

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 SENATE BILL 1028

By: Anderson

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6 AS INTRODUCED

7 An Act relating to Federally Qualified Health
8 Centers; amending 63 O.S. 2011, Section 1-713.1,
9 which relates to Federally Qualified Health Centers;
10 modifying certain requirement of Federally Qualified
11 Health Centers in the state; and providing an
12 effective date.

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

14 SECTION 1. AMENDATORY 63 O.S. 2011, Section 1-713.1, is
15 amended to read as follows:

16 Section 1-713.1. A. The Legislature finds that:

17 1. As providers of health care to medically underserved
18 populations, Federally Qualified Health Centers are extremely
19 beneficial to the citizens of Oklahoma;

20 2. The primary source of funding for Federally Qualified Health
21 Centers is through grants of funds by the Bureau of Primary Health
22 Care (BPHC) under Section 330 of the Public Health Service Act as
23 amended by the Health Centers Consolidation Act of 1996;

24 3. The receipt of federal grants is dependent upon compliance
with federal statutes, regulations and policies regarding the

1 mission, programs, governance, management and financial
2 responsibilities of such entities; and

3 4. In addition to federal grant monies, Federally Qualified
4 Health Centers in Oklahoma receive additional monies through the
5 appropriation of state funds.

6 B. In an effort to maintain the presence of Federally Qualified
7 Health Centers in Oklahoma and minimize the possibility of
8 jeopardizing federal funding for such entities, all Federally
9 Qualified Health Centers in Oklahoma that receive grants under
10 Section 330 of the Public Health Service Act shall:

11 1. Remain in compliance at all times with the federal statutes,
12 regulations and ~~policies~~ policies governing their existence at 42
13 U.S.C. 254b, 42 CFR 51c.303, 51c.304 and 51c.305, and BPHC Policy
14 Information Notice 98-23 or subsequent or additional guidance
15 regarding the health center program as provided by the Bureau of
16 Primary Health Care; and

17 2. Adhere to bylaws adopted in compliance with the federal
18 statutes, regulations and ~~policies~~ policies including, but not
19 limited to, provisions regarding the composition, functions and
20 responsibilities of boards of directors of Federally Qualified
21 Health Centers.

22 C. Further, the board of directors of a Federally Qualified
23 Health Center shall be considered a public body for purposes of the
24 Oklahoma Open Meeting Act and shall be subject to the provisions of

1 that act, including criminal penalties provided therein for
2 violations of that act.

3 D. Any Federally Qualified Health Center in Oklahoma that fails
4 to comply with federal statutes, regulations and policies governing
5 its existence shall be ineligible for state reimbursement for
6 uncompensated care. Further, the entity shall be ineligible to
7 receive such state reimbursement if the board of directors fails to
8 remove, for cause, any board member convicted of a misdemeanor for
9 violating the provisions of the Oklahoma Open Meeting Act, or any
10 board member against whom a civil judgment is rendered relating to
11 that member's service on the board.

12 E. The State Department of Health shall investigate reported
13 violations of this ~~act~~ section and, notwithstanding any other
14 provision, shall enforce this ~~act~~ section by not contracting to
15 reimburse the uncompensated care costs of any Federally Qualified
16 Health Center found to be in violation of the provisions of this ~~act~~
17 section. The Department shall further report any violations of
18 federal statutes, regulations and policies related to this ~~act~~
19 section to the Bureau of Primary Health Care or other appropriate
20 federal funding agency, and shall report violations of the Oklahoma
21 Open Meeting Act to the district attorney in the jurisdiction where
22 the entity is located.

23 F. In order to ensure that Federally Qualified Health Centers
24 in Oklahoma remain eligible to receive state reimbursement for

1 uncompensated care under the provisions of this ~~act~~ section, the
2 State Board of Health shall adopt rules, as it deems necessary and
3 appropriate, requiring board members of such entities to receive
4 board member training and establishing certification for entities to
5 provide such training.

6 SECTION 2. This act shall become effective November 1, 2012.

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