

1 STATE OF OKLAHOMA

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

3 SENATE BILL 566

By: Anderson

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5  
6 AS INTRODUCED

7 An Act relating to federally qualified health  
8 centers; amending Section 1, Chapter 41, O.S.L. 2005  
9 (63 O.S. Supp. 2010, Section 1-713.1), which relates  
10 to compliance with federal law; requiring compliance  
11 with certain guidance; and providing an effective  
12 date.

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

14 SECTION 1. AMENDATORY Section 1, Chapter 41, O.S.L. 2005  
15 (63 O.S. Supp. 2010, Section 1-713.1), is amended to read as  
16 follows:

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

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

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

1           3. The receipt of federal grants is dependent upon compliance  
2 with federal statutes, regulations and policies regarding the  
3 mission, programs, governance, management and financial  
4 responsibilities of such entities; and

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

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

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

18           2. Adhere to bylaws adopted in compliance with the federal  
19 statutes, regulations and polices including, but not limited to,  
20 provisions regarding the composition, functions and responsibilities  
21 of boards of directors of Federally Qualified 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 and, notwithstanding any other provision,  
14 shall enforce this act by not contracting to reimburse the  
15 uncompensated care costs of any Federally Qualified Health Center  
16 found to be in violation of the provisions of this act. The  
17 Department shall further report any violations of federal statutes,  
18 regulations and policies related to this act to the Bureau of  
19 Primary Health Care or other appropriate federal funding agency, and  
20 shall report violations of the Oklahoma Open Meeting Act to the  
21 district attorney in the jurisdiction where the entity is located.

22 F. In order to ensure that Federally Qualified Health Centers  
23 in Oklahoma remain eligible to receive state reimbursement for  
24 uncompensated care under the provisions of this act, the State Board

1 of Health shall adopt rules, as it deems necessary and appropriate,  
2 requiring board members of such entities to receive board member  
3 training and establishing certification for entities to provide such  
4 training.

5 SECTION 2. This act shall become effective November 1, 2011.

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