issue a valid death
2 certificate as required by Section 947 of this title and execute the
3 permit in accordance with rules established by the Office of the
4 Chief Medical Examiner. In order to be valid each permit must
5 contain an individual number assigned to the particular permit by
6 the Office of the Chief Medical Examiner. A copy of the
7 application-permit form and the original death certificate shall be
8 filed with the ~~local registrar of vital statistics of the~~
9 ~~registration district in which the death occurred or was pronounced~~
10 State Registrar. The original application-permit form shall be
11 filed by the funeral director with the Office of the Chief Medical
12 Examiner. Such filing shall occur or be postmarked within
13 forty-eight (48) hours of the death.

14 If death occurred or was pronounced outside the geographic
15 limits of the State of Oklahoma and the body is brought into this
16 state for such disposal, a transit permit or a permit for removal,
17 issued in accordance with the laws and regulations in force where
18 the death occurred shall authorize the transportation of the body
19 into or through this state and shall be accepted in lieu of a
20 certificate of death as required above. A valid permit issued for
21 disposal of such body in accordance with the laws in the
22 jurisdiction where the body died or death was pronounced shall be
23 authority for cremation or burial at sea or to make the body

24

1 otherwise unavailable for further pathologic study by other
2 recognized means of destruction or dissolution of such remains.

3 SECTION 18. AMENDATORY 63 O.S. 2001, Section 1-502.2, as
4 last amended by Section 6, Chapter 393, O.S.L. 2008 (63 O.S. Supp.
5 2010, Section 1-502.2), is amended to read as follows:

6 Section 1-502.2 A. Unless otherwise provided by law, all
7 information and records ~~which identify~~ concerning any person who has
8 participated in a public health investigation or who may have any
9 communicable or noncommunicable disease which is required to be
10 reported pursuant to Sections 1-501 through 1-532.1 of this title or
11 information and records of any disease which are held or maintained
12 by any state agency, health care provider or facility, physician,
13 health professional, laboratory, clinic, blood bank, funeral
14 director, third party payor, or any other agency, person, or
15 organization in the state shall be confidential. Any information
16 obtained pursuant to the requirements of Sections 1-501 through 1-
17 532.1 of this title shall not be required to be produced pursuant to
18 the Oklahoma Open Records Act. Any information authorized to be
19 released pursuant to paragraphs 1 through 8 of this subsection shall
20 be released in such a way that no person can be identified unless
21 otherwise provided for in such paragraph or by law. Such
22 information shall not be released except under the following
23 circumstances:

24 1. Release is made upon court order;

1 2. Release is made in writing, by or with the written consent
2 of the person whose information is being kept confidential or with
3 the written consent of the legal guardian or legal custodian of such
4 person, or if such person is a minor, with the written consent of
5 the parent or legal guardian of such minor;

6 3. Release is necessary as determined by the State Department
7 of Health to protect the health and well-being of the general
8 public. Any such order for release by the Department and any review
9 of such order shall be in accordance with the procedures specified
10 in Sections 309 through 323 of Title 75 of the Oklahoma Statutes.
11 Only the initials of the person whose information is being kept
12 confidential shall be on public record for such proceedings unless
13 the order by the Department specifies the release of the name of
14 such person and such order is not appealed by such person or such
15 order is upheld by the reviewing court;

16 4. Release is made of medical or epidemiological information to
17 those persons who have had risk exposures pursuant to Section 1-
18 502.1 of this title;

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

24

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

5 7. Release is made of medical information among health care
6 providers, their agents or employees, within the continuum of care
7 for the purpose of diagnosis and treatment of the person whose
8 information is released. ~~This exception shall not authorize the~~
9 ~~release of confidential information by a state agency to a health~~
10 ~~care provider unless such release is otherwise authorized by this~~
11 ~~section~~ whether within the State of Oklahoma or throughout the
12 United States; or

13 8. When the patient is an inmate in the custody of the
14 Department of Corrections or a private prison or facility under
15 contract with the Department of Corrections, and the release of the
16 information is necessary:

17 a. to prevent or lessen a serious and imminent threat to
18 the health or safety of a person or the public, and it
19 is to a person or persons reasonably able to prevent
20 or lessen the threat, including the target of the
21 threat, or

22 b. for law enforcement authorities to identify or
23 apprehend an individual where it appears from all the
24

1 circumstances that the individual has escaped from a
2 correctional institution or from lawful custody.

3 B. For the purposes of this section only, "written consent"
4 means that the person whose information is required to be kept
5 confidential by this section or the person legally authorized to
6 consent to release by this section has been informed of all persons
7 or organizations to whom such information may be released or
8 disclosed by the specific release granted. ~~Releases granted~~
9 ~~pursuant to paragraph 2 of subsection A of this section shall~~
10 ~~include a notice in bold typeface that the information authorized~~
11 ~~for release may include records which may indicate the presence of a~~
12 ~~communicable or noncommunicable disease.~~ Consent obtained for
13 release of information, pursuant to paragraph 2 of subsection A of
14 this section, shall not be considered valid unless, prior to
15 consent, the person consenting to the release was given notice of
16 the provisions for release of confidential information pursuant to
17 this section. The provisions of this subsection shall not apply to
18 written authorizations to disclose information to the Social
19 Security Administration.

20 C. 1. The State Department of Health may convene a
21 confidential meeting of a multidisciplinary team for recommendation
22 on school placement of a student who is infected with the human
23 immunodeficiency virus. The multidisciplinary team shall include,
24 but not be limited to, the following:

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

Each member of the team shall be responsible for protecting the confidentiality of the student and any information made available to such person as a member of the team. The multidisciplinary team shall be exempt from the requirements of Sections 301 through 314 of Title 25 of the Oklahoma Statutes and Sections 24A.1 through 24A.19 of Title 51 of the Oklahoma Statutes.

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

D. The State Department of Health may convene a confidential meeting of a multidisciplinary advisory committee to make recommendations regarding the practice of health care workers who are infected with the human immunodeficiency virus (HIV) or hepatitis B (HBV), who may be performing exposure-prone procedures.

1 The membership of the multidisciplinary advisory committee shall
2 include, but not be limited to, the following:

- 3 1. The State Commissioner of Health or designee;
- 4 2. Legal counsel to the State Commissioner of Health;
- 5 3. The state epidemiologist or designee;
- 6 4. An infectious disease specialist with expertise in HIV/HBV
7 infection; and
- 8 5. Two practicing health care workers from the same discipline
9 as the HIV/HBV-infected health care worker.

10 In addition, the health care worker being discussed, and/or an
11 advocate, and the personal physician of the health care worker being
12 discussed shall be invited to the multidisciplinary advisory
13 committee meeting. Discussion of the case shall be made without
14 using the actual name of the health care worker. Each member of the
15 multidisciplinary advisory committee shall be responsible for
16 protecting the confidentiality of the HIV/HBV-infected health care
17 worker and the confidentiality of any information made available to
18 such person as a member of the multidisciplinary advisory committee.
19 The multidisciplinary advisory committee shall be exempt from the
20 requirements of the Oklahoma Open Meeting Act and the Oklahoma Open
21 Records Act.

22 E. Upon advice of the multidisciplinary advisory committee, the
23 State Commissioner of Health or designee may notify an appropriate
24 official at the health care facility where the HIV/HBV-infected

1 health care worker practices that the health care worker is
2 seropositive for HIV and/or HBV. Notification shall be made only
3 when necessary to monitor the ability of the HIV/HBV-infected health
4 care worker to comply with universal precautions and appropriate
5 infection control practices, and/or to monitor the ongoing
6 functional capacity of the health care worker to perform his or her
7 duties. Notification shall occur through one of the following
8 officials:

- 9 1. The facility administrator;
- 10 2. The hospital epidemiologist;
- 11 3. The chair of the infection control committee of the
12 facility; or
- 13 4. The medical chief of staff of the facility.

14 F. If the HIV/HBV-infected health care worker fails or refuses
15 to comply with the recommendations of the multidisciplinary advisory
16 committee, the State Commissioner of Health or designee may take
17 such actions as may be required to perform the duties imposed by the
18 laws of the State of Oklahoma, and may advise the appropriate
19 licensing board.

20 G. Any person who negligently, knowingly or intentionally
21 discloses or fails to protect medical or epidemiological information
22 classified as confidential pursuant to this section, upon
23 conviction, shall be guilty of a misdemeanor punishable by the
24 imposition of a fine of not less than One Thousand Dollars

1 (\$1,000.00) or by imprisonment in the county jail for not more than
2 thirty (30) days, or by both such fine and imprisonment.

3 H. Any person who negligently, knowingly or intentionally
4 discloses or fails to protect medical or epidemiological information
5 classified as confidential pursuant to this section shall be civilly
6 liable to the person who is the subject of the disclosure for court
7 costs, attorney fees, exemplary damages and all actual damages,
8 including damages for economic, bodily or psychological harm which
9 is proximately caused by the disclosure.

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

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

14 (a) The term ~~"venereal disease"~~ "sexually transmitted infection
15 (STI)" means syphilis, gonorrhea, ~~chaneroid, granuloma inguinale,~~
16 ~~lymphogranuloma venereum~~ chlamydia, human immunodeficiency virus
17 (HIV)/acquired immune deficiency syndrome (AIDS), and any other
18 disease which may be transmitted from any person to any other person
19 through or by means of ~~sexual intercourse and found and declared by~~
20 ~~medical science or accredited schools of medicine to be infectious~~
21 ~~or contagious; and is hereby declared to be communicable and~~
22 ~~dangerous to the public health~~ any form of sexual contact.

23

24

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

4 (c) The term "dealer" means any person who may handle, for sale,
5 any medicinal remedies or supposed remedies for ~~venereal diseases~~ an
6 STI, and the agents, clerks and employees of any such person; and
7 any person who may profess or claim to treat or cure, by the use of
8 medicine or otherwise, any ~~venereal-disease~~ sexually transmitted
9 infection (STI), and ~~his~~ the agents, clerks and employees.

10 (d) The term "physician" shall include reputable physicians who
11 have complied with all the requirements of law regulating the
12 practice of their respective schools of medicine, and duly licensed
13 by such law to practice medicine in their respective schools, or
14 surgery, or both, and no other person.

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

17 Section 1-520. Any physician who shall, after having knowledge
18 or information that any person is or may be an infected person,
19 sell, give or furnish to such infected person, or to any other
20 person for such infected person, a discharge from treatment, or
21 written instrument or statement pronouncing such infected person
22 cured, before such infected person is actually cured of such
23 ~~venereal-disease~~ sexually transmitted infection (STI), shall be
24 guilty of a misdemeanor. Provided, however, that no person who is

1 infected with a ~~veneral disease~~ an STI but who has received
2 treatment adequate to render ~~him~~ the person noninfectious shall be
3 denied a permit to work, because of ~~his~~ the infection, in those
4 categories of employment where permits to work are required by state
5 law or local ordinance.

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

8 Section 1-522. It shall be unlawful for any dealer to treat or
9 offer to treat any infected person, or to sell, furnish or give to
10 any infected person, or to any other person whomsoever, any
11 medicines of any kind that may be advertised or used for treatment
12 of ~~veneral diseases~~ (STI), before requiring such person to produce
13 and file with such dealer a proper prescription for such medicine,
14 issued and signed by a physician, which prescription shall be by the
15 dealer kept on file for a period of one (1) year from the date of
16 ~~his~~ the person receiving the same, and subject, at all reasonable
17 hours, to the inspection of the State Commissioner of Health or
18 local health officer.

19 SECTION 22. AMENDATORY 63 O.S. 2001, Section 1-524, as
20 last amended by Section 1, Chapter 346, O.S.L. 2003 (63 O.S. Supp.
21 2010, Section 1-524), is amended to read as follows:

22 Section 1-524. A. The keeper of any prison or penal
23 institution in this state shall cause to be examined every person
24

1 confined in such prison or penal institution, to determine whether
2 such person is an infected person.

3 B. Any licensed physician may examine persons who are arrested
4 by lawful warrant for prostitution, or other sex crimes not
5 specified in Section ~~2~~ 1-524.1 of this ~~act~~ title, for the purpose of
6 determining if they are infected with a ~~venereal-disease~~ sexually
7 transmitted infection (STI) or a communicable disease including, but
8 not limited to, the human immunodeficiency virus (HIV). For
9 purposes of expediting such examination, in counties with a
10 population of greater than four hundred thousand (400,000), the
11 county sheriff or the chief of police of any municipality with a
12 population of greater than two hundred thousand (200,000) that is
13 located within such county and that has a municipal court of record
14 shall notify the city-county health department serving the county of
15 any person who has been arrested by county or city officers for
16 prostitution. Any such examination shall be made subsequent to
17 arrest and if the examination is for the human immunodeficiency
18 virus, upon order of the court issued at the initial appearance of
19 the arrested person. Every person shall submit to the examination
20 and shall permit specimens to be taken for laboratory examinations.
21 Such person may be detained until the results of the examination are
22 known. The examination shall be made by a licensed physician. A
23 determination as to whether or not the person is infected shall not
24 be based on any prior examination. Any person found to be infected

1 with a ~~venereal disease~~ sexually transmitted infection (STI) shall
2 be treated by the State Commissioner of Health or local health
3 officer, or a physician of such person's own choice, until such
4 person is noninfectious or dismissed by the Commissioner or local
5 health officer or physician. In the event a person infected with a
6 ~~venereal disease~~ sexually transmitted infection (STI) refuses or
7 fails to submit to treatment, then such person may be quarantined
8 for the purpose of treatment, and a report thereof shall be made to
9 the Commissioner.

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

15 SECTION 23. AMENDATORY Section 2, Chapter 346, O.S.L.
16 2003 (63 O.S. Supp. 2010, Section 1-524.1), is amended to read as
17 follows:

18 Section 1-524.1 A. A licensed physician shall examine persons
19 who are arrested by lawful warrant for the offense of first or
20 second degree rape, forcible sodomy or the intentional infection or
21 attempt to intentionally infect a person with the human
22 immunodeficiency virus for the purpose of determining if the person
23 is infected with a ~~venereal disease~~ sexually transmitted infection
24 (STI), including, but not limited to, the human immunodeficiency

1 virus (HIV). For purposes of expediting such examination, in
2 counties with a population of greater than four hundred thousand
3 (400,000), the county sheriff or the chief of police of any
4 municipality with a population of greater than two hundred thousand
5 (200,000) that is located within such county and that has a
6 municipal court of record shall notify the city-county health
7 department serving the county of any person who has been arrested by
8 county or city officers for such offense. Any such examination
9 shall be made subsequent to arrest as provided in this section.
10 Every person shall submit to the examination and shall permit
11 specimens to be taken for laboratory examinations. Such person may
12 be detained until the results of the examination are known. A
13 determination as to whether or not the person is infected shall not
14 be based on any prior examination. Any person found to be infected
15 with a ~~venereal disease~~ sexually transmitted infection (STI) shall
16 be treated by ~~the State Commissioner of Health or local health~~
17 ~~officer, or~~ a physician of such person's own choice, until such
18 person is noninfectious or dismissed by the Commissioner or local
19 health officer or physician. The costs of such treatment shall be
20 the responsibility of the person who is examined and tested and the
21 court shall order the person to pay such costs. In the event a
22 person infected with a ~~venereal disease~~ sexually transmitted
23 infection (STI) refuses or fails to submit to treatment, then such

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1 person may be quarantined for the purpose of treatment, and a report
2 thereof shall be made to the Commissioner.

3 B. The district attorney shall file a motion for a court-
4 ordered examination and testing of the person arrested for the
5 offenses specified in subsection A of this section at the time the
6 criminal charges are filed or the court may provide a standing order
7 for such examination and testing which shall issue automatically at
8 the time of arrest for the offenses specified in subsection A of
9 this section.

10 C. Any peace officer in this state upon the arrest of a person
11 within six (6) hours or less of the actual offense of first or
12 second degree rape, forcible sodomy or intentional infection or
13 attempt to intentionally infect a person with the human
14 immunodeficiency virus shall immediately deliver and submit the
15 person for a rapid test for human immunodeficiency virus (HIV)
16 without a court order, if a rapid test site is available. If the
17 rapid HIV test results are positive the physician examining the
18 victim of such offense shall be immediately notified and the
19 physician shall immediately provide the victim with preventive
20 treatment, if the victim can be treated within the medically
21 proscribed period for preventive measures.

22 D. The examination and testing required by this section shall
23 not be for evidentiary purposes and shall be expedited and conducted
24 solely to screen for and identify the need for the victim's

1 treatment due to potential exposure to ~~venerical diseases~~ sexually
2 transmitted infections (STIs). A confirmation examination and test
3 may be conducted following any examination or test yielding a
4 positive result that is not conclusive of the presence of the human
5 immunodeficiency virus (HIV) or other ~~venerical diseases~~ sexually
6 transmitted infection (STI).

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

9 1. A list of specific examinations and tests, including, but
10 not limited to: blood tests for human immunodeficiency virus (HIV),
11 hepatitis B, hepatitis C, ~~and~~ syphilis, ~~and cultures or smears for~~
12 gonorrhea ~~and~~ chlamydia, and visual examinations for evidence of
13 genital herpes and genital warts for which examinations and tests
14 are available;

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

19 3. A provision requiring copies of the examination report and
20 test results be forwarded by the physician, clinic or hospital that
21 conducted such examination and tests to the designated physician or
22 counseling site as made known to the Victim Witness Coordinator by
23 the victim, or if not specified by the victim then copies of the
24 reports and results shall be forwarded to the Victim Witness

1 Coordinator. Results of examinations and tests shall be forwarded
2 within three (3) days of completion of the examination or testing;

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

8 5. A provision directing the offender and victim to be treated
9 for infection as indicated in any positive examination and test
10 result; and

11 6. A provision directing the facility having custody of the
12 arrested person to be responsible for the costs of examination and
13 tests; provided, however, that the court may order reimbursement of
14 such costs at the time of sentencing.

15 F. Upon notification that the results of the examination and
16 tests are completed, the Victim Witness Coordinator shall instruct
17 the physician, clinical laboratory or hospital that completed such
18 results to forward copies of the results according to the victim's
19 designation or, if no designation has been made, forward copies to
20 the Victim Witness Coordinator's office. The Victim Witness
21 Coordinator shall notify the victim's designated professional that
22 the results are being forwarded and instruct the victim to set a
23 time to receive the results in person.

24

1 G. When the examination and test results indicate infection of
2 any ~~venereal disease~~ sexually transmitted infection (STI), the
3 victim shall be treated by the State Commissioner of Health or local
4 health officer, or a physician of the victim's own choice, until
5 noninfectious or dismissed by the Commissioner, local health officer
6 or physician.

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

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

14 J. The cost of examination and testing authorized by this
15 section shall be the responsibility of the facility having custody
16 of the person at the time of arrest. The court shall order the
17 defendant to reimburse such facility at the time of sentencing for
18 all actual costs associated with examination and testing required by
19 this section. No cost of any kind shall be incurred by any victim
20 of such crimes for testing, obtaining the results of tests, or for
21 treatment required by a victim due to a positive result for a test
22 for ~~venereal disease~~ a sexually transmitted infection (STI)
23 resulting from an offense specified in this section.

24

1 K. For purposes of this section, the term "initial appearance"
2 shall refer to the first court appearance of an individual, in
3 person or by closed circuit television, before a magistrate on a
4 presentment, indictment or preliminary information on a felony
5 offense.

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

8 Section 1-525. A. Except as otherwise provided by law, the
9 prescription and records required by the foregoing provisions to be
10 filed and kept shall not be exposed to any person other than the
11 State Commissioner of Health or local health officer, or when
12 properly ordered by a court of competent jurisdiction to be used as
13 evidence in such court, and no information whatever shall be given
14 to any person concerning any infected person except to appropriate
15 persons for use in the proper courts of this state. Provided, that
16 records of diagnosis and treatment may be transmitted to physicians
17 and to health authorities in this and other states upon written
18 request of the person affected. Provided further, results of
19 examinations conducted on persons arrested by lawful warrant for the
20 offense of first or second degree rape, forcible sodomy, or
21 intentional infection or attempted infection of a person with the
22 human immunodeficiency virus, shall be provided to the alleged
23 victim of the crime upon the request of the victim, the parent of
24 the victim if the victim is a minor, or upon request of the legal

1 guardian or custodian of the victim. The name of the arrested and
2 examined person shall not be disclosed on the transmitted record.
3 The State Department of Health shall provide to the victims the
4 positive test results. The Department shall provide free testing to
5 the alleged victim for any ~~venereal~~ sexually transmitted infection
6 (STI) or communicable disease for which the arrestee tests positive,
7 as indicated in the transmitted record of diagnosis. Such testing
8 shall be accompanied with pretest and post-test counseling. Such
9 counseling shall include the provision of information to the victim
10 or the parent, legal guardian or custodian of the victim concerning
11 the venereal or communicable disease indicated in the transmitted
12 record and the location of public and private facilities in the
13 vicinity offering tests and counseling for persons who have the
14 ~~venereal~~ sexually transmitted infection (STI) or communicable
15 disease.

16 B. The State Board of Health shall promulgate rules and
17 regulations for the examination authorized or required by Section 1-
18 524 of this title and for the release of records containing results
19 of examinations authorized by subsection A of this section. The
20 rules and regulations shall establish procedural guidelines which
21 respect the rights of the person arrested for the alleged offense
22 and the victim of the alleged offense.

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

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

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

7 Section 1-527. Any physician who makes a diagnosis or treats a
8 case of ~~venereal disease~~ a sexually transmitted infection (STI), and
9 every superintendent or manager of a hospital, dispensary or
10 charitable or penal institution in which there is a case of ~~venereal~~
11 ~~disease~~ an STI, shall report such case immediately, in writing, to
12 the State Commissioner of Health, or the local health officer, in
13 the same manner as other communicable diseases are reported, in
14 forms to be prescribed and furnished by the Commissioner.

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

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

22 (b) If an attending physician or other person knows or has good
23 reason to suspect that a person having a ~~venereal disease~~ sexually
24 transmitted infection (STI) is so conducting ~~himself~~ as to expose

1 other persons to infection, or is about to so conduct ~~himself~~, he
2 the person shall notify the local health officer of the name and
3 address of the diseased person and the essential facts in the case.

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

6 Section 1-529. All local health officers shall use every
7 available means to ascertain the existence of, and to investigate
8 all cases of, ~~venereal disease~~ sexually transmitted infection (STI)
9 within their respective jurisdictions, and to ascertain the sources
10 of such infections; and shall make examination of any person
11 reported two or more times as a suspected source of ~~venereal~~
12 infection an STI.

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

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

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

24

1 (c) Boards of county commissioners and governing boards of all
2 incorporated towns and cities may provide suitable places for the
3 detention of persons who may be subject to quarantine and who should
4 be segregated.

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

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

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

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

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

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

24

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

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

6 B. On or before January 1, 1994, the State Department of Health
7 shall submit a State Plan for the Prevention and Treatment of
8 Acquired Immune Deficiency Syndrome (AIDS) to the Governor, the
9 President Pro Tempore of the Oklahoma State Senate, the Speaker of
10 the Oklahoma House of Representatives, the chairmen of the
11 appropriate committees of the Senate and the House of
12 Representatives, and the chief executive officer and members of the
13 governing bodies of each agency affected by the State Plan. Copies
14 of the State Plan for the Prevention and Treatment of AIDS shall be
15 available to members of the Oklahoma Legislature and the general
16 public upon request.

17 C. The State Plan for the Prevention and Treatment of AIDS
18 shall be prepared jointly by the State Department of Health, the
19 Department of Human Services, the State Department of Education, and
20 the Department of Mental Health and Substance Abuse Services in
21 collaboration with other appropriate public and private agencies and
22 organizations.

23 ~~D. The State Plan for the Prevention and Treatment of AIDS~~
24 ~~shall be reviewed annually by the entities responsible for the~~

1 ~~preparation of the plan and modified as necessary and appropriate.~~
2 ~~On or before October 1 of each year the State Department of Health~~
3 ~~shall prepare a report of the annual review, including any~~
4 ~~modifications to the State Plan and any recommendations for the~~
5 ~~continued development of programs and services for the prevention~~
6 ~~and treatment of AIDS. The annual report shall be submitted and~~
7 ~~made available in the same manner as the State Plan, as provided in~~
8 ~~subsection B of this section.~~

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

11 Section 1-873. A. The State Board of Health, with the advice
12 of the Long-Term Care Facility Advisory Board, created pursuant to
13 Section 1-1923 of ~~Title 63 of the Oklahoma Statutes~~ this title,
14 shall define minimum adult day care licensure requirements and rules
15 including standards for:

- 16 1. Health and social services which may be provided to
17 participants;
- 18 2. The range of services to be provided by a center based on
19 the type of participants to be served;
- 20 3. Staff to participant ratios;
- 21 4. Staff and volunteer qualifications;
- 22 5. Staff training;
- 23 6. Food services;
- 24 7. Participant records and care plans;

- 1 8. Antidiscrimination policies;
- 2 9. Sanitary and fire standards; and
- 3 10. Any other requirements necessary to ensure the safety and
- 4 well-being of frail elderly and disabled adults.

5 B. Centers to be licensed shall include all adult day care
6 centers. Sheltered workshops and senior recreational centers which
7 do not receive participant fees for services are not required to be
8 licensed. It shall be unlawful to operate a center without first
9 obtaining a license for such operation as required by the Adult Day
10 Care Act, regardless of other licenses held by the operator.
11 Organizations operating more than one center shall obtain a license
12 for each site.

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

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

18 and

19 4. ~~Expire on July 31 of each year~~ twelve (12) months from the
20 date of issuance, provided an initial license shall expire one
21 hundred eighty (180) days after the date of issuance. Licenses may
22 be issued for a period of more than twelve (12) months, but not more
23 than twenty-four (24) months, for the licensing period immediately

24

1 following November 1, 2011, in order to permit an equitable
2 distribution of license expiration dates to all months of the year.

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

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

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

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

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

17 (b) For the purposes of this article, the advertisement of a
18 drug or device representing it to have any effect in albuminuria,
19 appendicitis, arteriosclerosis, blood poison, bone disease, Bright's
20 disease, cancer, carbuncles, cholecystitis, diabetes, diphtheria,
21 dropsy, erysipelas, gallstone, heart and vascular diseases, high
22 blood pressure, mastoiditis, measles, meningitis, mumps, nephritis,
23 otitis media, paralysis, pneumonia, poliomyelitis (infantile
24 paralysis), prostate gland disorders, pyelitis, scarlet fever,

1 sexual impotence, sinus infection, smallpox, tuberculosis, tumors,
2 typhoid, uremia, or ~~venereal disease~~ sexually transmitted infection
3 (STI) shall also be deemed to be false, except that no advertisement
4 not in violation of subsection (a) of this section shall be deemed
5 to be false under this subsection if it is disseminated only to
6 members of the medical, dental, or veterinary professions, or
7 appears only in scientific periodicals of those professions, or is
8 disseminated only for the purpose of public health education by
9 persons not commercially interested, directly or indirectly, in the
10 sale of drugs or devices; provided, that whenever the State
11 Commissioner of Health determines that an advance in medical science
12 has made any type of self-medication safe as to any of the diseases
13 named above, the State Board of Health shall by regulation authorize
14 the advertisement of drugs having curative or therapeutic effect for
15 such disease, subject to such conditions and restrictions as the
16 Board and the Commissioner may deem necessary in the interests of
17 public health; provided, that this subsection shall not be construed
18 as indicating that self-medication for disease other than those
19 named herein is safe or efficacious.

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

22 Section 1-1905. A. An application for a license, or renewal
23 thereof, to operate a facility shall be accompanied by a fee of Ten
24 Dollars (\$10.00) for each bed included in the maximum bed capacity

1 at such facility. All licenses shall be on a form prescribed by the
2 State Commissioner of Health, which shall include, but not be
3 limited to, the maximum bed capacity for which it is granted and the
4 date the license was issued. The license shall:

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

8 and

9 4. ~~Expire on July 30 of each year~~ twelve (12) months from the
10 date of issuance, provided an initial license shall expire one
11 hundred eighty (180) days after the date of issuance. Licenses may
12 be issued for a period of more than twelve (12) months, but not more
13 than twenty-four (24) months, for the license period immediately
14 following the effective date of this provision in order to permit an
15 equitable distribution of license expiration dates to all months of
16 the year.

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

22 C. The issuance or renewal of a license after notice of a
23 violation has been sent shall not constitute a waiver by the State
24 Department of Health of its power to rely on the violation as the

1 basis for subsequent license revocation or other enforcement action
2 under this act arising out of the notice of violation.

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

7 2. The transferor shall remain responsible for the operation of
8 the facility until such time as a license is issued to the
9 transferee.

10 3. The license granted to the transferee shall be subject to
11 the plan of correction submitted by the previous owner and approved
12 by the Department and any conditions contained in a conditional
13 license issued to the previous owner. If there are outstanding
14 violations and no approved plan of correction has been implemented,
15 the Department may issue a conditional license and plan of
16 correction as provided in this act.

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

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

24

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

3 Section 946. A. If death occurred under circumstances as
4 enumerated in Section 938 of this title, and if the body has been
5 buried without proper certification of death, it shall be the duty
6 of the medical examiner, upon ascertaining such facts, to notify the
7 Chief Medical Examiner and the district attorney of the county in
8 which the body was buried. The district attorney shall present
9 facts to the judge of the district court of that county, and the
10 judge, after a hearing, may by written order require the body to be
11 exhumed and an autopsy performed by the Chief Medical Examiner or
12 his designee. A copy of the court order for exhumation shall be
13 provided to the State Department of Health. A complete report of
14 the facts developed by the autopsy and the findings of the person
15 making the same shall be filed with the Chief Medical Examiner
16 without unnecessary delay and a copy furnished the district attorney
17 of the county within which the death occurred or within which the
18 body was buried, or both.

19 B. No order for exhumation, as provided for in subsection A of
20 this section, shall be made without notice of the hearing being
21 served upon the decedent's surviving spouse, parents or next of kin,
22 five (5) days prior to the hearing. The notice shall be served in
23 the same manner as provided for by law for the service of summons in
24 a civil action, shall include the date, time and place of the

1 hearing and shall advise the person so notified that he or she has
2 the right to appear and be heard by the court at that time.
3 Provided, that the district attorney may, by affidavit, advise the
4 court that the identity or whereabouts of any persons required to be
5 served with notice under this subsection is unknown and cannot be
6 ascertained with due diligence. Upon finding that the facts stated
7 in the affidavit are true, the court shall not require notice be
8 given.

9 SECTION 38. REPEALER 63 O.S. 2001, Sections 1-305, 1-
10 306, 1-307, 1-308, 1-309 and 1-519, are hereby repealed.

11 SECTION 39. This act shall become effective November 1, 2011.

12 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 4-6-11 - DO
13 PASS, As Amended.

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