

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 HOUSE BILL 1397

By: Cox

4  
5 AS INTRODUCED

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 amending 63 O.S. 2001, Section 1-214, as last amended  
16 by Section 1, Chapter 198, O.S.L. 2010 (63 O.S.  
17 Supp. 2010, Section 1-214), which relates to city-  
18 county health department; permitting city-county  
19 health department to perform health-related services;  
20 permitting city-county health department to submit  
21 insurance claims; amending 63 O.S. 2001, Section 1-  
22 301, as amended by Section 1, Chapter 187, O.S.L.  
23 2008 (63 O.S. Supp. 2010, Section 1-301), which  
24 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; amending  
63 O.S. 2001, Section 1-316, which relates to new  
birth certificates; 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 live birth nor identification  
purposes; amending 63 O.S. 2001, Section 1-318, which  
relates to fetal death certificates; removing  
provisions related to location of fetal death;  
amending 63 O.S. 2001, Section 1-319, which relates

1 to burial permits; requiring transit permit to  
2 transport dead bodies by certain individuals; 63 O.S.  
3 2001, Section 321, as amended by Section 61, Chapter  
4 116, O.S.L. 2006 (63 O.S. Supp. 2010, Section 1-321),  
5 which relates to amendment of certificates;  
6 permitting Board to promulgate certain rules;  
7 amending 63 O.S. 2001, Section 1-323, as last amended  
8 by Section 8, Chapter 226, O.S.L. 2010 (63 O.S. Supp.  
9 2010, Section 1-323), which relates to vital  
10 statistics records; amending Section 1, Chapter 384,  
11 O.S.L. 2003 (63 O.S. 2010, Section 1-324.1), which  
12 relates to the prohibition of certain acts regarding  
13 certain certificates; prohibiting certain act  
14 regarding certain certificates; modifying certain  
15 penalties; prohibiting certain acts regarding  
16 disinterment permits; providing penalties; amending  
17 63 O.S. 2001, Section 1-325, which relates to fees  
18 for certain records; permitting fees to be paid by  
19 credit cards; amending 63 O.S. 2001, Section 1-329.1,  
20 which relates to permit for disposal of bodies;  
21 amending 63 O.S. 2001, Section 1-502.2, as last  
22 amended by Section 6, Chapter 393, O.S.L. 2008 (63  
23 O.S. Supp. 2010, Section 1-502.2), which relates to  
24 the confidentiality of certain information; 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;  
amending 63 O.S. 2001, Section 1-524, as last amended  
by Section 1, Chapter 346, O.S.L. 2003 (63 O.S. Supp.  
2010, Section 1-524), which relates to required  
testing of persons in prison; amending Section 2,  
Chapter 346, O.S.L. 2003 (63 O.S. Supp. 2010, Section  
524.1), which relates to the required examination of  
certain arrested persons; amending 63 O.S. 2001,  
Section 1-525, which relates to the prescriptions and  
records of certain persons; amending 63 O.S. 2001,  
Section 1-526, which relates to certain Board rules  
and regulations; amending 63 O.S. 2001, Section 1-  
527, which relates to reports of venereal disease;  
amending 63 O.S. 2001, Section 1-528, which relates  
to required instruction of certain persons by  
physician; amending 63 O.S. 2001, Section 1-529,  
which relates to certain investigations by health

1 officers; amending 63 O.S. 2001, Section 1-530, which  
2 relates to the protection against spread of certain  
3 disease; amending 63 O.S. 2001, Section 1-531, which  
4 relates to the issuance of certain certificates;  
5 amending 63 O.S. 2001, Section 1-532, which relates  
6 to the publicity of information and reports of  
7 certain persons; amending 63 O.S. 2001, Section 1-  
8 532.1, which relates to the consent of a minor to be  
9 examined and treated for certain disease; amending 63  
10 O.S. 2001, Section 1-534.1, which relates to the  
11 state plan for HIV services; deleting requirement  
12 that state plan be reviewed annually; amending 63  
13 O.S. 2001, Section 1-873, which relates to minimum  
14 adult day care licensure requirements; providing  
15 certain licenses may be issued for more than twelve  
16 months; amending 63 O.S. 2001, Section 1-1412, which  
17 relates to false advertisement of drugs; amending 63  
18 O.S. 2001, Section 1-1905, which relates to licenses  
19 for certain facilities; providing certain licenses  
20 may be issued for more than twelve months; amending  
21 63 O.S. 2001, Section 946, which relates to exhuming  
22 of bodies; requiring certain court order be provided  
23 to the Department; amending 63 O.S. 2001, Section  
24 2602, which relates to the right of minors to consent  
to certain services under certain conditions;  
repealing 63 O.S. 2001, Section 1-305, 1-306, 1-307,  
1-308, 1-309 and 1-519, which relate to local  
registrars; providing for codification; and providing  
an effective date.

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

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

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

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

4           2. Fix and collect fees for the certification of compliance of  
5 health maintenance organizations pursuant to the provisions of  
6 Section 7 6907 of Title 36 of the Oklahoma Statutes Health  
7 ~~Maintenance Organization Act of 2003; and~~

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

22           B. All actions of the Department shall be subject to the  
23 provisions of the Administrative Procedures Act.

24

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

3 SECTION 2. AMENDATORY Section 1, Chapter 101, O.S.L.  
4 2006, as amended by Section 1, Chapter 119, O.S.L. 2008 (63 O.S.  
5 Supp. 2010, Section 1-105f), is amended to read as follows:

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

8 1. Coordinate audits and investigations and make reports to the  
9 State Board of Health and State Commissioner of Health within the  
10 State Department of Health and State Health Officer relating to the  
11 administration of programs and operations of the State Department of  
12 Health;

13 2. Except as otherwise prohibited by current law, access all  
14 records, reports, audits, reviews, documents, papers,  
15 recommendations, or other material which relate to programs and  
16 operations with respect to which the Director of the Office of  
17 Accountability Systems has responsibilities;

18 3. Request assistance from other state, federal and local  
19 government agencies;

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

24

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

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

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

12 8. Keep confidential all actions and records relating to OAS  
13 complaints.

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

16 1. Keep the State Board of Health and the State Commissioner of  
17 Health fully informed of matters relating to fraud, abuses,  
18 deficiencies and other serious problems of which the Director is  
19 aware relating to the administration of programs and operations  
20 within the State Department of Health. Further, the Director shall  
21 recommend corrective action concerning such matters and report to  
22 the State Board of Health and the State Commissioner of Health on  
23 the progress of the corrective matters;

24

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

18           3. Report expeditiously to the appropriate law enforcement  
19 entity whenever the Director has reasonable grounds to believe that  
20 there has been a felonious violation of state or federal criminal  
21 law.

22           SECTION 3.           AMENDATORY           63 O.S. 2001, Section 1-214, as  
23 last amended by Section 1, Chapter 198, O.S.L. 2010 (63 O.S. Supp.  
24 2010, Section 1-214), is amended to read as follows:

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

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

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

21 D. The qualifications of the director shall be determined by  
22 the city-county board of health, with the advice of the State  
23 Commissioner of Health, and subject to approval by the governing  
24 body of the city and the board of county commissioners of the

1 county. The director, with the approval of the city-county board of  
2 health, the board of county commissioners of the county, and the  
3 governing body of the city, or the city manager in cities having a  
4 managerial form of government, shall appoint other personnel of the  
5 department.

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

21 F. Such city-county health department shall, under the  
22 supervision of the director, enforce and administer all municipal  
23 and county ordinances, rules and regulations, and all state laws,  
24 and rules and regulations of the State Board of Health pertaining to

1 public health matters in the jurisdiction where it is created, or in  
2 any area where it has jurisdiction to operate by agreement.

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

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

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

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

3        2. "System of vital statistics" means the registration,  
4 collection, preservation, amendment and certification of vital  
5 statistics records, and activities related thereto, including the  
6 tabulation, analysis and publication of statistical data derived  
7 from such records;

8        3. "Filing" means the presentation of a certificate, report or  
9 other record provided for in this article, of a birth, death, fetal  
10 death or adoption, for registration by the State Commissioner of  
11 Health;

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

16       5. "Live birth" means the complete expulsion or extraction from  
17 the mother of a product of human conception, irrespective of the  
18 duration of pregnancy, which, after such expulsion or extraction,  
19 breathes or shows any other evidence of life such as beating of the  
20 heart, pulsation of the umbilical cord or definite movement of  
21 voluntary muscles, whether or not the umbilical cord has been cut or  
22 the placenta is attached;

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

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

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

10       9. "Dead body" means an individual who is determined to be dead  
11 pursuant to the provisions of the Uniform Determination of Death  
12 Act;

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

15       11. "Physician" means a person who is a member of the class of  
16 persons authorized to use the term "physician" pursuant to Section  
17 725.2 of Title 59 of the Oklahoma Statutes; ~~and~~

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

22       13. "Disinterment" means the recovery of human remains by  
23 exhumation or disentombment. "Disinterment" does not include the  
24 raising and lowering of remains to accommodate two interments within

1 a single grave and does not include the repositioning of an outside  
2 burial container that encroaches on adjoining burial space.

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

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

6 (1) administer and enforce this article and the rules and  
7 regulations issued hereunder, and issue instructions for the  
8 efficient administration of the statewide system of vital  
9 statistics.

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

12 (3) ~~direct, supervise and control the activities of local~~  
13 ~~registrars.~~

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

16 ~~(5)~~ (4) prepare and publish reports of vital statistics of this  
17 state, and such other reports as may be required by law.

18 (b) The Commissioner may delegate such functions and duties  
19 vested in ~~him~~ the Commissioner to employees of the State Department  
20 of Health and to the local registrars as ~~he~~ the Commissioner deems  
21 necessary or expedient.

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

24

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

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

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

17 1. The physician in attendance at or immediately after the  
18 birth;

19 2. Any other person in attendance at or immediately after the  
20 birth; or

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

24

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

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

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

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

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

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

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

17        (1) the date and place of finding.

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

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

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

22        (b) The place where the child was found shall be entered as the  
23 place of birth and the date of birth shall be determined by  
24 approximation.

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

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

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

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

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

19 2. A request that a new certificate be established and such  
20 evidence as required by regulation proving that such person has been  
21 legitimated, or that a court of competent jurisdiction has  
22 determined the paternity of such a person.

23  
24

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

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

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

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

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

1 ~~the birth record~~ shall not be used as evidence of live birth nor  
2 identification purposes.

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

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

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

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

23 ~~(1) if the place of fetal death is unknown, a fetal death~~  
24 ~~certificate shall be filed in the registration district in which a~~

1 ~~dead fetus was found, within three (3) days after the occurrence,~~  
2 ~~and~~

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

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

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

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

21 Section 1-319. A. No dead body shall be transported within  
22 this state by any person other than a licensed funeral director,  
23 licensed embalmer, licensed emergency medical services, medical  
24 examiner, or agent of a licensed funeral director or licensed

1 embalmer until they first obtain a transit permit issued by the  
2 State Registrar of Vital Records.

3 B. A burial transit permit issued under the laws of another  
4 state which accompanies a dead body or fetus brought into this state  
5 shall be authority for final disposition of the body or fetus in  
6 this state.

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

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

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

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

23 (b) A certificate that is amended under this section shall be  
24 marked "amended", except as provided in subsection (d) of this

1 section. The date of amendment and a summary description of the  
2 evidence submitted in support of the amendment shall be endorsed on  
3 or made a part of the record. The Board shall prescribe by  
4 regulation the conditions under which additions or minor corrections  
5 shall be made to birth certificates within one (1) year after the  
6 date of birth without the certificate being considered as amended.

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

12 (d) When a child is born out of wedlock, the Commissioner shall  
13 amend a certificate of birth to show paternity, if paternity is not  
14 currently shown on the birth certificate, in the following  
15 situations:

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

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

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

22 (1) To the specified surname upon receipt of acknowledgment of  
23 paternity signed by both parents or upon receipt of a certified copy  
24 of a court order directing such name be changed. Such certificate

1 amended pursuant to this subsection shall not be marked "amended";  
2 or

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

5 (f) The State Board of Health shall have the power and duty to  
6 promulgate rules as follows:

7 (1) When the State Registrar has received false information  
8 regarding the identity of a parent; and

9 (2) When the State Registrar has received a request to change  
10 the gender on a birth record following gender reassignment surgery.

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

14 Section 1-323. A. To protect the integrity of vital statistics  
15 records, to insure their proper use, and to insure the efficient and  
16 proper administration of the vital statistics system, it shall be  
17 unlawful for any person to permit inspection of, or to disclose  
18 information contained in, vital statistics records, or to copy or  
19 issue a copy of all or part of any such record except to the person  
20 who is the subject of the record or in such person's interest unless  
21 ordered to do so by a court of competent jurisdiction; ~~provided,~~  
22 ~~however, that death certificates shall be issued upon request and~~  
23 ~~the payment of applicable fees as provided in Section 1-325 of this~~  
24 Code. Certified copies of birth certificates and death certificates

1 shall be provided without cost and without a court order to the  
2 Attorney General or to any district attorney upon request in the  
3 course of a criminal investigation.

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

7 C. The State Department of Health shall transmit to the  
8 Department of Public Safety<sup>†</sup>:

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

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

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

24

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

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

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

18 ~~G.~~ F. The Commissioner shall authorize the transmission of  
19 death certificates to the Department of Labor for the purpose of the  
20 Department of Labor conducting a census of total occupational  
21 injuries and illnesses. The Department shall transmit to the  
22 Department of Labor statistics of fatal occupational injuries that  
23 shall include the following:

24 1. Name of the deceased;

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

10        H. The Department of Labor shall be required to protect the  
11 integrity of the vital statistics records to the same extent  
12 required of the Department pursuant to this section.

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

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

18        1. Create, issue, present or possess a fictitious birth, death  
19 or stillbirth certificate;

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

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

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

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

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

9 7. Knowingly presenting a false or forged certificate for  
10 filing.

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

18 C. A violation of any of the provisions of this section shall  
19 constitute a ~~misdemeanor for a first offense and, upon conviction,~~  
20 ~~shall be punishable by a fine not exceeding Ten Thousand Dollars~~  
21 ~~(\$10,000.00). Any second or subsequent offense shall constitute a~~  
22 ~~felony and, upon conviction, shall be punishable by a fine of Ten~~  
23 ~~Thousand Dollars (\$10,000.00) or imprisonment in the State~~

1 ~~Penitentiary for a term of not more than two (2) years, or by both~~  
2 ~~such fine and imprisonment~~ felony.

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

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

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

- 17 1. Create, issue, or present a fictitious disinterment permit;
- 18 2. Apply for a disinterment permit under false pretenses;
- 19 3. Alter information contained on a disinterment permit;
- 20 4. Obtain, display or represent a disinterment permit for the  
21 purpose of fraud;
- 22 5. Make a false statement or knowingly conceal a material fact  
23 or otherwise commit fraud in an application for a disinterment  
24 permit; or

1       6. Reinter the remains in a location other than that specified  
2 on the permit.

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

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

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

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

24

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

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

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

13 When the person legally responsible for disposition of a dead  
14 human body, whose death occurred or was pronounced within this  
15 state, desires that the body be cremated, buried at sea, or made  
16 unavailable for further pathologic study by other recognized means  
17 of destruction or dissolution of such remains, that person shall  
18 complete an application-permit form for such procedure provided by  
19 the Office of the Chief Medical Examiner. The Office of the Chief  
20 Medical Examiner shall charge a fee of One Hundred Dollars (\$100.00)  
21 for each cremation permit issued. The Medical Examiner shall be  
22 notified, as required in Section 938 of this title. He shall  
23 perform the required investigation and shall issue a valid death  
24 certificate as required by Section 947 of this title and execute the

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

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

24

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

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

- 22 1. Release is made upon court order;
- 23 2. Release is made in writing, by or with the written consent  
24 of the person whose information is being kept confidential or with

1 the written consent of the legal guardian or legal custodian of such  
2 person, or if such person is a minor, with the written consent of  
3 the parent or legal guardian of such minor;

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

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

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

22 6. Release is made of specific medical or epidemiological  
23 information for statistical purposes whether within the State of  
24

1 Oklahoma or throughout the United States, in such a way that no  
2 person can be identified;

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

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

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

20 b. for law enforcement authorities to identify or  
21 apprehend an individual where it appears from all the  
22 circumstances that the individual has escaped from a  
23 correctional institution or from lawful custody.

24

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

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

23            a. the parent, parents, legal representative, or legal  
24                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. The membership of the multidisciplinary advisory committee shall include, but not be limited to, the following:

1. The State Commissioner of Health or designee;

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

2        3. The state epidemiologist or designee;

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

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

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

19        E. Upon advice of the multidisciplinary advisory committee, the  
20 State Commissioner of Health or designee may notify an appropriate  
21 official at the health care facility where the HIV/HBV-infected  
22 health care worker practices that the health care worker is  
23 seropositive for HIV and/or HBV. Notification shall be made only  
24 when necessary to monitor the ability of the HIV/HBV-infected health

1 care worker to comply with universal precautions and appropriate  
2 infection control practices, and/or to monitor the ongoing  
3 functional capacity of the health care worker to perform his or her  
4 duties. Notification shall occur through one of the following  
5 officials:

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

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

17 G. Any person who negligently, knowingly or intentionally  
18 discloses or fails to protect medical or epidemiological information  
19 classified as confidential pursuant to this section, upon  
20 conviction, shall be guilty of a misdemeanor punishable by the  
21 imposition of a fine of not less than One Thousand Dollars  
22 (\$1,000.00) or by imprisonment in the county jail for not more than  
23 thirty (30) days, or by both such fine and imprisonment.

24

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

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

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

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

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

24

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

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

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

14 Section 1-520. Any physician who shall, after having knowledge  
15 or information that any person is or may be an infected person,  
16 sell, give or furnish to such infected person, or to any other  
17 person for such infected person, a discharge from treatment, or  
18 written instrument or statement pronouncing such infected person  
19 cured, before such infected person is actually cured of such  
20 ~~venereal disease~~ sexually transmitted infection (STI), shall be  
21 guilty of a misdemeanor. Provided, however, that no person who is  
22 infected with a ~~venereal disease~~ an STI but who has received  
23 treatment adequate to render ~~him~~ the person noninfectious shall be  
24 denied a permit to work, because of ~~his~~ the infection, in those

1 categories of employment where permits to work are required by state  
2 law or local ordinance.

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

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

16 SECTION 22. AMENDATORY 63 O.S. 2001, Section 1-524, as  
17 last amended by Section 1, Chapter 346, O.S.L. 2003 (63 O.S. Supp.  
18 2010, Section 1-524), is amended to read as follows:

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

23 B. Any licensed physician may examine persons who are arrested  
24 by lawful warrant for prostitution, or other sex crimes not

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

1 health officer or physician. In the event a person infected with a  
2 ~~venereal disease~~ sexually transmitted infection (STI) refuses or  
3 fails to submit to treatment, then such person may be quarantined  
4 for the purpose of treatment, and a report thereof shall be made to  
5 the Commissioner.

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

11 SECTION 23. AMENDATORY Section 2, Chapter 346, O.S.L.  
12 2003 (63 O.S. Supp. 2010, Section 1-524.1), is amended to read as  
13 follows:

14 Section 1-524.1 A. A licensed physician shall examine persons  
15 who are arrested by lawful warrant for the offense of first or  
16 second degree rape, forcible sodomy or the intentional infection or  
17 attempt to intentionally infect a person with the human  
18 immunodeficiency virus for the purpose of determining if the person  
19 is infected with a ~~venereal disease~~ sexually transmitted infection  
20 (STI), including, but not limited to, the human immunodeficiency  
21 virus (HIV). For purposes of expediting such examination, in  
22 counties with a population of greater than four hundred thousand  
23 (400,000), the county sheriff or the chief of police of any  
24 municipality with a population of greater than two hundred thousand

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

22 B. The district attorney shall file a motion for a court-  
23 ordered examination and testing of the person arrested for the  
24 offenses specified in subsection A of this section at the time the

1 criminal charges are filed or the court may provide a standing order  
2 for such examination and testing which shall issue automatically at  
3 the time of arrest for the offenses specified in subsection A of  
4 this section.

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

17 D. The examination and testing required by this section shall  
18 not be for evidentiary purposes and shall be expedited and conducted  
19 solely to screen for and identify the need for the victim's  
20 treatment due to potential exposure to ~~veneral diseases~~ sexually  
21 transmitted infections (STIs). A confirmation examination and test  
22 may be conducted following any examination or test yielding a  
23 positive result that is not conclusive of the presence of the human  
24

1 immunodeficiency virus (HIV) or other ~~venereal diseases~~ sexually  
2 transmitted infection (STIs).

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

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

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

15 3. A provision requiring copies of the examination report and  
16 test results be forwarded by the physician, clinic or hospital that  
17 conducted such examination and tests to the designated physician or  
18 counseling site as made known to the Victim Witness Coordinator by  
19 the victim, or if not specified by the victim then copies of the  
20 reports and results shall be forwarded to the Victim Witness  
21 Coordinator. Results of examinations and tests shall be forwarded  
22 within three (3) days of completion of the examination or testing;

23 4. A provision that the victim be notified within three (3)  
24 days of the receipt of the examination report and test results by

1 the designated physician or counseling site as designated by the  
2 victim or the Victim Witness Coordinator, if no designation has been  
3 made by the victim;

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

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

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

20 G. When the examination and test results indicate infection of  
21 any ~~venereal disease~~ sexually transmitted infection (STI), the  
22 victim shall be treated by the State Commissioner of Health or local  
23 health officer, or a physician of the victim's own choice, until  
24

1 noninfectious or dismissed by the Commissioner, local health officer  
2 or physician.

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

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

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

20 K. For purposes of this section, the term "initial appearance"  
21 shall refer to the first court appearance of an individual, in  
22 person or by closed circuit television, before a magistrate on a  
23 presentment, indictment or preliminary information on a felony  
24 offense.

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

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

1 (STI) or communicable disease for which the arrestee tests positive,  
2 as indicated in the transmitted record of diagnosis. Such testing  
3 shall be accompanied with pretest and post-test counseling. Such  
4 counseling shall include the provision of information to the victim  
5 or the parent, legal guardian or custodian of the victim concerning  
6 the venereal or communicable disease indicated in the transmitted  
7 record and the location of public and private facilities in the  
8 vicinity offering tests and counseling for persons who have the  
9 ~~venereal~~ sexually transmitted infection (STI) or communicable  
10 disease.

11 B. The State Board of Health shall promulgate rules and  
12 regulations for the examination authorized or required by Section 1-  
13 524 of this title and for the release of records containing results  
14 of examinations authorized by subsection A of this section. The  
15 rules and regulations shall establish procedural guidelines which  
16 respect the rights of the person arrested for the alleged offense  
17 and the victim of the alleged offense.

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

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

24

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

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

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

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

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

24

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

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

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

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

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

21 (c) Boards of county commissioners and governing boards of all  
22 incorporated towns and cities may provide suitable places for the  
23 detention of persons who may be subject to quarantine and who should  
24 be segregated.

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

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

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

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

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

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

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

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

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

12 C. The State Plan for the Prevention and Treatment of AIDS  
13 shall be prepared jointly by the State Department of Health, the  
14 Department of Human Services, the State Department of Education, and  
15 the Department of Mental Health and Substance Abuse Services in  
16 collaboration with other appropriate public and private agencies and  
17 organizations.

18 ~~D. The State Plan for the Prevention and Treatment of AIDS~~  
19 ~~shall be reviewed annually by the entities responsible for the~~  
20 ~~preparation of the plan and modified as necessary and appropriate.~~  
21 ~~On or before October 1 of each year the State Department of Health~~  
22 ~~shall prepare a report of the annual review, including any~~  
23 ~~modifications to the State Plan and any recommendations for the~~  
24 ~~continued development of programs and services for the prevention~~

1 ~~and treatment of AIDS. The annual report shall be submitted and~~  
2 ~~made available in the same manner as the State Plan, as provided in~~  
3 ~~subsection B of this section.~~

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

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

- 11 1. Health and social services which may be provided to  
12 participants;
- 13 2. The range of services to be provided by a center based on  
14 the type of participants to be served;
- 15 3. Staff to participant ratios;
- 16 4. Staff and volunteer qualifications;
- 17 5. Staff training;
- 18 6. Food services;
- 19 7. Participant records and care plans;
- 20 8. Antidiscrimination policies;
- 21 9. Sanitary and fire standards; and
- 22 10. Any other requirements necessary to ensure the safety and  
23 well-being of frail elderly and disabled adults.

24

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

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

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

14 and

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

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

24

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

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

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

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

13 (b) For the purposes of this article, the advertisement of a  
14 drug or device representing it to have any effect in albuminuria,  
15 appendicitis, arteriosclerosis, blood poison, bone disease, Bright's  
16 disease, cancer, carbuncles, cholecystitis, diabetes, diphtheria,  
17 dropsy, erysipelas, gallstone, heart and vascular diseases, high  
18 blood pressure, mastoiditis, measles, meningitis, mumps, nephritis,  
19 otitis media, paralysis, pneumonia, poliomyelitis (infantile  
20 paralysis), prostate gland disorders, pyelitis, scarlet fever,  
21 sexual impotence, sinus infection, smallpox, tuberculosis, tumors,  
22 typhoid, uremia, or ~~venereal disease~~ sexually transmitted infection  
23 (STI) shall also be deemed to be false, except that no advertisement  
24 not in violation of subsection (a) of this section shall be deemed

1 to be false under this subsection if it is disseminated only to  
2 members of the medical, dental, or veterinary professions, or  
3 appears only in scientific periodicals of those professions, or is  
4 disseminated only for the purpose of public health education by  
5 persons not commercially interested, directly or indirectly, in the  
6 sale of drugs or devices; provided, that whenever the State  
7 Commissioner of Health determines that an advance in medical science  
8 has made any type of self-medication safe as to any of the diseases  
9 named above, the State Board of Health shall by regulation authorize  
10 the advertisement of drugs having curative or therapeutic effect for  
11 such disease, subject to such conditions and restrictions as the  
12 Board and the Commissioner may deem necessary in the interests of  
13 public health; provided, that this subsection shall not be construed  
14 as indicating that self-medication for disease other than those  
15 named herein is safe or efficacious.

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

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

- 1 1. Not be transferable or assignable;
- 2 2. Be posted in a conspicuous place on the licensed premises;
- 3 3. Be issued only for the premises named in the application;
- 4 and
- 5 4. ~~Expire on July 30 of each year~~ twelve (12) months from the  
6 date of issuance, provided an initial license shall expire one  
7 hundred eighty (180) days after the date of issuance. Licenses may  
8 be issued for a period of more than twelve (12) months, but not more  
9 than twenty-four (24) months, for the license period immediately  
10 following the effective date of this provision in order to permit an  
11 equitable distribution of license expiration dates to all months of  
12 the year.

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

18 C. 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 rely on the violation as the  
21 basis for subsequent license revocation or other enforcement action  
22 under this act arising out of the notice of violation.

23 D. 1. When transfer of ownership or operation of a facility is  
24 proposed, the transferee shall notify the Department of the transfer

1 and apply for a new license at least thirty (30) days prior to final  
2 transfer.

3 2. The transferor shall remain responsible for the operation of  
4 the facility until such time as a license is issued to the  
5 transferee.

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

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

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

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

22 Section 946. A. If death occurred under circumstances as  
23 enumerated in Section 938 of this title, and if the body has been  
24 buried without proper certification of death, it shall be the duty

1 of the medical examiner, upon ascertaining such facts, to notify the  
2 Chief Medical Examiner and the district attorney of the county in  
3 which the body was buried. The district attorney shall present  
4 facts to the judge of the district court of that county, and the  
5 judge, after a hearing, may by written order require the body to be  
6 exhumed and an autopsy performed by the Chief Medical Examiner or  
7 his designee. A copy of the court order for exhumation shall be  
8 provided to the State Department of Health. A complete report of  
9 the facts developed by the autopsy and the findings of the person  
10 making the same shall be filed with the Chief Medical Examiner  
11 without unnecessary delay and a copy furnished the district attorney  
12 of the county within which the death occurred or within which the  
13 body was buried, or both.

14 B. No order for exhumation, as provided for in subsection A of  
15 this section, shall be made without notice of the hearing being  
16 served upon the decedent's surviving spouse, parents or next of kin,  
17 five (5) days prior to the hearing. The notice shall be served in  
18 the same manner as provided for by law for the service of summons in  
19 a civil action, shall include the date, time and place of the  
20 hearing and shall advise the person so notified that he or she has  
21 the right to appear and be heard by the court at that time.

22 Provided, that the district attorney may, by affidavit, advise the  
23 court that the identity or whereabouts of any persons required to be  
24 served with notice under this subsection is unknown and cannot be

1 | ascertained with due diligence. Upon finding that the facts stated  
2 | in the affidavit are true, the court shall not require notice be  
3 | given.

4 | SECTION 38. AMENDATORY 63 O.S. 2001, Section 2602, is  
5 | amended to read as follows:

6 | Section 2602. A. Notwithstanding any other provision of law,  
7 | the following minors may consent to have services provided by health  
8 | professionals in the following cases:

9 | 1. Any minor who is married, has a dependent child or is  
10 | emancipated;

11 | 2. Any minor who is separated from his parents or legal  
12 | guardian for whatever reason and is not supported by his parents or  
13 | guardian;

14 | 3. Any minor who is ~~or has been~~ at risk of becoming pregnant,  
15 | may have been exposed to or afflicted with any ~~reportable~~  
16 | communicable disease, drug and substance abuse or abusive use of  
17 | alcohol; provided, however, that such self-consent only applies to  
18 | the prevention, diagnosis and treatment of those conditions  
19 | specified in this section. Any health professional who accepts the  
20 | responsibility of providing such health services also assumes the  
21 | obligation to provide counseling for the minor by a health  
22 | professional. If the minor is found not to be pregnant nor  
23 | suffering from a communicable disease nor drug or substance abuse  
24 | nor abusive use of alcohol, the health professional shall not reveal

1 any information whatsoever to the spouse, parent or legal guardian,  
2 without the consent of the minor;

3 4. Any minor parent as to his child;

4 5. Any spouse of a minor when the minor is unable to give  
5 consent by reason of physical or mental incapacity;

6 6. Any minor who by reason of physical or mental capacity  
7 cannot give consent and has no known relatives or legal guardian, if  
8 two physicians agree on the health service to be given; or

9 7. Any minor in need of emergency services for conditions which  
10 will endanger his health or life if delay would result by obtaining  
11 consent from his spouse, parent or legal guardian; provided,  
12 however, that the prescribing of any medicine or device for the  
13 prevention of pregnancy shall not be considered such an emergency  
14 service.

15 If any minor falsely represents that he may give consent and a  
16 health professional provides health services in good faith based  
17 upon that misrepresentation, the minor shall receive full services  
18 without the consent of the minor's parent or legal guardian and the  
19 health professional shall incur no liability except for negligence  
20 or intentional harm. Consent of the minor shall not be subject to  
21 later disaffirmance or revocation because of his minority.

22 B. The health professional shall be required to make a  
23 reasonable attempt to inform the spouse, parent or legal guardian of  
24 the minor of any treatment needed or provided under paragraph 7 of

1 subsection A of this section. In all other instances the health  
2 professional may, but shall not be required to inform the spouse,  
3 parent or legal guardian of the minor of any treatment needed or  
4 provided. The judgment of the health professional as to  
5 notification shall be final, and his disclosure shall not constitute  
6 libel, slander, the breach of the right of privacy, the breach of  
7 the rule of privileged communication or result in any other breach  
8 that would incur liability.

9 Information about the minor obtained through care by a health  
10 professional under the provisions of this act shall not be  
11 disseminated to any health professional, school, law enforcement  
12 agency or official, court authority, government agency or official  
13 employer, without the consent of the minor, except through specific  
14 legal requirements or if the giving of the information is necessary  
15 to the health of the minor and public. Statistical reporting may be  
16 done when the minor's identity is kept confidential.

17 The health professional shall not incur criminal liability for  
18 action under the provisions of this act except for negligence or  
19 intentional harm.

20 SECTION 39. REPEALER 63 O.S. 2001, Sections 1-305, 1-  
21 306, 1-307, 1-308, 1-309 and 1-519, are hereby repealed.

22 SECTION 40. This act shall become effective November 1, 2011.

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24 53-1-5863 AM 01/19/11