

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 1467

6 By: Murphey

7 COMMITTEE SUBSTITUTE

8 An Act relating to health; amending 10A O.S. 2011,
9 Section 1-9-102, which relates to the Oklahoma
10 Children's Code; transferring duties from the Child
11 Abuse Training and Coordination Council to the Infant
12 and Children's Health Advisory Council; amending 47
13 O.S. 2011, Section 1135.3, which relates to special
14 license plates; requiring organ, eye and tissue
15 license plate to be designed in consultation with the
16 State Department of Health; amending 59 O.S. 2011,
17 Section 61.1, which relates to licensing barbers;
18 directing consideration of recommendations by the
19 Consumer Protection Licensing Advisory Council;
20 amending 59 O.S. 2011, Sections 1150.2, 1150.3,
21 1150.7, 1150.8 and 1150.9, which relate to the
22 Oklahoma Sanitarian and Environmental Specialist
23 Registration Act; modifying definition; directing
24 consideration of recommendations by the Consumer
Protection Licensing Advisory Council; granting State
Department of Health authority to approve
registration; mandating Department to conduct
examinations biannually; modifying entity to certify
applicants; amending 59 O.S. 2011, Sections 1902,
1905 and 1919, which relate to the Licensed
Professional Counselors Act; modifying definition;
directing consideration of recommendations by the
Counseling Advisory Council; amending 59 O.S. 2011,
Sections 1925.2, 1925.5 and 1925.18, which relate to
the Oklahoma Licensed Marital and Family Therapist
Advisory Board; modifying definition; directing
consideration of recommendations by the Counseling
Advisory Council; amending 59 O.S. 2011, Sections
1931, 1934, 1946, as amended by Section 290, Chapter
304, O.S.L. 2012 and 1947 (59 O.S. Supp. 2012,

1 Section 1946), which relate to the Licensed
2 Behavioral Practitioner Act; modifying definition;
3 directing consideration of recommendations by the
4 Counseling Advisory Council; designating certain fund
5 to be created for the State Department of Health;
6 amending 62 O.S. 2011, Section 155, as amended by
7 Section 446, Chapter 304, O.S.L. 2012 (62 O.S. Supp.
8 2012, Section 155), which relates to revolving funds;
9 deleting revolving fund for the State Barber Advisory
10 Board; creating the Oklahoma Public Health Advisory
11 Council Modernization Act; establishing eight
12 advisory councils to assist and advise the State
13 Department of Health; providing for meetings;
14 providing for appointments to each advisory council;
15 providing for jurisdictional areas of each advisory
16 council; providing for powers and duties of advisory
17 councils; providing for reimbursement expenses;
18 amending 63 O.S. 2011, Section 1-114.1, which relates
19 to the Comprehensive Childhood Lead Poisoning
20 Prevention Program; directing consideration of
21 recommendations by the Infant and Children's Health
22 Advisory Council; eliminating Childhood Lead
23 Poisoning Prevention Advisory Council; amending 63
24 O.S. 2011, Sections 1-118, 1-119 and 1-120, which
relate to the Division of Health Care Information
within the State Department of Health; eliminating
Health Care Information Advisory Committee; directing
consideration of recommendations by the Health Care
Advisory Council; amending 63 O.S. 2011, Sections 1-
227.1, 1-227.2 and 1-227.4, which relate to the Child
Abuse Prevention Act; deleting terms; directing
consideration of recommendations by the Infant and
Children's Health Advisory Council; eliminating the
interagency child abuse prevention task force;
transferring certain duty of task force to the State
Department of Health; deleting certain requirement of
Commissioner; amending 63 O.S. 2011, Sections 1-
229.2, 1-229.5 and 1-229.6, which relate to the
Oklahoma Tobacco Use Prevention and Cessation Act;
deleting and modifying terms; directing consideration
of recommendations by the Advancement of Wellness
Advisory Council; eliminating the Tobacco Use
Prevention and Cessation Committee; transferring
certain duties to the State Department of Health;
deleting certain requirements of the state plan;
deleting certain requirements concerning invitations
to bid; amending 63 O.S. 2011, Section 1-260.2, which

1 relates to the Osteoporosis Prevention and Treatment
2 Education Act; directing consideration of
3 recommendations by the Health Care Advisory Council;
4 amending 63 O.S. 2011, Section 1-270, which relates
5 to a system of care for stroke; deleting reference to
6 Oklahoma Hospital Advisory Council; directing
7 consideration of recommendations by the Hospital and
8 Emergency Response Advisory Council; amending 63 O.S.
9 2011, Sections 1-556 and 1-557, as amended by Section
10 480, Chapter 304, O.S.L. 2012 (63 O.S. Supp. 2012,
11 Section 1-557), which relate to breast cancer;
12 eliminating the Oklahoma Breast and Cervical Cancer
13 Prevention and Treatment Advisory Committee;
14 transferring certain duties to the State Department
15 of Health; amending 63 O.S. 2011, Sections 1-564, 1-
16 567 and 1-569, which relate to genetic counselors;
17 directing consideration of recommendations by the
18 Counseling Advisory Council; deleting references to
19 the Genetics Counseling Advisory Committee; providing
20 that State Board of Health rules shall include
21 requirements for maintaining and renewal of genetic
22 counselor license; amending 63 O.S. 2011, Section 1-
23 705, which relates to rules and standards for the
24 construction and operation of hospitals; directing
consideration of recommendations by the Hospital and
Emergency Response Advisory Council; removing
reference to the Oklahoma Hospital Advisory Council;
amending 63 O.S. 2011, Section 1-706.12, which
relates to the Emergency Medical Services for
Children Resource Center; removing requirement that
certain items be submitted to State Department of
Health Emergency Medical Services Advisory Council
prior to Department action; amending 63 O.S. 2011,
Section 1-707, which relates to rules governing
hospitals; directing consideration of recommendations
by the Hospital and Emergency Response Advisory
Council; eliminating the Oklahoma Hospital Advisory
Council; amending 63 O.S. 2011, Sections 1-1108, 1-
1114, 1-1118 and 1-1134, which relate to the
regulation of food by the State Board of Health;
directing consideration of recommendations by the
Food Service Advisory Council; amending 63 O.S. 2011,
Sections 1-1453 and 1-1455, which relate to the
Oklahoma Medical Micropigmentation Regulation Act;
directing consideration of recommendations by the
Consumer Protection Licensing Advisory Council;
deleting reference to the Medical Micropigmentation

1 Advisory Committee; amending 63 O.S. 2011, Section 1-
2 1505, which relates to the Diagnostic X-Ray Facility
3 Act; directing consideration of recommendations by
4 the Consumer Protection Licensing Advisory Council;
5 amending 63 O.S. 2011, Sections 1-2503, 1-2506, 1-
6 2511, 1-2512, 1-2530.2, 1-2350.3, 1-2530.5 and 1-
7 2530.8, which relate to the Oklahoma Emergency
8 Response Systems Development Act and the Oklahoma
9 Trauma Systems Improvement and Development Act;
10 modifying definition; directing consideration of
11 recommendations by the Hospital and Emergency
12 Response Advisory Council; deleting references to the
13 Oklahoma Emergency Response Systems Development
14 Advisory Council; removing power of State
15 Commissioner of Health to create Medical Direction
16 Subcommittee; modifying term; amending 63 O.S. 2011,
17 Section 2060, which relates to the Oklahoma Certified
18 Healthy Communities Act; eliminating the Oklahoma
19 Healthy Communities Advisory Committee; directing
20 consideration of recommendations by the Advancement
21 of Wellness Advisory Council; amending 63 O.S. 2011,
22 Section 2061, which relates to the Oklahoma Certified
23 Healthy Schools Act; eliminating the Oklahoma Healthy
24 Schools Advisory Committee; directing consideration
of recommendations by the Advancement of Wellness
Advisory Council; amending 63 O.S. 2011, Sections
2220.2, 2220.3, as amended by Section 511, Chapter
304, O.S.L. 2012, 2220.5 and 2220.6 (63 O.S. Supp.
2012, Section 2220.3), which relate to organ
donations; eliminating the Organ Donor Education and
Awareness Program Advisory Council; authorizing State
Department of Health and State Department of
Education to take certain actions regarding organ
donations; amending 70 O.S. 2011, Section 1210.284,
which relates to vision screening; eliminating
advisory committee concerning vision screening;
directing consideration of recommendation by the
Health Care Advisory Council; repealing 59 O.S. 2011,
Section 61.4, which relates to the State Barber
Advisory Board; repealing 59 O.S. 2011, Section
1150.5, as amended by Section 277, Chapter 304,
O.S.L. 2012 and 1150.6 (59 O.S. Supp. 2012, Section
1150.5), which relate to the Sanitarian and
Environmental Specialist Registration Advisory
Council; repealing 59 O.S. 2011, Section 1904, which
relates to the Oklahoma Licensed Professional
Counselors Advisory Board; repealing 59 O.S. 2011,

1 Section 1925.4, which relates to the Oklahoma
2 Licensed Marital and Family Therapist Advisory Board;
3 repealing 59 O.S. 2011, Section 1933, which relates
4 to the Oklahoma Licensed Behavioral Practitioners
5 Advisory Board; repealing 63 O.S. 2011, Section 1-
6 106.3, which relates to the Oklahoma Food Service
7 Advisory Board; repealing 63 O.S. 2011, Section 1-
8 122, which relates to the Health Care Information
9 Advisory Committee; repealing 63 O.S. 2011, Section
10 1-227.9, which relates to the Child Abuse Prevention
11 Fund; repealing 63 O.S. 2011, Section 1-229.4, which
12 relates to the Tobacco Use Prevention and Cessation
13 Advisory Committee; repealing 63 O.S. 2011, Section
14 1-232.2, which relates to the Shaken Baby Prevention
15 Education Initiative Task Force; repealing 63 O.S.
16 2011, Section 1-260.4, which relates to the
17 Interagency Council on Osteoporosis; repealing 63
18 O.S. 2011, Section 1-155, which relates to the
19 Oklahoma Breast and Cervical Cancer Prevention and
20 Treatment Advisory Committee; repealing 63 O.S. 2011,
21 Sections 1-860.13 and 1-860.14, which relate to the
22 Hospice Advisory Board; repealing 63 O.S. 2011,
23 Section 1-1456, which relates to the Medical
24 Micropigmentation Advisory Committee; repealing 63
O.S. 2011, Section 1-1504.1, which relates to the
Radiation Advisory Committee; repealing 63 O.S. 2011,
Section 1-1753, which relates to the Hearing Aid
Advisory Council; repealing 63 O.S. 2011, Section 1-
1923, which relates to the Long-Term Care Facility
Advisory Board; repealing 63 O.S. 2011, Section 1-
1970, which relates to the Home Health Advisory
Board; repealing 63 O.S. 2011, Section 1-2516, as
amended by Section 1, Chapter 74, O.S.L. 2012 (63
O.S. Supp. 2012, Section 1-2516), which relates to
the Oklahoma Emergency Response Systems Development
Advisory Council; repealing 63 O.S. 2011, Sections 1-
2530.4, 1-2530.6 and 1-2530.7, which relate to the
Oklahoma Trauma Systems Improvement and Development
Advisory Council; providing for codification; and
providing an effective date.

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

1 SECTION 1. AMENDATORY 10A O.S. 2011, Section 1-9-102, is
2 amended to read as follows:

3 Section 1-9-102. A. 1. In coordination with the ~~Child Abuse~~
4 ~~Training and Coordination~~ Infant and Children's Health Advisory
5 Council, established by Section 21 of this act, each district
6 attorney shall develop a multidisciplinary child abuse team in each
7 county of the district attorney or in a contiguous group of
8 counties.

9 2. The lead agency for the team shall be chosen by the members
10 of the team. The team shall intervene in reports involving child
11 sexual abuse or child physical abuse or neglect.

12 B. The multidisciplinary child abuse team members shall
13 include, but not be limited to:

14 1. Mental health professionals licensed pursuant to the laws of
15 this state or licensed professional counselors;

16 2. Police officers or other law enforcement agents with a role
17 in, or experience or training in child abuse and neglect
18 investigation;

19 3. Medical personnel with experience in child abuse and neglect
20 identification;

21 4. Child protective services workers within the Department of
22 Human Services;

23 5. Multidisciplinary child abuse team coordinators, or Child
24 Advocacy Center personnel; and

1 6. The district attorney or assistant district attorney.

2 C. 1. To the extent that resources are available to each of
3 the various multidisciplinary child abuse teams throughout the
4 state, the functions of the team shall include, but not be limited
5 to, the following specific functions:

6 a. whenever feasible, law enforcement and child welfare
7 staff shall conduct joint investigations in an effort
8 to effectively respond to child abuse reports,

9 b. develop a written protocol for investigating child
10 sexual abuse and child physical abuse or neglect cases
11 and for interviewing child victims. The purpose of
12 the protocol shall be to ensure coordination and
13 cooperation between all agencies involved so as to
14 increase the efficiency in handling such cases and to
15 minimize the stress created for the allegedly abused
16 child by the legal and investigatory process. In
17 addition, each team shall develop confidentiality
18 statements and interagency agreements signed by member
19 agencies that specify the cooperative effort of the
20 member agencies to the team,

21 c. freestanding multidisciplinary child abuse teams shall
22 be approved by the ~~Child Abuse Training and~~
23 ~~Coordination~~ Infant and Children's Health Advisory
24 Council. The Council shall conduct an annual review

1 of freestanding multidisciplinary teams to ensure that
2 the teams are functioning effectively. Teams not
3 meeting the minimal standards as promulgated by the
4 Council shall be removed from the list of functioning
5 teams in the state,

6 d. increase communication and collaboration among the
7 professionals responsible for the reporting,
8 investigation, prosecution and treatment of child
9 abuse and neglect cases,

10 e. eliminate duplicative efforts in the investigation and
11 the prosecution of child abuse and neglect cases,

12 f. identify gaps in service or all untapped resources
13 within the community to improve the delivery of
14 services to the victim and family,

15 g. encourage the development of expertise through
16 training. Each team member and those conducting child
17 abuse investigations and interviews of child abuse
18 victims shall be trained in the multidisciplinary team
19 approach, conducting legally sound and age-appropriate
20 interviews, effective investigation techniques and
21 joint investigations as provided through the ~~Child~~
22 ~~Abuse Training and Coordination~~ Infant and Children's
23 Health Advisory Council or other resources,
24

- 1 h. formalize a case review process and provide data as
2 requested to the ~~Child Abuse Training and Coordination~~
3 Infant and Children's Health Advisory Council for
4 freestanding teams, and
- 5 i. standardize investigative procedures for the handling
6 of child abuse and neglect cases.

7 2. All investigations of child sexual abuse and child physical
8 abuse or neglect and interviews of child abuse or neglect victims
9 shall be carried out by appropriate personnel using the protocols
10 and procedures specified in this section.

11 3. If trained personnel are not available in a timely fashion
12 and, in the judgment of a law enforcement officer or the Department
13 of Human Services, there is reasonable cause to believe a delay in
14 investigation or interview of the child victim could place the child
15 in jeopardy of harm or threatened harm to a child's health or
16 welfare, the investigation may proceed without full participation of
17 all personnel. This authority applies only for as long as
18 reasonable danger to the child exists. A reasonable effort to find
19 and provide a trained investigator or interviewer shall be made.

20 D. 1. A multidisciplinary child abuse team may enter into an
21 agreement with the Child Death Review Board within the Oklahoma
22 Commission on Children and Youth and, in accordance with rules
23 promulgated by the Oklahoma Commission on Children and Youth,
24

1 conduct case reviews of deaths and near deaths of children within
2 the geographical area of that multidisciplinary child abuse team.

3 2. Any multidisciplinary child abuse team reviewing deaths and
4 near deaths of children shall prepare and make available to the
5 public, on an annual basis, a report containing a summary of the
6 activities of the team relating to the review of the deaths and near
7 deaths of children and a summary of the extent to which the state
8 child protection system is coordinated with foster care and adoption
9 programs and whether the state is efficiently discharging its child
10 protection responsibilities. The report shall be completed no later
11 than December 31 of each year.

12 E. Nothing in this section shall preclude the use of hospital
13 team reviews for client-specific purposes and multidisciplinary
14 teams, either of which were in existence prior to July 1, 1995;
15 provided, however, such teams shall not be subject to the provisions
16 of paragraph 1 of subsection A of this section.

17 F. 1. Child advocacy centers shall be classified, based on the
18 child population of a district attorney's district, as follows:

19 a. nonurban centers in districts with child populations
20 that are less than sixty thousand (60,000),

21 b. midlevel nonurban centers in districts with child
22 populations equal to or greater than sixty thousand
23 (60,000), but not including Oklahoma and Tulsa
24 Counties, and

1 c. urban centers in Oklahoma and Tulsa Counties.

2 2. The multidisciplinary child abuse team used by the child
3 advocacy center for its accreditation shall meet the criteria
4 required by a national association of child advocacy centers and, in
5 addition, the team shall:

6 a. choose a lead agency for the team,

7 b. intervene in reports involving child sexual abuse and
8 may intervene in child physical abuse or neglect,

9 c. promote the joint investigation of child abuse reports
10 between law enforcement and child welfare staff, and

11 d. formalize standardized investigative procedures for
12 the handling of child abuse and neglect cases.

13 G. Multidisciplinary child abuse teams and child advocacy
14 centers shall have full access to any service or treatment plan and
15 any personal data known to the Department which is directly related
16 to the implementation of this section.

17 SECTION 2. AMENDATORY 47 O.S. 2011, Section 1135.3, is
18 amended to read as follows:

19 Section 1135.3 A. The Oklahoma Tax Commission is hereby
20 authorized to design and issue appropriate official special license
21 plates to persons wishing to demonstrate support, interest, or
22 membership to or for an organization, occupation, cause or other
23 subject as provided by this section.

1 Special license plates shall not be transferred to any other
2 person but shall be removed from the vehicle upon transfer of
3 ownership and retained. The special license plate may then be used
4 on another vehicle but only after such other vehicle has been
5 registered for the current year.

6 Special license plates shall be renewed each year by the Tax
7 Commission or a motor license agent. The Tax Commission shall
8 annually notify by mail all persons issued special license plates.
9 The notice shall contain all necessary information and shall contain
10 instructions for the renewal procedure upon presentation to a motor
11 license agent or the Tax Commission. The license plates shall be
12 issued on a staggered system.

13 The Tax Commission is hereby directed to develop and implement a
14 system whereby motor license agents are permitted to accept
15 applications for special license plates authorized under this
16 section. The motor license agent shall confirm the applicant's
17 eligibility, if applicable, collect and deposit any amount
18 specifically authorized by law, accept and process the necessary
19 information directly into such system and generate a receipt
20 accordingly. For performance of these duties, motor license agents
21 shall retain the fee provided in Section 1141.1 of this title for
22 registration of a motor vehicle. The motor license agent fees for
23 acceptance of applications and renewals shall be paid out of the
24 Oklahoma Tax Commission Reimbursement Fund.

1 If fewer than one hundred of any type of special license plates
2 authorized prior to January 1, 2004, are issued prior to January 1,
3 2006, the Tax Commission shall discontinue issuance and renewal of
4 that type of special license plate. Any such authorized special
5 license plate registrant shall be allowed to display the license
6 plate upon the designated vehicle until the registration expiration
7 date. After such time the expired special license plate shall be
8 removed from the vehicle.

9 Except as otherwise provided in this section, for special
10 license plates authorized on or after July 1, 2004, no special
11 license plates shall be developed or issued by the Tax Commission
12 until the Commission receives one hundred (100) prepaid applications
13 therefor. The prepaid applications must be received by the Tax
14 Commission within one hundred and eighty (180) days of the effective
15 date of the authorization or the authority to issue shall be null
16 and void. In the event one hundred (100) prepaid applications are
17 not received by the Tax Commission within such prescribed time
18 period any payment so received shall be refunded accordingly.

19 B. The special license plates provided by this section are as
20 follows:

21 1. Round and Square Dance License Plates - such plates shall be
22 designed and issued to any person wishing to demonstrate support for
23 round and square dancing;

24

1 2. National Association for the Advancement of Colored People
2 License Plates - such plates shall be designed, subject to the
3 criteria to be presented to the Tax Commission by the NAACP, and
4 issued to any person wishing to demonstrate support for the NAACP;

5 3. National Rifle Association License Plates - such plates
6 shall be designed, subject to the criteria to be presented to the
7 Tax Commission by the National Rifle Association, and issued to any
8 person wishing to demonstrate support for the National Rifle
9 Association;

10 4. Masonic Fraternity License Plates - such plates shall be
11 designed and issued to any resident of this state who is a member of
12 a Masonic Fraternity of Oklahoma. Such persons may apply for a
13 Masonic Fraternity license plate for each vehicle with a rated
14 carrying capacity of one (1) ton or less upon proof of a Masonic
15 Fraternity membership or upon the presentment of an application for
16 a Masonic Fraternity license plate authorized and approved by the
17 Grand Lodge of Oklahoma. The license plates shall be designed in
18 consultation with the Masonic Fraternities of Oklahoma and shall
19 contain the Masonic emblem;

20 5. Shriner's Hospitals for Burned and Crippled Children License
21 Plates - such plates shall be designed to demonstrate support for
22 Shriner's Hospitals for Burned and Crippled Children and shall be
23 issued to any resident of this state who is a member of a Shriner's
24 Temple in Oklahoma. The license plate shall be designed in

1 consultation with the Shriner's Temples in Oklahoma and shall
2 contain the Shriner's emblem;

3 6. Balloonists License Plate - such plates shall be designed
4 and issued to any person wishing to demonstrate support for hot air
5 ballooning in this state;

6 7. Order of the Eastern Star License Plates - such plates shall
7 be designed and issued to any resident of this state who is a member
8 of an Order of the Eastern Star. Such persons may apply for an
9 Order of the Eastern Star license plate for each vehicle with a
10 rated carrying capacity of one (1) ton or less upon proof of an
11 Order of the Eastern Star membership or upon the presentment of an
12 application for an Order of the Eastern Star license plate
13 authorized and approved by the organization. The license plate
14 shall be designed in consultation with the Order of the Eastern Star
15 and shall contain the Order of the Eastern Star emblem;

16 8. Knights of Columbus License Plates - such plates shall be
17 designed and issued to any resident of this state who is a member of
18 the Knights of Columbus. Such persons may apply for a Knights of
19 Columbus license plate for each vehicle with a rated carrying
20 capacity of one (1) ton or less upon proof of a Knights of Columbus
21 membership or upon the presentment of an application for a Knights
22 of Columbus license plate authorized and approved by the
23 organization. The license plate shall be designed in consultation
24

1 with the Knights of Columbus and shall contain the Knights of
2 Columbus emblem;

3 9. Jaycees License Plates - such plates shall be designed and
4 issued to members of the Jaycees. Persons applying for such license
5 plate must show proof of membership in the Jaycees. The license
6 plates shall be designed in consultation with the Jaycees;

7 10. Ducks Unlimited License Plates - such plates shall be
8 designed and issued to members of Ducks Unlimited. Persons applying
9 for and renewing such license plates must show proof of tag
10 membership in Ducks Unlimited. The license plates shall be designed
11 in consultation with Ducks Unlimited;

12 11. Kiwanis International License Plates - such plates shall be
13 designed and issued to members of Kiwanis International. Persons
14 applying for such license plate must show proof of membership in
15 Kiwanis International. The license plates shall be designed in
16 consultation with Kiwanis International;

17 12. Certified Public Accountants License Plates - such plates
18 shall be designed and issued to any resident of this state who is a
19 Certified Public Accountant. Such persons may apply for a Certified
20 Public Accountant license plate for each vehicle with a rated
21 carrying capacity of one (1) ton or less upon proof of status as a
22 Certified Public Accountant. The license plates shall be designed
23 in consultation with the Oklahoma Society of Certified Public
24 Accountants;

1 13. Civil Emergency Management License Plates - such plates
2 shall be designed and issued to persons wishing to demonstrate
3 support for the state civil emergency management system;

4 14. Civilian Conservation Corps License Plates - such plates
5 shall be designed, subject to criteria to be presented to the Tax
6 Commission, by the Civilian Conservation Corps Association, and
7 issued to any person wishing to demonstrate support of the Civilian
8 Conservation Corps;

9 15. Rotarian License Plates - such plates shall be designed and
10 issued to any resident of this state who is a member of a Rotarian
11 Club of Oklahoma. Such persons may apply for a Rotarian license
12 plate for each vehicle with a rated carrying capacity of one (1) ton
13 or less upon proof of a Rotarian Club membership or upon the
14 presentment of an application for a Rotarian license plate
15 authorized and approved by a Rotarian Club of Oklahoma. The license
16 plates shall be designed in consultation with the five Rotarian
17 District Governors and shall contain the Rotarian emblem;

18 16. Benevolent Protective Order of Elks - such plates shall be
19 designed, subject to criteria to be presented to the Tax Commission,
20 by the Benevolent Protective Order of Elks, and issued to any
21 resident of this state who is a member of the Benevolent Protective
22 Order of Elks;

23 17. Humane Society License Plates - such plates shall be
24 designed and issued to any person wishing to demonstrate support for

1 the Humane Society of the United States. The plates shall be issued
2 to any person in any combination of numbers and letters from one to
3 a maximum of seven, as for personalized license plates. The plate
4 shall contain the official Humane Society logo;

5 18. Oklahoma Mustang Club - such plates shall be designed,
6 subject to criteria to be presented to the Tax Commission, by the
7 Oklahoma Mustang Club, and issued to any resident of this state who
8 is a member of the Oklahoma Mustang Club. Such persons may apply
9 for an Oklahoma Mustang Club license plate upon presentment of proof
10 of membership in the Oklahoma Mustang Club. The plates shall be
11 issued to any person in any combination of numbers and letters from
12 one to a maximum of seven, as for personalized license plates;

13 19. American Business Clubs (AMBUCS) License Plates - such
14 plates shall be designed and issued to members of American Business
15 Clubs. Persons applying for such license plate must show proof of
16 membership in AMBUCS. The license plates shall be designed in
17 consultation with American Business Clubs;

18 20. West Point 200th Anniversary License Plates - such plates
19 shall be designed and issued to any person wishing to commemorate
20 the Two Hundredth Anniversary of the founding of the United States
21 Military Academy at West Point, New York. The license plates shall
22 be designed in consultation with the West Point Society of Central
23 Oklahoma;

24

1 21. Oklahoma Aquarium License Plate - such plates shall be
2 designed and issued to persons wishing to demonstrate support for
3 the Oklahoma Aquarium. The license plates shall be designed in
4 consultation with the Oklahoma Aquarium;

5 22. The Pride of Broken Arrow License Plates - such plates
6 shall be designed and issued to any person wishing to demonstrate
7 support for The Pride of Broken Arrow marching band. The plates
8 shall be designed in consultation with the Broken Arrow Public
9 School System;

10 23. Fellowship of Christian Athletes License Plates - such
11 plates shall be designed in consultation with the Fellowship of
12 Christian Athletes and issued to members and supporters of the
13 Fellowship of Christian Athletes;

14 24. Parrothead Club License Plates - such plates shall be
15 designed and issued to members and supporters of the Parrothead
16 Club. The license plate shall be issued to any person in any
17 combination of numbers and letters from one to a maximum of seven as
18 for personalized license plates;

19 25. Oklahoma Bicycling Coalition License Plates - such plates
20 shall be designed and issued to any person who is a member of the
21 Oklahoma Bicycling Coalition. The license plates shall be designed
22 in consultation with the Oklahoma Bicycling Coalition;

23 26. Electric Lineman License Plate - such plates shall be
24 designed and issued to persons wishing to demonstrate support for

1 Oklahoma's electric linemen. The license plates shall be designed
2 in consultation with the Oklahoma Electric Superintendent's
3 Association;

4 27. Alpha Kappa Alpha License Plate - such plates shall be
5 designed and issued to any person who is a member of Alpha Kappa
6 Alpha Sorority. The license plates shall be designed in
7 consultation with the Oklahoma Chapter of Alpha Kappa Alpha
8 Sorority;

9 28. The National Pan-Hellenic Council Incorporated License
10 Plate - such plates shall be designed and issued to any person
11 wishing to demonstrate support to any of the nine sororities and
12 fraternities recognized by the National Pan-Hellenic Council
13 Incorporated. The license plates shall be designed in consultation
14 with the Oklahoma Chapter of the National Pan-Hellenic Council
15 Incorporated;

16 29. Organ, Eye and Tissue License Plate - such plates shall be
17 designed and issued to persons wishing to demonstrate support and
18 increase awareness for organ, eye and tissue donation. The license
19 plates shall be designed in consultation with the ~~Oklahoma Organ~~
20 ~~Donor Education and Awareness Program Advisory Council~~ State
21 Department of Health;

22 30. Central Oklahoma Habitat for Humanity License Plate - such
23 plates shall be designed and issued to persons wishing to
24 demonstrate support and increase awareness for Habitat for Humanity.

1 The license plate shall be designed in consultation with Central
2 Oklahoma Habitat for Humanity;

3 31. Family Career and Community Leaders of America Incorporated
4 License Plate - such plates shall be designed and issued to persons
5 wishing to demonstrate support for Family Career and Community
6 Leaders of America Incorporated. The license plates shall be
7 designed in consultation with Family Career and Community Leaders of
8 America Incorporated;

9 32. Delta Sigma Theta License Plate - such plates shall be
10 designed and issued to any person who is a member of Delta Sigma
11 Theta Sorority. The license plates shall be designed in
12 consultation with the Oklahoma Chapter of Delta Sigma Theta Sorority
13 Incorporated;

14 33. Omega Psi Phi License Plate - such plates shall be designed
15 and issued to any person who is a member of Omega Psi Phi
16 Fraternity. The license plates shall be designed in consultation
17 with the Oklahoma Chapter of Omega Psi Phi Fraternity Incorporated;

18 34. Alpha Phi Alpha License Plate - such plates shall be
19 designed and issued to any person who is a member of Alpha Phi Alpha
20 Fraternity. The license plates shall be designed in consultation
21 with the Oklahoma Chapter of Alpha Phi Alpha Fraternity
22 Incorporated;

23 35. 50th Anniversary of the Interstate System of Highways
24 License Plate - such plates shall be designed and issued to persons

1 wishing to commemorate the 50th Anniversary of the Interstate System
2 of Highways. The license plates shall be designed in consultation
3 with the American Association of State Highway and Transportation
4 Officials;

5 36. Kappa Alpha Psi License Plate - such plates shall be
6 designed and issued to any person who is a member of Kappa Alpha Psi
7 Fraternity. The license plates shall be designed in consultation
8 with the Oklahoma Chapter of Kappa Alpha Psi Fraternity
9 Incorporated;

10 37. Sigma Gamma Rho License Plate - such plates shall be
11 designed and issued to any person who is a member of Sigma Gamma Rho
12 Sorority. The license plates shall be designed in consultation with
13 the Oklahoma Chapter of Sigma Gamma Rho Sorority Incorporated;

14 38. Multiple Sclerosis License Plate - such plates shall be
15 designed and issued to persons wishing to demonstrate support for
16 and increase awareness of multiple sclerosis. The license plates
17 shall be designed in consultation with the Oklahoma Chapter of the
18 National Multiple Sclerosis Society;

19 39. Frederick Douglass High School License Plates - such plates
20 shall be designed and issued to any person wishing to demonstrate
21 support for Frederick Douglass High School located in Oklahoma City.
22 The plates shall be designed in consultation with representatives of
23 Frederick Douglass High School National Alumni Association;

24

1 40. United States Air Force Academy License Plates - such
2 plates shall be designed and issued to any person wishing to
3 demonstrate support for the United States Air Force Academy;

4 41. In God We Trust License Plate - such plates shall be
5 designed to include the motto, "In God We Trust", and shall be
6 issued to any person wishing to demonstrate support for the motto;

7 42. National Weather Center License Plate - such plates shall
8 be designed and issued to any person wishing to demonstrate support
9 for the National Weather Center in Norman. The plates shall be
10 designed in consultation with representatives of the National
11 Weather Center Directors;

12 43. Make-A-Wish Foundation License Plate - such plates shall be
13 designed and issued to persons wishing to demonstrate support for
14 the Make-A-Wish Foundation. The license plates shall be designed in
15 consultation with the Oklahoma Chapter of the National Make-A-Wish
16 Foundation;

17 44. South Central Section PGA Foundation License Plate - such
18 plates shall be designed and issued to persons wishing to
19 demonstrate support for the South Central Section PGA Foundation.
20 The license plates shall be designed in consultation with the South
21 Central Section PGA Foundation;

22 45. Putnam City High School License Plate - such plates shall
23 be designed and issued to any person wishing to demonstrate support
24 for Putnam City High School. The plates shall be designed in

1 consultation with representatives of Putnam City High School Alumni
2 Association, Inc.;

3 46. Autism Awareness License Plate - such plates shall be
4 designed and issued to any person wishing to increase awareness of
5 autism. The license plate shall be designed in consultation with
6 the Oklahoma Autism Network;

7 47. Oklahoma Blood Institute License Plate - such plates shall
8 be designed and issued to any person wishing to demonstrate support
9 for the Oklahoma Blood Institute. The license plates shall be
10 designed in consultation with the Oklahoma Blood Institute;

11 48. Zeta Phi Beta and Phi Beta Sigma License Plate - such
12 plates shall be designed and issued to any person who is a member of
13 Zeta Phi Beta Sorority or Phi Beta Sigma Fraternity. The license
14 plates shall be designed in consultation with the Oklahoma chapters
15 of Zeta Phi Beta Sorority Incorporated and Phi Beta Sigma Fraternity
16 Incorporated;

17 49. Star Spencer High School License Plate - such plates shall
18 be designed and issued to any person wishing to demonstrate support
19 for Star Spencer High School located in Oklahoma City. The plates
20 shall be designed in consultation with representatives of the Star
21 Spencer High School Alumni Association;

22 50. Northeast High School License Plate - such plates shall be
23 designed and issued to any person wishing to demonstrate support for
24 Northeast High School located in Oklahoma City. The plates shall be

1 designed in consultation with representatives of the Northeast High
2 School Alumni Association;

3 51. Oklahoma City Central High School License Plate - such
4 plates shall be designed and issued to any person wishing to
5 demonstrate support for the Oklahoma City Central High School Alumni
6 Association. The plates shall be designed in consultation with
7 representatives of the Oklahoma City Central High School Alumni
8 Association;

9 52. Historic Greenwood District License Plate - such plates
10 shall be issued to persons wishing to demonstrate support for music
11 festivals held in the Historic Greenwood District in Tulsa,
12 Oklahoma. The license plates shall be designed in consultation with
13 the Greenwood Cultural Center;

14 53. Oklahoma Rifle Association License Plate - such plates
15 shall be designed and issued to any person wishing to demonstrate
16 support for the Oklahoma Rifle Association. The plates shall be
17 designed in consultation with representatives of the Oklahoma Rifle
18 Association;

19 54. Oklahoma City Thunder License Plate - such plates shall be
20 designed and issued to any person wishing to demonstrate support for
21 the Oklahoma City Thunder. The license plate shall be designed in
22 consultation with the Oklahoma City Thunder organization;

23 55. Ovarian Cancer Awareness License Plate - such plates shall
24 be designed and issued to any person wishing to increase awareness

1 of ovarian cancer. The license plate shall be designed in
2 consultation with the HOPE in Oklahoma organization;

3 56. BMW Car Club of America License Plate - such plates shall
4 be designed and issued to any resident of this state who is a member
5 of the BMW Car Club of America. Such persons may apply for an BMW
6 Car Club of America license plate upon presentment of proof of
7 membership in the BMW Car Club of America. The plates shall be
8 issued to any person in any combination of numbers and letters from
9 one to a maximum of seven, as for personalized license plates. The
10 license plate shall be designed in consultation with the Sunbelt
11 Chapter of the BMW Car Club of America;

12 57. Deer Creek School District License Plates - such plates
13 shall be designed and issued to any person wishing to demonstrate
14 support for the Deer Creek School District. The plates shall be
15 designed in consultation with representatives of the Deer Creek
16 School District; and

17 58. Don't Tread On Me License Plate - such plates shall be
18 designed to include the yellow background and rattlesnake emblem
19 above the motto "DON'T TREAD ON ME" as found on the historic Gadsden
20 flag, and shall be issued to any person wishing to demonstrate
21 support for the freedom and liberty of the Republic.

22 C. The fee for such plates shall be Fifteen Dollars (\$15.00)
23 and shall be in addition to all other registration fees provided by
24 the Oklahoma Vehicle License and Registration Act. Unless otherwise

1 provided in this section, the fee shall be apportioned as follows:
2 Eight Dollars (\$8.00) of the special license plate fee shall be
3 deposited in the Oklahoma Tax Commission Reimbursement Fund to be
4 used for the administration of the Oklahoma Vehicle License and
5 Registration Act and the remaining Seven Dollars (\$7.00) of the
6 special license plate fee shall be apportioned as provided in
7 Section 1104 of this title.

8 SECTION 3. AMENDATORY 59 O.S. 2011, Section 61.1, is
9 amended to read as follows:

10 Section 61.1 A. ~~Except as provided in subsection B of Section~~
11 ~~61.4 of this title, the~~ The State Board of Health, giving
12 consideration to the recommendations of the Consumer Protection
13 Licensing Advisory Council established by Section 21 of this act, is
14 hereby authorized to promulgate rules which govern the examining and
15 licensing of barbers, barber apprentices, barber instructors, and
16 barber colleges; the defining of categories and limitations for such
17 licenses; the sanitary operation and sanitation of barber shops and
18 barber colleges; and the establishment and levying of administrative
19 fines not to exceed Fifty Dollars (\$50.00) for those licensed and
20 not to exceed Five Hundred Dollars (\$500.00) for those not licensed.
21 Each day a violation continues shall be a separate offense.

22 B. ~~Except as provided in subsection B of Section 61.4 of this~~
23 ~~title, the~~ The State Department of Health shall have the power and
24 duty to implement the rules of the State Board of Health, to issue

1 and renew annual barber, barber apprentice, barber instructor and
2 barber college licenses, to inspect barber licenses, and to inspect
3 the sanitary operating practices of barbers and the sanitary
4 condition of barber shops and barber colleges.

5 C. The State Department of Health may suspend, revoke, or
6 refuse to issue or renew any barber, barber instructor, barber
7 apprentice, or barber college license for:

8 1. Unsanitary operating practices or unsanitary conditions of
9 barber shops or barber colleges;

10 2. Unsanitary practices of barbers, apprentice barbers, or
11 barber instructors;

12 3. Making a material misstatement in the application for a
13 license, in the renewal of a license, or in the records which are
14 maintained by barber instructors or colleges to comply with Sections
15 61.1 through 61.6 of this title or the regulations promulgated
16 pursuant thereto; or

17 4. Employment of an unlicensed person as a barber, barber
18 apprentice, or barber instructor.

19 SECTION 4. AMENDATORY 59 O.S. 2011, Section 1150.2, is
20 amended to read as follows:

21 Section 1150.2 For the purposes of the Oklahoma Sanitarian and
22 Environmental Specialist Registration Act:

23 1. "Board" means the State Board of Health of the State of
24 Oklahoma;

1 2. "Commissioner" means the State Commissioner of Health of the
2 State of Oklahoma;

3 3. "Council" means the ~~Sanitarian and Environmental Specialist~~
4 ~~Registration~~ Consumer Protection Licensing Advisory Council
5 established by Section 21 of this act;

6 4. "Executive Director" means the Executive Director of the
7 Department of Environmental Quality;

8 5. "Person" means individuals;

9 6. "Registration" means a certificate issued pursuant to the
10 Oklahoma Sanitarian and Environmental Specialist Registration Act;
11 and

12 7. "Sanitarian or environmental specialist" means a person
13 uniquely qualified by education in the sciences, specialized
14 training, and documented field experience to effectively plan,
15 organize, manage, execute and evaluate one or more of the many
16 diverse elements comprising the fields of public health or
17 environmental protection or both public health and environmental
18 protection. The term "sanitarian or environmental specialist" may
19 be interpreted to include environmental sanitarian, environmental
20 protection specialist, environmental health specialist or other
21 similar terms.

22 SECTION 5. AMENDATORY 59 O.S. 2011, Section 1150.3, is
23 amended to read as follows:

24

1 Section 1150.3 The State Board of Health ~~in conjunction with~~
2 ~~the Sanitarian and Environmental Specialist Registration, giving~~
3 consideration to the recommendations of the Consumer Protection
4 Licensing Advisory Council established by Section 21 of this act, is
5 hereby authorized to promulgate rules governing the examination and
6 registration of sanitarians and environmental specialists, and the
7 defining of categories and limitations for such registration and
8 providing continuing education requirements for the renewal of
9 registration.

10 SECTION 6. AMENDATORY 59 O.S. 2011, Section 1150.7, is
11 amended to read as follows:

12 Section 1150.7 A. Applicants for certificate of registration
13 as a sanitarian or environmental specialist shall be approved for
14 registration by the ~~Council~~ State Department of Health upon
15 compliance with the following:

- 16 1. Have two (2) years of postgraduate, full-time experience
17 working in the fields of public health or environmental protection;
- 18 2. Have a four-year baccalaureate degree with a major in public
19 health, environmental health, environmental science, physical
20 science, natural science, biological science, agricultural science,
21 or equivalent, from an accredited college or university with at
22 least thirty (30) semester hours of work in physical, natural and
23 biological sciences, public health and/or environmental health or
24

1 environmental protection or both environmental health and
2 environmental protection;

3 3. Pass an examination ~~prescribed by the Council~~, demonstrating
4 knowledge and understanding of the principles of sanitation and of
5 the physical, biological and environmental sciences; and

6 4. Pay applicable examination and registration fees.

7 B. Upon compliance with subsection A of this section, the
8 Commissioner shall issue a certificate of registration as a
9 registered professional sanitarian or registered professional
10 environmental specialist. The area of specialization, if any, shall
11 be designated on the certificate.

12 C. Applicants who, except for the experience requirement, meet
13 all qualifications for registration as required in this section may
14 be granted a certificate as a sanitarian- or environmental_
15 specialist-in-training, which certificate shall remain in effect,
16 unless revoked by the Commissioner, for a period not to exceed
17 thirty (30) months after date of issue.

18 SECTION 7. AMENDATORY 59 O.S. 2011, Section 1150.8, is
19 amended to read as follows:

20 Section 1150.8 A. Examinations shall be uniform and practical
21 in nature and shall be sufficiently strict to test the
22 qualifications and fitness of the applicants for registration.
23 Examinations shall be in whole or in part in writing. The ~~Council~~
24 State Department of Health shall conduct examinations twice a year

1 and at such other times as it deems necessary. Examinations may be
2 general or specific to an area of specialization.

3 B. Any applicant initially failing to pass the examination
4 shall not be permitted to take another examination for a period of
5 thirty (30) days. Any applicant subsequently failing to pass the
6 examination shall not be permitted to take another examination for a
7 period of ninety (90) days.

8 SECTION 8. AMENDATORY 59 O.S. 2011, Section 1150.9, is
9 amended to read as follows:

10 Section 1150.9 A. The Commissioner shall issue a certificate
11 of registration as a sanitarian or environmental specialist to any
12 person who:

13 1. Has been certified by the ~~Council~~ State Department of Health
14 as having a current valid registration in good standing issued by
15 another entity with registration requirements similar to but not
16 less than those provided in the Oklahoma Sanitarian and
17 Environmental Specialist Registration Act; and

18 2. Has paid the registration fee and otherwise complied with
19 the provisions of the Oklahoma Sanitarian and Environmental
20 Specialist Registration Act.

21 B. No registration shall be issued unless the holder of a
22 registration pursuant to the Oklahoma Sanitarian and Environmental
23 Specialist Registration Act would be issued a similar registration
24 by such other body under substantially the same conditions.

1 C. All registrations shall be nontransferable. It shall be a
2 misdemeanor for any person registered pursuant to the provisions of
3 the Oklahoma Sanitarian and Environmental Specialist Registration
4 Act to loan or allow the use of such registration by any other
5 person.

6 ~~D. Until January 1, 1994, the Council shall, upon proper
7 application, issue registrations without examinations and without
8 payment of additional fees to persons who prior to October 1, 1993,
9 hold unexpired registrations as sanitarians issued by the
10 Commissioner, and who have otherwise complied with the requirements
11 of the Oklahoma Sanitarian Registration Act as of October 1, 1993.
12 This registration must be produced as a prerequisite to obtaining a
13 registration pursuant to the Oklahoma Sanitarian and Environmental
14 Specialist Registration Act.~~

15 SECTION 9. AMENDATORY 59 O.S. 2011, Section 1902, is
16 amended to read as follows:

17 Section 1902. For the purpose of the Licensed Professional
18 Counselors Act:

19 1. "Licensed professional counselor" or "LPC" means any person
20 who offers professional counseling services for compensation to any
21 person and is licensed pursuant to the provisions of the Licensed
22 Professional Counselors Act. The term shall not include those
23 professions exempted by Section 1903 of this title;

24 2. "Board" means the State Board of Health;

1 3. "Department" means the State Department of Health;

2 4. "Advisory Board" means the ~~Oklahoma Licensed Professional~~
3 ~~Counselors~~ Counseling Advisory Board ~~appointed by the Commissioner~~
4 Council established by Section 21 of this act;

5 5. "Commissioner" means the State Commissioner of Health;

6 6. "Counseling" means the application of mental health and
7 developmental principles in order to:

8 a. facilitate human development and adjustment throughout
9 the life span,

10 b. prevent, diagnose or treat mental, emotional or
11 behavioral disorders or associated distress which
12 interfere with mental health,

13 c. conduct assessments or diagnoses for the purpose of
14 establishing treatment goals and objectives, and

15 d. plan, implement or evaluate treatment plans using
16 counseling treatment interventions;

17 7. "Counseling treatment interventions" means the application
18 of cognitive, affective, behavioral and systemic counseling
19 strategies which include principles of development, wellness, and
20 pathology that reflect a pluralistic society. Such interventions
21 are specifically implemented in the context of a professional
22 counseling relationship;

1 8. "Consulting" means interpreting or reporting scientific fact
2 or theory in counseling to provide assistance in solving current or
3 potential problems of individuals, groups or organizations;

4 9. "Referral activities" means the evaluating of data to
5 identify problems and to determine the advisability of referral to
6 other specialists;

7 10. "Research activities" means reporting, designing,
8 conducting or consulting on research in counseling;

9 11. "Specialty" means the designation of a subarea of
10 counseling practice that is recognized by a national certification
11 agency or by the Board;

12 12. "Supervisor" means a person who meets the requirements
13 established by the Board and who is licensed pursuant to the
14 Licensed Professional Counselors Act; and

15 13. "Licensed professional counselor candidate" means a person
16 whose application for licensure has been accepted and who is under
17 supervision for licensure as provided in Section 1906 of this title.

18 SECTION 10. AMENDATORY 59 O.S. 2011, Section 1905, is
19 amended to read as follows:

20 Section 1905. A. The ~~State Board of Health~~ shall, giving
21 ~~regard~~ consideration to the recommendations of the ~~Oklahoma Licensed~~
22 ~~Professional Counselors~~ Counseling Advisory Board Council
23 established by Section 21 of this act:

24

- 1 1. Prescribe, adopt and promulgate rules to implement and
2 enforce the provisions of the Licensed Professional Counselors Act;
3 2. Adopt and establish rules of professional conduct; and
4 3. Set license and examination fees as required by the Licensed
5 Professional Counselors Act.

6 B. The State Department ~~of Health shall, giving regard to the~~
7 ~~recommendations of the Advisory Board,~~ have the authority to:

- 8 1. Seek injunctive relief;
9 2. Request the district attorney to bring an action to enforce
10 the provisions of the Licensed Professional Counselors Act;
11 3. Receive fees and deposit said fees into the Licensed
12 Professional Counselors Revolving Fund as required by the Licensed
13 Professional Counselors Act;
14 4. Issue, renew, revoke, deny, suspend and place on probation
15 licenses to practice professional counseling pursuant to the
16 provisions of the Licensed Professional Counselors Act;
17 5. Examine all qualified applicants for licenses to practice
18 professional counseling;
19 6. Investigate complaints and possible violations of the
20 Licensed Professional Counselors Act;
21 7. Accept grants and gifts from various foundations and
22 institutions; and
23
24

1 8. Make such expenditures and employ such personnel as the
2 Commissioner may deem necessary for the administration of the
3 Licensed Professional Counselors Act.

4 SECTION 11. AMENDATORY 59 O.S. 2011, Section 1919, is
5 amended to read as follows:

6 Section 1919. A. The licensing fee and the annual renewal fee
7 shall be amounts fixed by the ~~State Board of Health upon~~
8 ~~recommendations of the Oklahoma Licensed Professional Counselors~~
9 ~~Advisory Board.~~

10 B. The Board shall fix the amount of the fees so that the total
11 fees collected will be sufficient to meet the expenses of
12 administering the provisions of the Licensed Professional Counselors
13 Act and so that there are no unnecessary surpluses in the Licensed
14 Professional Counselors Revolving Fund.

15 C. The Board shall not fix a license fee at an amount in excess
16 of Three Hundred Dollars (\$300.00) and a renewal fee at an amount in
17 excess of Two Hundred Dollars (\$200.00).

18 D. 1. The fee for the issuance of a license to replace a
19 license which was lost, destroyed or mutilated shall be Twenty-five
20 Dollars (\$25.00).

21 2. The fee shall accompany the application for a replacement
22 license.

23 3. The fee for specialty designation shall not exceed One
24 Hundred Fifty Dollars (\$150.00).

1 4. The fee for an examination required pursuant to the Licensed
2 Professional Counselors Act shall not exceed the Department's actual
3 costs for holding and grading the examination.

4 SECTION 12. AMENDATORY 59 O.S. 2011, Section 1925.2, is
5 amended to read as follows:

6 Section 1925.2 For purposes of the Marital and Family Therapist
7 Licensure Act:

8 1. "Advertise" means, but is not limited to, the issuing or
9 causing to be distributed any card, sign, or device to any person;
10 or the causing, permitting or allowing any sign or marking on or in
11 any building or structure, or in any newspaper or magazine or in any
12 directory, or on radio or television, or by advertising by any other
13 means designed to secure public attention;

14 2. "Board" means the State Board of Health;

15 3. "Commissioner" means the State Commissioner of Health;

16 4. "Advisory Board" means the ~~Oklahoma Licensed Marital and~~
17 ~~Family Therapist Counseling~~ Advisory Board appointed by the State
18 ~~Board of Health Council~~ established by Section 21 of this act;

19 5. "Department" means the State Department of Health;

20 6. "Licensed marital and family therapist" means a person
21 holding a current license issued pursuant to the provisions of the
22 Marital and Family Therapist Licensure Act;

23 7. "Marital and family therapy" means the assessment, diagnosis
24 and treatment of disorders, whether cognitive, affective, or

1 behavioral, within the context of marital and family systems.

2 Marital and family therapy involves the professional application of
3 family systems theories and techniques in the delivery of services
4 to individuals, marital pairs, and families for the purpose of
5 treating such disorders;

6 8. "Person" means any individual, firm, corporation,
7 partnership, organization or body politic;

8 9. "Practice of marital and family therapy" means the rendering
9 of professional marital and family therapy services to individuals,
10 family groups and marital pairs, singly or in groups, whether such
11 services are offered directly to the general public or through
12 organizations either public or private, for a fee, monetary or
13 otherwise;

14 10. "Recognized educational institution" means a regionally
15 accredited college or university recognized by the United States
16 Department of Education;

17 11. "Use a title or description of" means to hold oneself out
18 to the public as having a particular status by means of stating on
19 signs, mailboxes, address plates, stationery, announcements, calling
20 cards or other instruments of professional identification; and

21 12. "Licensed marital and family therapist candidate" means a
22 person whose application for licensure has been accepted and who is
23 under supervision for licensure as set forth in Section 1925.6 of
24 this title.

1 SECTION 13. AMENDATORY 59 O.S. 2011, Section 1925.5, is
2 amended to read as follows:

3 Section 1925.5 A. The State Board of Health, giving ~~regard~~
4 consideration to the recommendations of the ~~Oklahoma Licensed~~
5 ~~Marital and Family Therapist Counseling Advisory Board Council~~
6 established by Section 21 of this act, shall:

7 1. Prescribe, adopt and promulgate rules to implement and
8 enforce the provisions of the Marital and Family Therapist Licensure
9 Act;

10 2. Set license and examination fees as required by the Marital
11 and Family Therapist Licensure Act; and

12 3. Adopt and establish rules of professional conduct.

13 B. The Department shall have the authority to:

14 1. Seek injunctive relief;

15 2. Receive fees and deposit said fees into the Licensed Marital
16 and Family Therapist Revolving Fund as required by the Marital and
17 Family Therapist Licensure Act;

18 3. Issue, renew, revoke, deny, suspend and place on probation
19 licenses to practice marital and family therapy pursuant to the
20 provisions of the Marital and Family Therapist Licensure Act;

21 4. Examine all qualified applicants for licenses to practice
22 marital and family therapy;

23 5. Accept grants and gifts from various foundations and
24 institutions;

1 6. Make such expenditures and employ such personnel as the
2 Commissioner may deem necessary for the administration of the
3 Marital and Family Therapist Licensure Act;

4 7. Request the district attorney to bring an action to enforce
5 the provisions of the Marital and Family Therapist Licensure Act;
6 and

7 8. Investigate complaints and possible violations of the
8 Marital and Family Therapist Licensure Act.

9 SECTION 14. AMENDATORY 59 O.S. 2011, Section 1925.18, is
10 amended to read as follows:

11 Section 1925.18 A. The licensing fee and the annual renewal
12 fee shall be amounts fixed by the ~~State Board of Health upon~~
13 ~~recommendations of the Licensed Marital and Family Therapist~~
14 ~~Advisory Board.~~

15 B. 1. The Board shall fix the amount of the fees so that the
16 total fees collected will be sufficient to meet the expenses of
17 administering the provisions of the Marital and Family Therapist
18 Licensure Act and so that there are no unnecessary surpluses in the
19 Licensed Marital and Family Therapist Revolving Fund.

20 2. The Board shall not fix a license fee at an amount in excess
21 of Three Hundred Dollars (\$300.00) and a renewal fee at an amount in
22 excess of Two Hundred Dollars (\$200.00).

1 3. The fee for the issuance of a license to replace a license
2 which was lost, destroyed or mutilated shall be Twenty-five Dollars
3 (\$25.00).

4 4. The fee shall accompany the application for a replacement
5 license.

6 5. The fee for an examination required pursuant to the Marital
7 and Family Therapist Licensure Act shall not exceed the actual costs
8 incurred by the Department for holding and grading the examinations.

9 SECTION 15. AMENDATORY 59 O.S. 2011, Section 1931, is
10 amended to read as follows:

11 Section 1931. For the purpose of the Licensed Behavioral
12 Practitioner Act:

13 1. "Advisory Board" means the ~~Oklahoma Licensed Behavioral~~
14 ~~Practitioners Counseling Advisory Board appointed by the State~~
15 ~~Commissioner of Health Council established by Section 21 of this~~
16 act;

17 2. "Behavioral health services" means the application of the
18 scientific components of psychological and mental health principles
19 in order to:

- 20 a. facilitate human development and adjustment throughout
- 21 the life span,
- 22 b. prevent, diagnose, or treat mental, emotional, or
- 23 behavioral disorders or associated distress which
- 24 interfere with mental health,

- 1 c. conduct assessments or diagnoses for the purpose of
2 establishing treatment goals and objectives, and
3 d. plan, implement, or evaluate treatment plans using
4 behavioral treatment interventions;

5 3. "Behavioral treatment interventions" means the application
6 of empirically validated treatment modalities, including, but not
7 limited to, operant and classical conditioning techniques,
8 adherence/compliance methods, habit reversal procedures, cognitive
9 behavior therapy, biofeedback procedures and parent training. Such
10 interventions are specifically implemented in the context of a
11 professional therapeutic relationship;

12 4. "Board" means the State Board of Health;

13 5. "Commissioner" means the Commissioner of Health;

14 6. "Consulting" means interpreting or reporting scientific fact
15 or theory in behavioral health to provide assistance in solving
16 current or potential problems of individuals, groups, or
17 organizations;

18 7. "Department" means the State Department of Health;

19 8. "Licensed behavioral practitioner" or "LBP" means any person
20 who offers professional behavioral health services to any person and
21 is licensed pursuant to the provisions of the Licensed Behavioral
22 Practitioner Act. The term shall not include those professions
23 exempted by Section 1932 of this title;

24

1 9. "Licensed behavioral practitioner candidate" means a person
2 whose application for licensure has been accepted and who is under
3 supervision for licensure as provided in Section 1935 of this title;

4 10. "Referral activities" means the evaluating of data to
5 identify problems and to determine the advisability of referral to
6 other specialists;

7 11. "Research activities" means reporting, designing,
8 conducting, or consulting on research in behavioral health services;

9 12. "Specialty" means the designation of a subarea of
10 behavioral practice that is recognized by a national certification
11 agency or by the Board; and

12 13. "Supervisor" means a person who meets the requirements
13 established by the Board.

14 SECTION 16. AMENDATORY 59 O.S. 2011, Section 1934, is
15 amended to read as follows:

16 Section 1934. A. The State Board of Health shall, giving
17 ~~regard~~ consideration to the recommendations of the ~~Oklahoma Licensed~~
18 ~~Behavioral Practitioners~~ Counseling Advisory Board Council
19 established by Section 21 of this act:

20 1. Prescribe, adopt, and promulgate rules to implement and
21 enforce the provisions of the Licensed Behavioral Practitioner Act;

22 2. Adopt and establish rules of professional conduct; and

23 3. Set license and examination fees as required by the Licensed
24 Behavioral Practitioner Act.

1 B. The State Department of Health shall, ~~giving regard to the~~
2 ~~recommendations of the Advisory Board,~~ have the authority to:

3 1. Seek injunctive relief;

4 2. Request the district attorney to bring an action to enforce
5 the provisions of the Licensed Behavioral Practitioner Act;

6 3. Receive fees and deposit the fees into the Licensed
7 Behavioral Practitioners Revolving Fund as required by the Licensed
8 Behavioral Practitioner Act;

9 4. Issue, renew, revoke, deny, suspend and place on probation
10 licenses to practice behavioral health pursuant to the provisions of
11 the Licensed Behavioral Practitioner Act;

12 5. Examine all qualified applicants for licenses to practice
13 behavioral health;

14 6. Investigate complaints and possible violations of the
15 Licensed Behavioral Practitioner Act;

16 7. Accept grants and gifts from various foundations and
17 institutions; and

18 8. Make such expenditures and employ such personnel as the
19 Commissioner may deem necessary for the administration of the
20 Licensed Behavioral Practitioner Act.

21 SECTION 17. AMENDATORY 59 O.S. 2011, Section 1946, as
22 amended by Section 290, Chapter 304, O.S.L. 2012 (59 O.S. Supp.
23 2012, Section 1946), is amended to read as follows:

24

1 Section 1946. There is hereby created in the State Treasury a
2 revolving fund for the ~~Oklahoma Board of Licensed Behavioral~~
3 ~~Practitioners~~ Department, to be designated the "Licensed Behavioral
4 Practitioners Revolving Fund". The fund shall be a continuing fund,
5 not subject to fiscal year limitations, and shall consist of all
6 monies received pursuant to this act. All monies accruing to the
7 credit of the fund are hereby appropriated and may be budgeted and
8 expended by the ~~State Department of Health~~ to meet expenses
9 necessary for carrying out the purpose of the Licensed Behavioral
10 Practitioner Act. Expenditures from the fund shall be approved by
11 the ~~State Commissioner of Health~~ and shall be made upon warrants
12 issued by the State Treasurer against claims filed as prescribed by
13 law with the Director of the Office of Management and Enterprise
14 Services for approval and payment.

15 SECTION 18. AMENDATORY 59 O.S. 2011, Section 1947, is
16 amended to read as follows:

17 Section 1947. A. Licensing fees and annual renewal fees shall
18 be amounts fixed by the ~~State Board of Health upon recommendations~~
19 ~~of the Oklahoma Licensed Behavioral Practitioners Advisory Board~~.
20 The Board shall fix the amount of the fees so that the total fees
21 collected will be sufficient to meet the expenses of administering
22 the provisions of the Licensed Behavioral Practitioner Act and so
23 that excess funds do not accumulate from year to year in the
24 Licensed Behavioral Practitioners Revolving Fund.

1 B. 1. The Board shall not fix a license fee at an amount in
2 excess of Three Hundred Dollars (\$300.00) and a renewal fee at an
3 amount in excess of Two Hundred Dollars (\$200.00).

4 2. The fee for the issuance of a license to replace a license
5 which was lost, destroyed, or mutilated shall be Twenty-five Dollars
6 (\$25.00).

7 3. The fee shall accompany the application for a replacement
8 license.

9 4. The fee for specialty designation shall not exceed One
10 Hundred Fifty Dollars (\$150.00).

11 5. The fee for an examination required pursuant to the Licensed
12 Behavioral Practitioner Act shall not exceed the actual costs
13 incurred by the Department for holding and grading examinations.

14 SECTION 19. AMENDATORY 62 O.S. 2011, Section 155, as
15 amended by Section 446, Chapter 304, O.S.L. 2012 (62 O.S. Supp.
16 2012, Section 155), is amended to read as follows:

17 Section 155. A. There is hereby created in the State Treasury
18 a revolving fund for each of the following state boards, commissions
19 and departments:

20 1. The Board of Governors of the Licensed Architects, Landscape
21 Architects and Registered Interior Designers of Oklahoma;

22 2. ~~The State Barber Advisory Board;~~

23 ~~3.~~ Oklahoma Funeral Board;

24 ~~4.~~ 3. Board of Podiatric Medical Examiners;

- ~~5.~~ 4. Board of Chiropractic Examiners;
- ~~6.~~ 5. State Board of Registration for Foresters;
- ~~7.~~ 6. State Board of Medical Licensure and Supervision;
- ~~8.~~ 7. Oklahoma Board of Nursing;
- ~~9.~~ 8. State Board of Osteopathic Examiners;
- ~~10.~~ 9. State Board of Pharmacy;
- ~~11.~~ 10. State Board of Licensed Social Workers;
- ~~12.~~ 11. Oklahoma Motor Vehicle Commission;
- ~~13.~~ 12. Oklahoma Peanut Commission;
- ~~14.~~ 13. Oklahoma Real Estate Commission;
- ~~15.~~ 14. Santa Claus Commission; and
- ~~16.~~ 15. Wheat Utilization, Research and Market Development Commission.

B. Each revolving fund shall consist of all monies received by the boards, commissions and departments, pursuant to statutory authority, but not including appropriated funds. These revolving funds shall be continuing funds, not subject to fiscal year limitations and shall be under the control and management of the administrative authorities of the respective boards, commissions or departments.

C. Expenditures from said revolving funds shall be made pursuant to the laws of the state and the statutes relating to said boards, commissions and departments, and without legislative appropriation. Warrants for expenditures from said revolving funds

1 shall be drawn by the State Treasurer, based on claims signed by an
2 authorized employee or employees of the respective boards,
3 commissions or departments and approved for payment by the Director
4 of the Office of Management and Enterprise Services.

5 SECTION 20. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 1-103a of Title 63, unless there
7 is created a duplication in numbering, reads as follows:

8 Section 21 of this act shall be known and may be cited as the
9 "Oklahoma Public Health Advisory Council Modernization Act".

10 SECTION 21. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 1-103a.1 of Title 63, unless
12 there is created a duplication in numbering, reads as follows:

13 A. To assist and advise the State Board of Health and the State
14 Department of Health, there are hereby created:

- 15 1. The Consumer Protection Licensing Advisory Council;
- 16 2. The Food Service Advisory Council;
- 17 3. The Counseling Advisory Council;
- 18 4. The Hospital and Emergency Response Advisory Council;
- 19 5. The Health Care Advisory Council;
- 20 6. The Infant and Children's Health Advisory Council; and
- 21 7. The Advancement of Wellness Advisory Council.

22 B. 1. Each Public Health Advisory Council ("Advisory Council")
23 created pursuant to subsection A of this section shall consist of
24 seven (7) members. Two members shall be appointed by the Governor,

1 two members shall be appointed by the Speaker of the House of
2 Representatives, two members shall be appointed by the President Pro
3 Tempore of the Senate, and one member shall be appointed by the
4 State Board of Health. Appointments shall be for three-year terms.
5 Members of the Advisory Councils shall serve at the pleasure of and
6 may be removed from office by the appointing authority. Members
7 shall continue to serve until their successors are appointed. Any
8 vacancy shall be filled in the same manner as the original
9 appointments. Four members shall constitute a quorum.

10 2. Each Advisory Council shall meet at least twice a year, but
11 no more than four times a year and shall elect a chair, a vice-chair
12 and a secretary from among its members. Each Advisory Council shall
13 only meet as required for election of officers, establishment of
14 meeting dates and times; rule development, review and
15 recommendation; and adoption of nonbinding resolutions to the State
16 Department of Health or the State Board of Health concerning matters
17 brought before the Advisory Council. Special meetings may be called
18 by the chair or by the concurrence of any three members.

19 C. 1. All members of the Consumer Protection Licensing
20 Advisory Council shall be knowledgeable of certain consumer issues
21 as specified below. The Consumer Protection Licensing Advisory
22 Council shall be composed as follows:

23 a. the Governor shall appoint:
24

1 (1) one member representing a barber teaching school,
2 and

3 (2) one member who is a registered environmental
4 specialist,

5 b. the President Pro Tempore of the Senate shall appoint:

6 (1) one member who is a licensed barber, and

7 (2) one member representing the hearing aid fitting
8 industry,

9 c. the Speaker of the House of Representatives shall
10 appoint:

11 (1) one member representing the medical
12 micropigmentation industry, and

13 (2) one member who is a registered sanitarian, and

14 d. the State Board of Health shall appoint one member
15 representing a diagnostic x-ray facility.

16 2. The jurisdiction areas of the Consumer Protection Licensing
17 Advisory Council shall include the barber industry, the hearing aid
18 fitting industry, the medical micropigmentation industry,
19 sanitarians and environmental specialists, the radiation industry
20 and such other areas as designated by the State Board of Health.

21 D. 1. All members of the Food Service Advisory Council shall
22 be knowledgeable of food preparation, food service and handling
23 and/or the restaurant business. The Food Service Advisory Council
24 shall be composed as follows:

1 a. the Governor shall appoint:

2 (1) one member representing the restaurant industry,
3 and

4 (2) one member who is employed by a county health
5 department who has inspected restaurants,

6 b. the President Pro Tempore of the Senate shall appoint:

7 (1) one member who owns or operates a restaurant, and

8 (2) one member from an organization representing
9 hotels and motels,

10 c. the Speaker of the House of Representatives shall
11 appoint:

12 (1) one member who shall be an independent food
13 service operator, and

14 (2) one member representing the food processing
15 industry, and

16 d. the State Board of Health shall appoint one member
17 representing an organization that represents grocers.

18 2. The jurisdictional areas of the Food Service Advisory
19 Council shall cover all aspects of food preparation and food service
20 to the public, and such other areas as designated by the State Board
21 of Health.

22 E. 1. All members of the Counseling Advisory Council shall be
23 knowledgeable of counseling issues. The Counseling Advisory Council
24 shall be composed as follows:

- a. the Governor shall appoint two members who are licensed behavioral practitioners,
- b. the President Pro Tempore of the Senate shall appoint two members who are licensed professional counselors,
- c. the Speaker of the House of Representatives shall appoint two members who are licensed family and marital therapists, and
- d. the State Board of Health shall appoint one member who is a licensed genetic counselor.

2. The jurisdictional areas of the Counseling Advisory Council shall include professional counseling licensing and practice issues, marital and family therapist licensing and practice issues, genetic counseling licensing and practice issues, behavioral practitioner licensing and practice issues, and such other areas as designated by the State Board of Health.

F. 1. All members of the Hospital and Emergency Response Advisory Council shall be knowledgeable of issues that arise in a hospital setting and issues that arise concerning emergency response. The Hospital and Emergency Response Advisory Council shall be composed as follows:

- a. the Governor shall appoint:
 - (1) one member who is a physician licensed by the state, and
 - (2) one member who is an EMT licensed by the state,

1 b. the President Pro Tempore of the Senate shall appoint:

2 (1) one member representing a rural hospital, and

3 (2) one member who is a nurse licensed by the state,

4 c. the Speaker of the House of Representatives shall
5 appoint:

6 (1) one member representing the trauma registrar of a
7 licensed hospital that is classified as providing
8 trauma and emergency operative services, and

9 (2) one member representing an urban hospital, and

10 d. the State Board of Health shall appoint one member who
11 is the owner of an emergency response entity.

12 2. The jurisdictional areas of the Hospital and Emergency
13 Response Advisory Council shall include emergency response systems
14 development, hospital, injury prevention, catastrophic health
15 emergency, trauma systems improvement and development and such other
16 areas designated by the State Board of Health.

17 G. 1. All members of the Health Care Advisory Council shall be
18 knowledgeable of issues that arise in areas of adult health care.

19 The Council shall be composed as follows:

20 a. the Governor shall appoint:

21 (1) one member who is a physician licensed by the
22 state who specializes in osteoporosis, and

23 (2) one member who is an optometrist licensed by the
24 state,

1 b. the President Pro Tempore of the Senate shall appoint:

2 (1) one member who is knowledgeable about health
3 information and the exchange of said information,
4 and

5 (2) one member who is an audiologist licensed by the
6 state,

7 c. the Speaker of the House of Representatives shall
8 appoint:

9 (1) one member who is a dentist licensed by the
10 state, and

11 (2) one member who is a physician licensed by the
12 state who specializes in the treatment of cancer,
13 and

14 d. the State Board of Health shall appoint one member who
15 is a physician licensed by the state who specializes
16 in the diagnosis and treatment of sexually transmitted
17 diseases.

18 2. The jurisdictional areas of the Health Care Advisory Council
19 shall include all issues that arise in the area of health care for
20 adults and such other areas as designated by the State Board of
21 Health.

22 H. 1. All members of the Infant and Children's Health Advisory
23 Council shall be knowledgeable of issues that arise in the area of
24

1 infant and children's health care. The Infant and Children's Health
2 Advisory Council shall be composed as follows:

3 a. the Governor shall appoint:

4 (1) one member who works for the state or for a
5 political subdivision on child abuse issues, and

6 (2) one member who is knowledgeable about childhood
7 immunizations,

8 b. the President Pro Tempore of the Senate shall appoint:

9 (1) one member who is knowledgeable about newborn
10 screening issues, and

11 (2) one member who is licensed by the state as a
12 physician and works as a pediatrician in a rural
13 setting,

14 c. the Speaker of the House of Representatives shall
15 appoint:

16 (1) one member who is licensed by the state as a
17 physician and works as a pediatrician in an urban
18 setting, and

19 (2) one member of the general public who has worked
20 on child abuse issues, and

21 d. the State Board of Health shall appoint one member who
22 is a physician licensed by the state who specializes
23 in the diagnosis and treatment of childhood injuries
24 in a trauma setting.

1 2. The jurisdictional areas of the Infant and Children's Health
2 Advisory Council shall include all issues that arise in the area of
3 health care for infants and children and such other areas as
4 designated by the State Board of Health.

5 I. 1. All members of the Advancement of Wellness Advisory
6 Council shall be knowledgeable of issues that arise in the area of
7 advancing the health of all Oklahomans. The Advancement of Wellness
8 Advisory Council shall be composed as follows:

- 9 a. the Governor shall appoint:
 - 10 (1) one member who is knowledgeable about the
 - 11 prevention and/or cessation of tobacco usage, and
 - 12 (2) one member who is knowledgeable about organ donor
 - 13 issues,
- 14 b. the President Pro Tempore of the Senate shall appoint:
 - 15 (1) one member who is major of a city or town that
 - 16 has been designated a certified healthy community
 - 17 in an urban setting, and
 - 18 (2) one member who is the president or chief
 - 19 operating officer of a business that has been
 - 20 designated a certified healthy business in a
 - 21 rural setting,
- 22 c. the Speaker of the House of Representatives shall
- 23 appoint:

1 (1) one member who is the mayor of a city or town
2 that has been designated a certified healthy
3 community in a rural setting, and

4 (2) one member who is the president or chief
5 operating officer of a business that has been
6 designated a certified healthy business in an
7 urban setting, and

8 d. the State Board of Health shall appoint one member who
9 is the Executive Director of the Tobacco Settlement
10 Endowment Trust.

11 2. The jurisdictional areas of the Advancement of Wellness
12 Advisory Council shall include all issues that arise in the areas of
13 tobacco usage and cessation, organ and tissue donation, the
14 requirements for a city or town in the state to be designated as a
15 certified healthy community, the requirements for a business to be
16 designated as a certified healthy business and such other areas as
17 designated by the State Board of Health.

18 J. In addition to other powers and duties assigned to each
19 Advisory Council pursuant to this section, each Advisory Council
20 shall, within its jurisdictional area:

21 1. Have authority to recommend to the State Board of Health
22 rules on behalf of the State Department of Health. The State
23 Department of Health shall not have standing to recommend to the
24 State Board of Health permanent rules or changes to such rules

1 within the jurisdiction of an Advisory Council which have not
2 previously been submitted to the appropriate Advisory Council for
3 action;

4 2. Before recommending any permanent rules to the State Board
5 of Health, give public notice, offer an opportunity for public
6 comment and conduct a public rulemaking hearing when required by the
7 Administrative Procedures Act;

8 3. Have the authority to make nonbinding written
9 recommendations to the State Board of Health and/or to the State
10 Department of Health which have been concurred upon by at least a
11 majority of the membership of the Advisory Council;

12 4. Have the authority to provide a public forum for the
13 discussion of issues it considers relevant to its area of
14 jurisdiction, and to:

- 15 a. pass nonbinding resolutions expressing the sense of
16 the Advisory Council, and
17 b. make recommendations to the State Board of Health of
18 the State Department of Health concerning the need and
19 the desirability of conducting meetings, workshops and
20 seminars; and

21 5. Cooperate with each other Advisory Council, the public, the
22 State Board of Health and the Commissioner of Health in order to
23 coordinate the rules within their respective jurisdictional areas
24

1 and to achieve maximum efficiency and effectiveness in furthering
2 the objectives of the State Department of Health.

3 K. The Advisory Councils shall not recommend rules for
4 promulgation by the State Board of Health unless all applicable
5 requirements of the Administrative Procedures Act have been
6 followed, including but not limited to notice, rule-impact statement
7 and rulemaking hearings.

8 L. Members of the Advisory Councils shall serve without
9 compensation but may be reimbursed expenses incurred in the
10 performance of their duties, as provided in the State Travel
11 Reimbursement Act. The Advisory Councils are authorized to utilize
12 the conference rooms of the State Department of Health and obtain
13 administrative assistance from the State Department of Health, as
14 required.

15 SECTION 22. AMENDATORY 63 O.S. 2011, Section 1-114.1, is
16 amended to read as follows:

17 Section 1-114.1 A. There is hereby established the
18 Comprehensive Childhood Lead Poisoning Prevention Program to be
19 administered by the State Department of Health.

20 B. The State Board of Health, giving consideration to the
21 recommendations of the Infant and Children's Health Advisory Council
22 established by Section 21 of this act, shall promulgate rules for:

23 1. Lead toxicity screening of children ages six (6) months to
24 seventy-two (72) months;

1 2. The performance of verbal risk assessments on children ages
2 six (6) months to seventy-two (72) months;

3 3. The performance of blood lead tests when screening eligible
4 children for lead poisoning, provided that screening and testing for
5 Medicaid-eligible children shall be conducted in accordance with
6 existing federal law;

7 4. Setting standards for any developmental assessments for a
8 child identified as being lead poisoned;

9 5. Identifying as statewide screening requirements the minimum
10 laboratory tests or analysis for childhood lead poisoning to be
11 performed by medical providers for particular age or population
12 groups;

13 6. The determination of risk for each child tested;

14 7. Detailing the diagnosis, treatment and follow-up services
15 needed pursuant to the provisions of this act;

16 8. Providing for health education and counseling related to
17 childhood lead poisoning to parents and children; and

18 9. Assessments and lead hazard control as part of the treatment
19 and follow-up for a child identified as being lead poisoned.

20 ~~C. To assist the State Board of Health in establishing~~
21 ~~criteria, standards and rules necessary to effectuate the provisions~~
22 ~~of this section, there is hereby created the Childhood Lead~~
23 ~~Poisoning Prevention Advisory Council. The Council shall consist of~~
24 ~~fifteen (15) members to be appointed as follows:~~

1 ~~1. Eleven members shall be appointed by the State Commissioner~~
2 ~~of Health as follows: a representative of a local housing~~
3 ~~authority, a representative of a housing industry organization, a~~
4 ~~local housing code official, a representative of a local housing~~
5 ~~project, an environmental professional, a public health nurse, a~~
6 ~~representative of the Oklahoma Chapter of the American Academy of~~
7 ~~Pediatrics, a representative of the State Medicaid Program, a~~
8 ~~clinical laboratory director, and two parents; and~~

9 ~~2. The following four ex officio members or their designees:~~
10 ~~the State Commissioner of Health, the Executive Director of the~~
11 ~~Department of Environmental Quality, the Director of the Oklahoma~~
12 ~~Commission on Children and Youth, and the Director of the Oklahoma~~
13 ~~Housing Finance Authority.~~

14 ~~The terms of office of the appointed members shall be three (3)~~
15 ~~years. Members shall serve at the pleasure of the appointing~~
16 ~~authority. The Council shall recommend to the Board rules for the~~
17 ~~Comprehensive Childhood Lead Poisoning Prevention Program. The~~
18 ~~Council is authorized to utilize the conference rooms of the State~~
19 ~~Department of Health and to obtain administrative assistance from~~
20 ~~the Department.~~

21 SECTION 23. AMENDATORY 63 O.S. 2011, Section 1-118, is
22 amended to read as follows:

23 Section 1-118. A. The Division of Health Care Information is
24 hereby created within the State Department of Health.

1 B. The Division shall:

2 1. Collect from providers health care information for which the
3 Division has established a defined purpose and a demonstrated
4 utility that is consistent with the intent of the provisions of
5 Section 1-117 et seq. of this title;

6 2. Establish and maintain a uniform health care information
7 system;

8 3. Analyze health care data submitted including, but not
9 limited to, geographic mapping of disease entities;

10 4. Provide for dissemination of health care data to users and
11 consumers;

12 5. Provide for the training and education of information
13 providers regarding processing and maintenance and methods of
14 reporting required information;

15 6. Be authorized to access all state agency health-related data
16 sets and shall develop mechanisms for the receipt of health care
17 data to the Division or its agent; provided, however, all provisions
18 for confidentiality shall remain in place;

19 7. Provide for the exchange of information with other agencies
20 or political subdivisions of this state, the federal government or
21 other states, or agencies thereof. The Division shall collaborate
22 with county health departments, including the Oklahoma City-County
23 Health Department and the Tulsa City-County Health Department, in
24 developing city-county-based health data sets;

1 8. Contract with other public or private entities for the
2 purpose of collecting, processing or disseminating health care data;
3 and

4 9. Build and maintain the data base.

5 C. 1. The State Board of Health, giving consideration to the
6 recommendations of the Health Care Advisory Council established by
7 Section 21 of this act, shall adopt rules governing the acquisition,
8 compilation and dissemination of all data collected pursuant to the
9 Oklahoma Health Care Information System Act.

10 2. The rules shall include, but not be limited to:

11 a. adequate measures to provide system security for all
12 data and information acquired pursuant to the Oklahoma
13 Health Care Information System Act,

14 b. adequate procedures to ensure confidentiality of
15 patient records,

16 c. charges for users for the cost of data preparation for
17 information that is beyond the routine data
18 disseminated by the office, and

19 d. time limits for the submission of data by information
20 providers.

21 D. The Division shall adopt standard nationally recognized
22 coding systems to ensure quality in receiving and processing data.

23 E. The Division shall implement mechanisms to encrypt all
24 personal identifiers contained in any health care data upon

1 transmission to the State Department of Health, and all such data
2 shall remain encrypted while maintained in the Department's database
3 or while used by a contractor.

4 F. The Division may contract with an organization for the
5 purpose of data analysis. Any contract or renewal thereof shall be
6 based on the need for, and the feasibility, cost and performance of,
7 services provided by the organization. The Division shall require
8 any data analyzer at a minimum to:

- 9 1. Analyze the information;
- 10 2. Prepare policy-related and other analytical reports as
11 determined necessary for purposes of this act; and
- 12 3. Protect the encryption and confidentiality of the data.

13 G. The Board shall have the authority to set fees and charges
14 with regard to the collection and compilation of data requested for
15 special reports, and for the dissemination of data. These funds
16 shall be deposited in the Oklahoma Health Care Information System
17 Revolving Fund account.

18 H. The Division may accept grants or charitable contributions
19 for use in carrying out the functions set forth in the Oklahoma
20 Health Care Information System Act from any source. These funds
21 shall be deposited in the Oklahoma Health Care Information System
22 Revolving Fund.

23 SECTION 24. AMENDATORY 63 O.S. 2011, Section 1-119, is
24 amended to read as follows:

1 Section 1-119. A. 1. The Division of Health Care Information
2 within the State Department of Health shall, ~~with the advice of the~~
3 ~~Health Care Information Advisory Committee~~ and in accordance with
4 the rules of the State Board of Health, collect health care
5 information from information providers.

6 2. The information to be collected about information providers
7 may include, but shall not be limited to:

- 8 a. financial information including, but not limited to,
9 consumption of resources to provide services,
10 reimbursement, costs of operation, revenues, assets,
11 liabilities, fund balances, other income, rates,
12 charges, units of service, wage and salary data,
- 13 b. service information including, but not limited to,
14 occupancy, capacity, and special and ancillary
15 services,
- 16 c. physician profiles in the aggregate by clinical
17 specialties and nursing services,
- 18 d. discharge data including, but not limited to,
19 completed discharge data sets or comparable
20 information for each patient discharged from the
21 facility after the effective date of this act, and
- 22 e. ambulatory care data including, but not limited to,
23 provider-specific and encounter data.

24

1 3. The Division shall implement a demonstration project for the
2 voluntary submission of ambulatory care data, including, but not
3 limited to, submissions from federally qualified health centers,
4 migrant health programs and rural health clinics as defined in Title
5 3 of the Federal Public Health Service Act (PL 104-299), and the
6 Oklahoma Health Care Authority. The Division shall complete the
7 demonstration project by January 1, 2002.

8 4. The Division shall establish a phase-in schedule for the
9 collection of health care data. The phase-in schedule shall provide
10 that prior to January 1, 1994, only data currently collected shall
11 be required to be submitted to the Division. Thereafter, in the
12 collection of health care data, the Division shall whenever possible
13 utilize existing health data resources and avoid duplication in the
14 collection of health care data.

15 5. Except as provided by Section 1-120 of this title and as
16 otherwise authorized by the provisions of the Oklahoma Health Care
17 Information System Act, the provisions of the Oklahoma Health Care
18 Information System Act shall not be construed to lessen or reduce
19 the responsibility of the information provider with regard to:

- 20 a. the accuracy of the data or information submitted,
- 21 b. liability for release of the data or information to
22 the Division, data processor or as otherwise
23 authorized by this section, or

1 c. the preservation of confidentiality of such data or
2 information until submitted to the Division.

3 B. Upon the request of the State Department of Health, every
4 state agency, board or commission shall provide the Division of
5 Health Care Information with the health care data and other health
6 care information requested at no charge to the Department or the
7 Division. Except as otherwise provided by the Health Care
8 Information System Act for the purpose of statistical and similar
9 reports, information which is required by state or federal law to be
10 confidential shall not be transferred to any entity by the Division
11 unless a separate written agreement for such transfer has been
12 executed with the state agency, board or commission providing the
13 information to the Division.

14 SECTION 25. AMENDATORY 63 O.S. 2011, Section 1-120, is
15 amended to read as follows:

16 Section 1-120. A. Except as otherwise provided by Section 1-
17 119 of this title, the individual forms, computer tapes, or other
18 forms of data collected by and furnished to the Division of Health
19 Care Information or to a data processor pursuant to the Oklahoma
20 Health Care Information System Act shall be confidential and shall
21 not be public records as defined in the Open Records Act.

22 B. After approval by the State Department of Health, the
23 compilations prepared for release or dissemination from the data
24 collected, except for a report prepared at the request of an

1 individual data provider containing information concerning only its
2 transactions, shall be public records. ~~The Division shall establish~~
3 ~~a Health Care Information Advisory Committee as provided in Section~~
4 ~~1-122 of this title, to assist with determinations related to data~~
5 ~~collection, and information to be released and disseminated to the~~
6 ~~public.~~

7 C. The confidentiality of identifying information is to be
8 protected and the pertinent statutes, rules and regulations of the
9 State of Oklahoma and of the federal government relative to
10 confidentiality shall apply.

11 D. Identifying information shall not be disclosed, and shall
12 not be used for any purpose except for the creation and maintenance
13 of anonymous medical case histories for statistical reporting and
14 data analysis.

15 E. The Division or other state agency receiving information
16 pursuant to the Oklahoma Health Care Information System Act shall be
17 subject to the same confidentiality restrictions imposed by state or
18 federal law as the public or private agency providing the
19 information and is prohibited from taking any administrative,
20 investigative or other action with respect to any individual on the
21 basis of the identifying information. The Division data analyzer or
22 other state agency receiving information pursuant to the Oklahoma
23 Health Care Information System Act is further prohibited from
24 identifying, directly or indirectly, any individual in any report of

1 scientific research or long-term evaluation, or otherwise disclosing
2 identities in any manner.

3 F. Except as otherwise authorized by the Oklahoma Health Care
4 Information System Act, identifying information submitted to the
5 Division which would directly or indirectly identify any person
6 shall not be disclosed by the Division either voluntarily or in
7 response to any legal process, unless directed to by a court of
8 competent jurisdiction, granted after application showing good cause
9 therefor with notice of the hearing to the Division. In assessing
10 good cause the court shall only grant such application if it seeks
11 to challenge the statistical efficacy of a finding made by the
12 Division or alleges a violation of confidentiality by the Division.
13 Such application shall then be granted only when the public interest
14 and the need for disclosure outweighs the injury to the person, to
15 the physician-patient relationship, and to the treatment services.
16 Upon the granting of such order, the court, in determining the
17 extent to which any disclosure of all or any part of any record is
18 necessary, shall impose appropriate safeguards against unauthorized
19 disclosure.

20 G. Any person who submits or receives data as required or
21 authorized by the Oklahoma Health Care Information System Act shall
22 be immune from liability in any civil action for any action taken as
23 required by the provisions of the Oklahoma Health Care Information
24

1 System Act. This immunity is in addition to any other immunity for
2 the same or similar acts to which the person is otherwise entitled.

3 H. Any person who violates the confidentiality provisions of
4 this section shall be punishable by a fine of Five Thousand Dollars
5 (\$5,000.00).

6 SECTION 26. AMENDATORY 63 O.S. 2011, Section 1-227.1, is
7 amended to read as follows:

8 Section 1-227.1 As used in the Child Abuse Prevention Act:

9 1. "Child abuse prevention" means services and programs
10 designed to prevent the occurrence or recurrence of child abuse and
11 neglect as defined in Section ~~7102~~ 1-1-105 of Title ~~10~~ 10A of the
12 Oklahoma Statutes but as limited by Section 844 of Title 21 of the
13 Oklahoma Statutes. Except for the purpose of planning and
14 coordination pursuant to the provisions of the Child Abuse
15 Prevention Act, the services and programs of the Department of Human
16 Services which are mandated by state law or which are a requirement
17 for the receipt of federal funds with regard to deprived, destitute
18 or homeless children shall not be subject to the provisions of the
19 Child Abuse Prevention Act;

20 2. ~~"Child Abuse Training and Coordination Council" or "Training~~
21 ~~Council" means the council responsible for the development of~~
22 ~~training curricula established by Section 1-227.9 of this title;~~

23 3. "Primary prevention" means programs and services designed to
24 promote the general welfare of children and families;

1 ~~4.~~ 3. "Secondary prevention" means the identification of
2 children who are in circumstances where there is a high risk that
3 abuse will occur and assistance, as necessary and appropriate, to
4 prevent abuse or neglect from occurring;

5 ~~5.~~ 4. "Tertiary prevention" means those services provided after
6 abuse or neglect has occurred which are designed to prevent the
7 recurrence of abuse or neglect;

8 ~~6.~~ 5. "Department" means the State Department of Health;

9 ~~7.~~ 6. "Director" means the Director of the Office of Child
10 Abuse Prevention;

11 ~~8.~~ 7. "Office" means the Office of Child Abuse Prevention;

12 ~~9.~~ "Interagency child abuse prevention task force" means the
13 ~~state child abuse prevention planning and coordinating body~~
14 ~~established pursuant to the provisions of Section 1-227.4 of this~~
15 ~~title;~~

16 ~~10.~~ 8. "Commission" means the Oklahoma Commission on Children
17 and Youth; and

18 ~~11.~~ 9. "Child Abuse Prevention Fund" means the revolving fund
19 established pursuant to Section 1-227.8 of this title.

20 SECTION 27. AMENDATORY 63 O.S. 2011, Section 1-227.2, is
21 amended to read as follows:

22 Section 1-227.2 A. The Office of Child Abuse Prevention is
23 hereby authorized and directed to:

24

1 1. Prepare and implement a comprehensive state plan for the
2 planning and coordination of child abuse prevention programs and
3 services and for the establishment, development and funding of such
4 programs and services, and to revise and update said plan pursuant
5 to the provisions of Section 1-227.3 of this title;

6 2. Monitor, evaluate and review the development and quality of
7 services and programs for the prevention of child abuse and neglect,
8 publish and distribute an annual report of its findings on or before
9 January 1 of each year to the Governor, the Speaker of the House of
10 Representatives, the President Pro Tempore of the Senate and to the
11 chief administrative officer of each agency affected by the report.

12 The report shall include:

- 13 a. activities of the Office,
- 14 b. a summary detailing the demographic characteristics of
15 families served including, but not limited to, the
16 following:
 - 17 (1) age and marital status of parent(s),
 - 18 (2) number and age of children living in the
19 household,
 - 20 (3) household composition of families served,
 - 21 (4) number of families accepted into the program by
22 grantee site and average length of time enrolled,
 - 23 (5) number of families not accepted into the program
24 and the reason therefor, and

1 (6) average actual expenditures per family during the
2 most recent state fiscal year,

3 c. recommendations for the further development and
4 improvement of services and programs for the
5 prevention of child abuse and neglect, and

6 d. budget and program needs; and

7 3. Conduct or otherwise provide for or make available
8 continuing professional education and training in the area of child
9 abuse prevention.

10 B. For the purpose of implementing the provisions of the Child
11 Abuse Prevention Act, the State Department of Health is authorized
12 to:

13 1. Accept appropriations, gifts, loans and grants from the
14 state and federal government and from other sources, public or
15 private;

16 2. Enter into agreements or contracts for the establishment and
17 development of:

18 a. programs and services for the prevention of child
19 abuse and neglect,

20 b. training programs for the prevention of child abuse
21 and neglect, and

22 c. multidisciplinary and discipline specific training
23 programs for professionals with responsibilities
24 affecting children, youth and families; and

1 3. Secure necessary statistical, technical, administrative and
2 operational services by interagency agreement or contract.

3 C. For the purpose of implementing the provisions of the Child
4 Abuse Prevention Act, the State Board of Health, giving
5 consideration to the recommendations of the Infant and Children's
6 Health Advisory Council as established by Section 21 of this act, is
7 authorized to promulgate rules and regulations as necessary to
8 implement the duties and responsibilities assigned to the Office of
9 Child Abuse Prevention.

10 SECTION 28. AMENDATORY 63 O.S. 2011, Section 1-227.4, is
11 amended to read as follows:

12 Section 1-227.4 A. ~~The Oklahoma Commission on Children and~~
13 ~~Youth shall appoint an interagency child abuse prevention task force~~
14 ~~which shall be composed of seventeen (17) members as follows:~~

15 1. ~~One representative of the child welfare services division of~~
16 ~~the Department of Human Services;~~

17 2. ~~One representative of the maternal and child health services~~
18 ~~of the State Department of Health;~~

19 3. ~~One representative of the child guidance services of the~~
20 ~~State Department of Health;~~

21 4. ~~One representative of the State Department of Education;~~

22 5. ~~Two representatives of the Department of Mental Health and~~
23 ~~Substance Abuse Services, one with expertise in the treatment of~~
24

1 ~~mental illness and one with expertise in the treatment of substance~~
2 ~~abuse;~~

3 ~~6. One representative of the Office of the Attorney General~~
4 ~~with expertise in the area of domestic abuse;~~

5 ~~7. One representative of the Oklahoma Commission on Children~~
6 ~~and Youth's Community Partnership Board;~~

7 ~~8. One representative of the Oklahoma Chapter of the American~~
8 ~~Academy of Pediatrics;~~

9 ~~9. One representative of the judiciary, the legal profession,~~
10 ~~or law enforcement;~~

11 ~~10. Two representatives who have expertise in the delivery of~~
12 ~~child abuse prevention services and who do not receive funds from~~
13 ~~the Child Abuse Prevention Fund as provided in Section 1-227.8 of~~
14 ~~this title; one of whom shall have experience providing child abuse~~
15 ~~prevention services pursuant to Section 1-9-108 of Title 10A of the~~
16 ~~Oklahoma Statutes;~~

17 ~~11. One representative of the Oklahoma Partnership for School~~
18 ~~Readiness Board;~~

19 ~~12. Three parents participating in a child abuse prevention~~
20 ~~program; and~~

21 ~~13. One representative of the faith community.~~

22 ~~B. Each member of the interagency child abuse prevention task~~
23 ~~force is authorized to have one designee.~~

1 ~~C. The Office of Child Abuse Prevention and the interagency~~
2 ~~child abuse prevention task force of the Oklahoma Commission on~~
3 ~~Children and Youth~~ State Department of Health shall prepare the
4 comprehensive state plan for prevention of child abuse and neglect
5 for the approval of the Oklahoma Commission on Children and Youth.
6 The development and preparation of the plan shall include, but not
7 be limited to, adequate opportunity for appropriate local private
8 and public agencies and organizations and private citizens to
9 participate in the development of the state plan at the local level.

10 ~~D. B. 1. The interagency child abuse prevention task force and~~
11 ~~the~~ Office of Child Abuse Prevention shall review and evaluate all
12 proposals submitted for grants or contracts for child abuse
13 prevention programs and services. Upon completion of such review
14 and evaluation, the ~~interagency child abuse prevention task force~~
15 ~~and the~~ Office of Child Abuse Prevention shall make the final
16 recommendations as to which proposals should be funded pursuant to
17 the provisions of the Child Abuse Prevention Act and shall submit
18 its findings to the Oklahoma Commission on Children and Youth. The
19 Commission shall review the findings of the interagency child abuse
20 prevention task force and the Office of Child Abuse Prevention for
21 compliance of such approved proposals with the comprehensive state
22 plan prepared pursuant to the provisions of the Child Abuse
23 Prevention Act.

24

1 2. Upon ascertaining compliance with the plans, the Commission
2 shall deliver the findings of the ~~interagency child abuse prevention~~
3 ~~task force and the~~ Office of Child Abuse Prevention to the State
4 Commissioner of Health.

5 3. The Commissioner shall authorize the Office of Child Abuse
6 Prevention to use the Child Abuse Prevention Fund to fund such
7 grants or contracts for child abuse prevention programs and services
8 which are approved by the Commissioner.

9 4. ~~Whenever the Commissioner approves a grant or contract which~~
10 ~~was not recommended by the interagency task force and the Office of~~
11 ~~Child Abuse Prevention, the Commissioner shall state in writing the~~
12 ~~reason for such decision.~~

13 ~~5.~~ Once the grants or contracts have been awarded by the
14 Commissioner, the Office of Child Abuse Prevention, ~~along with the~~
15 ~~interagency child abuse prevention task force,~~ shall annually review
16 the performance of the awardees and determine if funding should be
17 continued.

18 SECTION 29. AMENDATORY 63 O.S. 2011, Section 1-229.2, is
19 amended to read as follows:

20 Section 1-229.2 As used in the Oklahoma Tobacco Use Prevention
21 and Cessation Act:

22 1. ~~"Committee" means the Tobacco Use Prevention and Cessation~~
23 ~~Advisory Committee established pursuant to Section 4 of this act to~~
24 ~~review and recommend a State Plan for Tobacco Use Prevention and~~

1 ~~Cessation, to periodically review progress towards meeting the~~
2 ~~objectives of the State Plan, and to approve of all Invitations To~~
3 ~~Bid prior to issuance and make final recommendations for award of~~
4 ~~contracts from the Fund for the purpose of reducing tobacco use;~~

5 2. "Contractor" means any public entity, private entity, or
6 private nonprofit entity to which the State Department of Health,
7 after recommendation by the ~~Tobacco Use Prevention and Cessation~~
8 Advancement of Wellness Advisory Committee Council as established by
9 Section 21 of this act, has awarded monies from the Fund for
10 qualified tobacco use prevention or cessation programs;

11 ~~3.~~ 2. "Department" means the State Department of Health;

12 ~~4.~~ 3. "Fund" means the Tobacco Use Reduction Fund established
13 pursuant to Section ~~3~~ 1-229.3 of this ~~act~~ title;

14 ~~5.~~ 4. "Qualified tobacco use prevention or cessation program"
15 means a program for the prevention or cessation of tobacco use that
16 meets the criteria set forth in the State Plan for Tobacco Use
17 Prevention and Cessation;

18 ~~6.~~ 5. "State Plan" means the State Plan for Tobacco Use
19 Prevention and Cessation adopted pursuant to Section ~~5~~ 1-229.5 of
20 this ~~act~~ title; and

21 ~~7.~~ 6. "Tobacco use" means the consumption of tobacco products
22 by burning, chewing, inhalation or other forms of ingestion.

23 SECTION 30. AMENDATORY 63 O.S. 2011, Section 1-229.5, is
24 amended to read as follows:

1 Section 1-229.5 A. On or before January 1, 2002, the ~~Tobacco~~
2 ~~Use Prevention and Cessation~~ Department, giving consideration to the
3 recommendations of the Advancement of Wellness Advisory Committee
4 Council as established by Section 21 of this act, shall review and
5 recommend a State Plan for Tobacco Use Prevention and Cessation that
6 is in compliance with nationally recognized guidelines or scientific
7 evidence of effectiveness. On or before January 1 of each
8 ~~subsequent~~ year, the ~~Committee~~ Department may propose amendments to
9 the plan. The ~~Committee~~ Department shall submit its proposed State
10 Plan or any proposed amendments thereto to the Governor, the Speaker
11 of the House of Representatives, the President Pro Tempore of the
12 Senate, and the Attorney General. The Governor, members of the
13 Legislature, and the Attorney General ~~may submit comments to the~~
14 ~~Committee on the State Plan on or before March 1, 2002~~, and may
15 submit comments to the ~~Committee~~ Department on its proposed
16 amendments to the State Plan on or before March 1 of each ~~subsequent~~
17 year. ~~On or before May 1, 2002, the Committee shall adopt a final~~
18 ~~State Plan and shall submit such plan to the State Department of~~
19 ~~Health.~~ On or before May 1 of each ~~subsequent~~ year, the ~~Committee~~
20 Department shall ~~recommend any amendments to the State Plan to the~~
21 ~~Department and shall~~ make such amended State Plan public.

22 B. The State Plan shall set out the criteria by which
23 Invitations To Bid and applications for contract proposals are
24 considered ~~by the Committee~~. Such plan shall also describe the

1 types of tobacco use prevention or cessation programs that shall be
2 eligible for consideration for contracts from the Fund utilizing
3 only those programs that are in compliance with nationally
4 recognized guidelines, or scientific evidence of effectiveness.

5 Such eligible programs shall include, but not be limited to:

6 1. Media campaigns directed to youth to prevent underage
7 tobacco use;

8 2. School-based education programs to prevent youth tobacco
9 use;

10 3. Community-based youth programs involving tobacco use
11 prevention through general youth development;

12 4. Enforcement and administration of the Prevention of Youth
13 Access to Tobacco Act, and related retailer education and compliance
14 efforts;

15 5. Cessation programs for youth; and

16 6. Prevention or cessation programs for adults.

17 C. The State Plan shall provide that no less than seventy
18 percent (70%) of the dollar value of the contracts awarded in each
19 year shall be dedicated to programs described in paragraphs 1
20 through 5 of subsection B of this section.

21 D. The State Plan shall provide for the evaluation of all
22 funded programs to determine their overall effectiveness in
23 preventing or reducing tobacco use according to the program's stated
24 goals.

1 An annual evaluation shall be provided by an independent
2 contractor to determine the effectiveness of the programs by
3 measuring the following:

4 1. Tobacco consumption;

5 2. Smoking rates among the population targeted by the programs;

6 and

7 3. The specific effectiveness of any other program funded.

8 Such evaluation shall also be compared with initial baseline data
9 collected prior to the creation of this act, and data from previous
10 years if it is a multiyear program.

11 E. The State Plan further shall provide for administration of
12 the Oklahoma Youth Tobacco Survey to measure tobacco use and
13 behaviors towards tobacco use by individuals in grades six through
14 twelve. Such survey shall:

15 1. Involve a statistically valid sample of the individuals in
16 each of grades six through twelve;

17 2. Be made available to the public, along with the resulting
18 data, excluding respondent identities and respondent-identifiable
19 data, within sixty (60) days of completion of the survey; and

20 3. Be compared with data from previous years, including initial
21 baseline data collected prior to the creation of this act.

22 ~~F. The State Plan shall provide that no more than five percent~~
23 ~~(5%) of the Fund shall be expended on the administrative costs of~~
24 ~~the Committee.~~

1 ~~G. The development and adoption of the State Plan shall be~~
2 ~~subject to the notice and comment provisions of the Administrative~~
3 ~~Procedures Act, except as otherwise provided in this act.~~

4 SECTION 31. AMENDATORY 63 O.S. 2011, Section 1-229.6, is
5 amended to read as follows:

6 Section 1-229.6 A. ~~The Tobacco Use Prevention and Cessation~~
7 ~~Advisory Committee~~ Department shall meet at least four times a year
8 ~~to~~ review Invitations To Bid ~~proposed by the Department and~~
9 applications for contracts and ~~to~~ evaluate the progress and outcomes
10 of tobacco use prevention and cessation programs. ~~The Committee~~
11 Department shall make final approval ~~to the State Department of~~
12 ~~Health~~ for the issuance of Invitations To Bid for contracts for
13 tobacco use prevention and cessation programs. ~~No approval of an~~
14 ~~Invitation To Bid may be forwarded to the Department without the~~
15 ~~approval of the vote of a majority of the Committee.~~

16 B. ~~The Invitation To Bid response evaluation teams shall be~~
17 ~~subcommittees appointed by the Advisory Committee. No subcommittee~~
18 ~~member shall be an applicant or recipient of funds for the program~~
19 ~~component proposed.~~

20 C. ~~The subcommittees and Advisory Committee shall make final~~
21 ~~recommendations to the Department for the award of contracts to~~
22 ~~qualified bidders. No recommendation may be forwarded to the~~
23 ~~Department without the approval of a majority of the Committee.~~

1 ~~D. In the case of proposed contracts between the Department and~~
2 ~~other government agencies, the Advisory Committee shall make final~~
3 ~~recommendations to the Department for award. No recommendations may~~
4 ~~be forwarded to the Department without the approval of a majority of~~
5 ~~the Committee.~~

6 E. An applicant or a bidder that requests funding to initiate,
7 continue or expand a tobacco use prevention or cessation program
8 shall demonstrate, by means of application, letters of
9 recommendation, and such other means as the ~~Committee~~ Department may
10 designate, that the proposed tobacco use prevention or cessation
11 program for which it seeks funds meets the criteria set forth in the
12 State Plan. Previous contractors shall include recent evaluations
13 of their programs with their bids or applications. The ~~Committee~~
14 Department may not ~~recommend the award of~~ a contract unless it makes
15 a specific finding, as to each applicant or bidder, that the program
16 proposed to be funded meets the criteria set forth in the State
17 Plan.

18 ~~F. C.~~ In developing the State Plan and approving Invitations To
19 Bid and reviewing intergovernmental contracts the ~~Committee~~
20 Department shall consider:

21 1. In the case of applications or Invitations To Bid to fund
22 media campaigns directed to youth to prevent underage tobacco use,
23 whether the campaign provides for sound management and periodic
24 evaluation of the campaign's relevance to the intended audience,

1 including audience awareness of the campaign and recollection of the
2 main message;

3 2. In the case of applications or Invitations To Bid to fund
4 school-based education programs to prevent youth tobacco use,
5 whether there is credible evidence that the program is effective in
6 reducing youth tobacco use;

7 3. In the case of applications or Invitations To Bid to fund
8 community-based youth programs involving youth tobacco use
9 prevention through general youth development, whether the program:

- 10 a. has a comprehensive strategy with a clear mission and
11 goals,
- 12 b. has professional leadership,
- 13 c. offers a diverse array of youth-centered activities in
14 youth-accessible facilities,
- 15 d. is culturally sensitive, inclusive and diverse,
- 16 e. involves youth in the planning, delivery, and
17 evaluation of services that affect them, and
- 18 f. offers a positive focus including all youth;

19 4. In the case of applications or Invitations To Bid to fund
20 enforcement and administration of the Prevention of Youth Access to
21 Tobacco Act and related retailer education and compliance efforts,
22 whether such activities and efforts can reasonably be expected to
23 reduce the extent to which tobacco products are available to
24 individuals under eighteen (18) years of age;

1 5. In the case of applications or Invitations To Bid to fund
2 youth cessation, whether there is credible evidence that the program
3 is effective in long-term tobacco use cessation; and

4 6. In the case of applications or Invitations To Bid to fund
5 adult programs, whether there is credible evidence that the program
6 is effective in decreasing tobacco use.

7 ~~G.~~ D. State and local government departments and agencies shall
8 be eligible for contracts provided pursuant to this act.

9 SECTION 32. AMENDATORY 63 O.S. 2011, Section 1-260.2, is
10 amended to read as follows:

11 Section 1-260.2 A. The purposes of this act are:

12 1. To design and implement a multigenerational, statewide
13 program of public awareness and knowledge about:

- 14 a. the causes of osteoporosis,
- 15 b. personal risk factors,
- 16 c. the value of prevention and early detection, and
- 17 d. the options available for treatment;

18 2. To facilitate and enhance knowledge and understanding of
19 osteoporosis by disseminating educational materials, information
20 about research results, services, and strategies for prevention and
21 treatment to patients, health professionals, and the public;

22 3. To utilize educational and training resources and services
23 that have been developed by organizations with appropriate expertise
24

1 and knowledge of osteoporosis, and to use available technical
2 assistance;

3 4. To evaluate existing osteoporosis services in the community
4 and assess the need for improving the quality and accessibility of
5 community-based services;

6 5. To provide easy access to clear, complete, and accurate
7 osteoporosis information and referral services;

8 6. To educate and train service providers, health
9 professionals, and physicians;

10 7. To heighten awareness about the prevention, detection, and
11 treatment of osteoporosis among state and local health and human
12 service officials, health educators, and policymakers;

13 8. To coordinate state programs and services to address the
14 issue of osteoporosis;

15 9. To promote the development of support groups for
16 osteoporosis patients and their families and caregivers;

17 10. To adequately fund these programs; and

18 11. To provide lasting improvements in the delivery of
19 osteoporosis health care that affect the quality of life of
20 osteoporosis patients and that contain health care costs.

21 B. 1. The State Board of Health, giving consideration to the
22 recommendations of the Health Care Advisory Council established by
23 Section 21 of this act, shall promulgate rules necessary to enact

24

1 the provisions of the Osteoporosis Prevention and Treatment
2 Education Act.

3 2. The State Department of Health, as funds are available,
4 shall:

5 a. provide sufficient staff to implement the Osteoporosis
6 Prevention and Treatment Education Program,

7 b. provide appropriate training for staff of the
8 Osteoporosis Prevention and Treatment Education
9 Program,

10 c. identify the appropriate entities to carry out the
11 program,

12 d. base the program on the most up-to-date scientific
13 information and findings,

14 e. work to improve the capacity of community-based
15 services available to osteoporosis patients,

16 f. work with governmental offices, community and business
17 leaders, community organizations, health care and
18 human service providers, and national osteoporosis
19 organizations to coordinate efforts and maximize state
20 resources in the areas of prevention, education, and
21 treatment of osteoporosis, and

22 g. identify and, when appropriate, replicate or use
23 successful osteoporosis programs and procure related
24

1 materials and services from organizations with
2 appropriate expertise and knowledge of osteoporosis.

3 SECTION 33. AMENDATORY 63 O.S. 2011, Section 1-270, is
4 amended to read as follows:

5 Section 1-270. A. As funding permits, the State Department of
6 Health shall establish a statewide coordinated system of care for
7 stroke, which shall include special focus and attention on timely
8 access to care, diagnosis, and the most advanced treatment for
9 persons most disproportionately affected by stroke. Such system
10 shall include, but shall not be limited to:

- 11 ~~1. Recommendations from the Oklahoma Hospital Advisory Council;~~
- 12 ~~2. Partnerships with relevant associations;~~
- 13 ~~3.~~ 2. Measures to raise awareness about the effects of
14 uncontrolled high blood pressure and diabetes; and
- 15 ~~4.~~ 3. Promotion of adherence to primary and secondary stroke
16 recognition and prevention guidelines by health care professionals,
17 including emergency medical services providers, such as emergency
18 medical responders and transport providers, and hospital emergency
19 room and health clinic personnel.

20 B. The State Board of Health, giving consideration to the
21 recommendations of the Hospital and Emergency Response Advisory
22 Council established by Section 21 of this act, shall promulgate
23 rules as necessary to implement the provisions of this section.

1 SECTION 34. AMENDATORY 63 O.S. 2011, Section 1-556, is
2 amended to read as follows:

3 Section 1-556. A. ~~The Oklahoma Breast and Cervical Cancer~~
4 ~~Prevention and Treatment Advisory Committee~~ State Department of
5 Health shall be responsible for evaluating and reporting to the
6 Governor and the State Commissioner of Health regarding contracting
7 for statewide services or issues related to breast cancer including,
8 but not limited to:

9 1. Mammography and pap smear screening of women for breast and
10 cervical cancer as an early detection health care measure, provided
11 by facilities which are accredited by national organizations that
12 have formed coalitions to issue national cancer screening
13 guidelines;

14 2. Medical referral of screened persons with abnormal breast
15 findings and, to the extent practical, for additional services or
16 assistance for such persons;

17 3. Education and training programs for health care
18 professionals to improve methods for the detection and control of
19 breast and cervical cancer, and to improve communication with breast
20 and cervical cancer patients after diagnosis;

21 4. Annual public education and awareness campaigns to improve
22 the knowledge and health care practices of all Oklahomans with
23 respect to breast and cervical cancer;

24

1 5. Epidemiological trend studies utilizing the data from the
2 Oklahoma Central Cancer Registry for incidence, prevalence and
3 survival of breast and cervical cancer victims; and

4 6. Outreach to groups with high proportions of uninsured and
5 underinsured women.

6 B. The evaluative efforts of the ~~Advisory Committee~~ State
7 Department of Health with respect to contracts for services
8 specified in subsection A of this section shall provide appropriate
9 oversight and requirements that result in:

10 1. Enhanced quality control standards within facilities which
11 perform diagnostic cancer screening for breast and cervical cancer;
12 and

13 2. Establishment of a fee schedule for breast and cervical
14 cancer screening and diagnosis that complies with accepted
15 Medicare/Medicaid rates and that incorporates a sliding fee payment
16 system to encourage self-responsibility.

17 C. The ~~Oklahoma Breast and Cervical Cancer Prevention and~~
18 ~~Treatment Advisory Committee~~ State Department of Health shall report
19 annually to the Governor, the Speaker of the House of
20 Representatives, the President Pro Tempore of the Senate, and the
21 State Board of Health by October 1 of each year, activities
22 completed pursuant to the Oklahoma Breast and Cervical Cancer Act
23 during the prior fiscal year, including a report of the funding for
24 related activities. The report shall identify populations at

1 highest risk for breast or cervical cancer, priority strategies, and
2 emerging technologies, including newly introduced therapies and
3 preventive vaccines that are effective in preventing and controlling
4 the risk of breast and cervical cancer, and any recommendations for
5 additional funding, if necessary, to provide screenings and
6 treatment for breast and cervical cancer for uninsured and
7 underinsured women. The report shall further recommend strategies
8 or actions to reduce the costs of breast and cervical cancer in the
9 State of Oklahoma.

10 D. ~~The Advisory Committee~~ State Department of Health shall
11 evaluate the prospective termination or continuation of its ongoing
12 duties on October 1, 2008, ~~or upon submission of the Advisory~~
13 ~~Committee's final report to the Governor, the State Commissioner of~~
14 ~~Health, and the 1st Session of the 51st Oklahoma Legislature,~~
15 ~~whichever occurs earlier.~~ Such evaluation shall be made based on
16 the successful implementation of breast and cervical cancer
17 reduction plans and/or achievement of significant reductions in
18 breast and cervical cancer morbidity and mortality in the state of
19 Oklahoma.

20 SECTION 35. AMENDATORY 63 O.S. 2011, Section 1-557, as
21 amended by Section 480, Chapter 304, O.S.L. 2012 (63 O.S. Supp.
22 2012, Section 1-557), is amended to read as follows:

23 Section 1-557. A. 1. There is hereby created in the State
24 Treasury a revolving fund for the State Department of Health to be

1 designated the "Breast and Cervical Cancer Act Revolving Fund". The
2 fund shall be a continuing fund, not subject to fiscal year
3 limitations, and shall consist of all monies received by the fund
4 and gifts or donations to the fund.

5 2. All monies donated or accruing to the credit of the fund are
6 hereby appropriated and may be budgeted and expended by the State
7 Department of Health, ~~after consideration of the recommendations~~
8 ~~from the Oklahoma Breast and Cervical Cancer Prevention and~~
9 ~~Treatment Advisory Committee,~~ for the purposes specified in and
10 associated with implementation of the Oklahoma Breast and Cervical
11 Cancer Act.

12 3. Monies from the fund may be transferred to the Breast and
13 Cervical Cancer Prevention and Treatment Account and shall be used
14 to carry out the purposes specified in Section 1-556 of this title.

15 4. Expenditures from the fund shall be made upon warrants
16 issued by the State Treasurer against claims filed as prescribed by
17 law with the Director of the Office of Management and Enterprise
18 Services for approval and payment.

19 B. ~~1. All proposals to expend monies from the Breast Cancer~~
20 ~~Act Revolving Fund shall have been reviewed by the Oklahoma Breast~~
21 ~~and Cervical Cancer Prevention and Treatment Advisory Committee, and~~
22 ~~the Advisory Committee shall advise the Commissioner on the proposed~~
23 ~~use of monies from the fund.~~

24

1 ~~2. The Advisory Committee shall subject all research projects~~
2 ~~awarded using monies from the fund to peer review.~~

3 ~~C. Monies in the Breast and Cervical Cancer Act Revolving Fund~~
4 ~~may be expended by the State Department of Health, subject to review~~
5 ~~by the Oklahoma Breast and Cervical Cancer Prevention and Treatment~~
6 ~~Advisory Committee,~~ for promotional activities to encourage
7 donations to the Breast and Cervical Cancer Act Revolving Fund by
8 individuals and private businesses or foundations.

9 SECTION 36. AMENDATORY 63 O.S. 2011, Section 1-564, is
10 amended to read as follows:

11 Section 1-564. A. An applicant for licensure as a genetic
12 counselor shall:

13 1. Submit an application, ~~as promulgated by the State Board of~~
14 ~~Health pursuant to recommendations of the Genetic Counseling~~
15 ~~Advisory Committee~~ on forms provided by the State Department of
16 Health;

17 2. Pay a fee, not to exceed Three Hundred Dollars (\$300.00), as
18 determined by the State Board of Health;

19 3. Provide satisfactory evidence of having earned:

20 a. a master's degree from a genetic counseling training
21 program that is accredited by the American Board of
22 Genetic Counseling or an equivalent entity as
23 determined by the ABGC, or
24

1 b. a doctoral degree from a medical genetics training
2 program accredited by the American Board of Medical
3 Genetics or an equivalent as determined by the ABMG;
4 and

5 4. Meet the examination requirement for certification as:

- 6 a. a genetic counselor by the ABGC or the ABMG, or
7 b. a medical geneticist by the ABMG.

8 B. A temporary license may be issued to an applicant who meets
9 all of the requirements for licensure except the examination
10 provided for in paragraph 4 of subsection A of this section.

11 SECTION 37. AMENDATORY 63 O.S. 2011, Section 1-567, is
12 amended to read as follows:

13 Section 1-567. A. The State Board of Health, ~~pursuant to~~
14 giving consideration to the recommendations from of the Genetics
15 Counseling Advisory Committee Council established by Section 21 of
16 this act, shall establish continuing education requirements for
17 genetic counselors as a condition of renewal or reinstatement of a
18 license.

19 B. A licensee shall be responsible for maintaining competent
20 records of completed qualified professional education for a period
21 of four (4) years after close of the two-year period to which the
22 records pertain. It shall be the responsibility of the licensee to
23 maintain such information with respect to qualified professional
24

1 education to demonstrate that it meets the requirements under this
2 section.

3 C. A licensee who documents that he or she is subjected to
4 circumstances which prevent the licensee from meeting the continuing
5 professional education requirements established under this section
6 may apply to be excused from the requirement for a period of up to
7 five (5) years. It shall be the responsibility of the licensee to
8 document the reasons and justify why the requirement could not be
9 met.

10 SECTION 38. AMENDATORY 63 O.S. 2011, Section 1-569, is
11 amended to read as follows:

12 Section 1-569. The State Board of Health shall promulgate
13 rules, ~~pursuant~~ giving consideration to the recommendations from of
14 the Genetic Counseling Advisory Committee Council established by
15 Section 21 of this act, establishing licensure requirements for
16 genetic counselors. Such rules shall include, but not be limited
17 to:

- 18 1. Policy and budgetary matters related to licensure;
- 19 2. Applicant screening, licensing, renewal licensing, license
20 reinstatement and relicensure;
- 21 3. Standards for supervision of students or persons training to
22 become qualified to obtain a license in genetic counseling; ~~and~~
- 23 4. Requirements for maintaining and renewal of a license; and

24

1 5. Procedures for reviewing cases of individuals found to be in
2 violation of the provisions of the Genetic Counseling Licensure Act,
3 including disciplinary actions when necessary.

4 SECTION 39. AMENDATORY 63 O.S. 2011, Section 1-705, is
5 amended to read as follows:

6 Section 1-705. A. The State Board of Health, upon
7 recommendation of the State Commissioner of Health and ~~with the~~
8 ~~advice~~ giving consideration to the recommendations of the ~~Oklahoma~~
9 ~~Hospital and Emergency Response~~ Advisory Council hereinafter
10 ~~provided for~~ established by Section 21 of this act, shall promulgate
11 rules and standards for the construction and operation of hospitals,
12 for which licenses are required by the terms of this article, to
13 provide for the proper care of patients. The promulgation of rules
14 shall be subject to and be governed by the provisions of the
15 Administrative Procedures Act.

16 B. Every hospital shall be periodically inspected by an
17 authorized representative of the Commissioner. Reports of such
18 inspections shall be on forms prescribed by the Commissioner, who
19 shall, after receipt of such reports, take such action as deemed
20 necessary by the Commission to have corrected any deficiencies or
21 violations of the rules and standards of the Board shown in such
22 reports.

23 C. Hospitals licensed pursuant to the provisions of this
24 article shall not be exempt from being inspected or licensed under

1 laws relating to hotels, restaurants, lodging houses, boarding
2 houses and places of refreshment.

3 D. 1. Every hospital that offers or provides inpatient
4 psychiatric or chemical dependency treatment services to persons
5 eighteen (18) years of age or younger shall offer, provide or
6 otherwise make available community-based programs and services and
7 may make such programs and services available directly, through
8 contract, or other appropriate means as determined by the State
9 Department of Health.

10 2. For the purposes of this subsection the term
11 "community-based services" shall have the same meaning as such term
12 is defined by Section 1-1-105 of Title 10A of the Oklahoma Statutes.

13 SECTION 40. AMENDATORY 63 O.S. 2011, Section 1-706.12,
14 is amended to read as follows:

15 Section 1-706.12 ~~A.~~ The purposes of the Emergency Medical
16 Services for Children Resource Center shall be to:

17 1. Maximize pediatric emergency care in Oklahoma through expert
18 leadership, education, research and advocacy;

19 2. Develop guidelines for approval of emergency medical service
20 facilities as Emergency Departments Approved for Pediatrics (EDA-P)
21 and for rating the ability of a facility to provide pediatric
22 emergency medical services;

23 3. Develop guidelines for equipment and its use for prehospital
24 and hospital pediatric emergency care;

1 4. Develop guidelines and protocols for prehospital and
2 hospital facilities which encompass all levels of pediatric
3 emergency medical services, including, but not limited to,
4 stabilization, treatment, transfers and referrals;

5 5. Provide initial and continuing professional education
6 programs and guidelines on pediatric emergency medical care for
7 emergency medical services personnel and other health care
8 providers;

9 6. Conduct public education concerning pediatric emergency
10 medical services including, but not limited to, prevention and
11 access to pediatric emergency services;

12 7. Collect and analyze existing data from prehospital and
13 hospital emergency medical systems related to pediatric emergency
14 and critical care for the purpose of quality improvement;

15 8. Consult with and advise public and private organizations,
16 including the Emergency Medical Services Division and the Trauma
17 Systems Development Section of the Injury Prevention Service within
18 the State Department of Health, the Oklahoma Highway Safety Office,
19 law enforcement, fire service, ambulance services, educational
20 institutions, professional organizations, business organizations,
21 hospital organizations and any other federally funded projects in
22 pediatric emergency and critical care medical services;

23 9. Provide other services and activities deemed necessary to
24 maximize pediatric emergency care in the State of Oklahoma; and

1 10. Solicit and accept funds from the federal government and
2 other public and private sources.

3 ~~B. Equipment, protocols and educational guidelines developed~~
4 ~~pursuant to paragraphs 3, 4 and 5 of subsection A of this section~~
5 ~~shall be submitted to the State Department of Health Emergency~~
6 ~~Medical Services Advisory Council prior to action by the State~~
7 ~~Department of Health.~~

8 SECTION 41. AMENDATORY 63 O.S. 2011, Section 1-707, is
9 amended to read as follows:

10 Section 1-707. A. The State Board of Health, upon the
11 recommendation of the State Commissioner of Health and ~~with the~~
12 ~~advice~~ giving consideration to the recommendations of the Oklahoma
13 Hospital and Emergency Response Advisory Council established by
14 Section 21 of this act, shall promulgate rules and standards as it
15 deems to be in the public interest for hospitals, on the following:

- 16 1. Construction plans and location, including fees not to
17 exceed Two Thousand Dollars (\$2,000.00) for submission or
18 resubmission of architectural and building plans, and procedures to
19 ensure the timely review of such plans by the State Department of
20 Health. Said assessed fee shall be used solely for the purposes of
21 processing approval of construction plans and location by the State
22 Department of Health;
- 23 2. Physical plant and facilities;
- 24 3. Fire protection and safety;

- 1 4. Food service;
- 2 5. Reports and records;
- 3 6. Staffing and personal service;
- 4 7. Surgical facilities and equipment;
- 5 8. Maternity facilities and equipment;
- 6 9. Control of communicable disease;
- 7 10. Sanitation;
- 8 11. Laboratory services;
- 9 12. Nursing facilities and equipment; and
- 10 13. Other items as may be deemed necessary to carry out the
- 11 purposes of this article.

12 B. 1. The State Board of Health, upon the recommendation of
13 the State Commissioner of Health and ~~with the advice~~ giving
14 consideration to the recommendations of the ~~Oklahoma~~ Hospital and
15 Emergency Response Advisory Council established by Section 21 of
16 this act, and the State Board of Pharmacy, shall promulgate rules
17 and standards as it deems to be in the public interest with respect
18 to the storage and dispensing of drugs and medications for hospital
19 patients.

20 2. The State Board of Pharmacy shall be empowered to inspect
21 drug facilities in licensed hospitals and shall report violations of
22 applicable statutes and rules to the State Department of Health for
23 action and reply.

24

1 ~~C. 1. The Commissioner shall appoint an Oklahoma Hospital~~
2 ~~Advisory Council to advise the Board, the Commissioner and the~~
3 ~~Department regarding hospital operations and to recommend actions to~~
4 ~~improve patient care.~~

5 ~~2. The Advisory Council shall have the duty and authority to:~~

6 ~~a. review and approve in its advisory capacity rules and~~
7 ~~standards for hospital licensure,~~

8 ~~b. evaluate, review and make recommendations regarding~~
9 ~~Department licensure activities, provided however, the~~
10 ~~Advisory Council shall not make recommendations~~
11 ~~regarding scope of practice for any health care~~
12 ~~providers or practitioners regulated pursuant to Title~~
13 ~~59 of the Oklahoma Statutes, and~~

14 ~~c. recommend and approve:~~

15 ~~(1) quality indicators and data submission~~
16 ~~requirements for hospitals, to include:~~

17 ~~(a) Agency for Healthcare Research and Quality~~

18 ~~(AHRQ) Patient Safety Indicators Available~~

19 ~~as part of the standard inpatient discharge~~
20 ~~data set, and~~

21 ~~(b) for acute care intensive care unit patients,~~

22 ~~ventilator-associated pneumonia and device-~~
23 ~~related blood stream infections, and~~

1 ~~(2) the indicators and data to be used by the~~
2 ~~Department to monitor compliance with licensure~~
3 ~~requirements, and~~

4 ~~d. to publish an annual report of hospital performance to~~
5 ~~include the facility specific quality indicators~~
6 ~~required by this section.~~

7 ~~D. 1. The Advisory Council shall be composed of nine (9)~~
8 ~~members appointed by the Commissioner with the advice and consent of~~
9 ~~the Board. The membership of the Advisory Council shall be as~~
10 ~~follows:~~

11 ~~a. two members shall be hospital administrators of~~
12 ~~licensed hospitals,~~

13 ~~b. two members shall be licensed physicians or~~
14 ~~practitioners who have current privileges to provide~~
15 ~~services in hospitals,~~

16 ~~c. two members shall be hospital employees, and~~

17 ~~d. three members shall be citizens representing the~~
18 ~~public who:~~

19 ~~(1) are not hospital employees,~~

20 ~~(2) do not hold hospital staff appointments, and~~

21 ~~(3) are not members of hospital governing boards.~~

22 ~~2. a. Advisory Council members shall be appointed for three-~~
23 ~~year terms except the initial terms after November 1,~~
24 ~~1999, of one hospital administrator, one licensed~~

1 ~~physician or practitioner, one hospital employee, and~~
2 ~~one public member shall be one (1) year. The initial~~
3 ~~terms after the effective date of this act of one~~
4 ~~hospital administrator, one licensed physician or~~
5 ~~practitioner, one hospital employee, and one public~~
6 ~~member shall be two (2) years. The initial terms of~~
7 ~~all other members shall be three (3) years. After~~
8 ~~initial appointments to the Council, members shall be~~
9 ~~appointed to three year terms.~~

10 ~~b. Members of the Advisory Council may be removed by the~~
11 ~~Commissioner for cause.~~

12 ~~E. The Advisory Council shall meet on a quarterly basis and~~
13 ~~shall annually elect from among its members a chairperson. Members~~
14 ~~of the Council shall serve without compensation but shall be~~
15 ~~reimbursed by the Department for travel expenses related to their~~
16 ~~service as authorized by the State Travel Reimbursement Act.~~

17 SECTION 42. AMENDATORY 63 O.S. 2011, Section 1-1108, is
18 amended to read as follows:

19 Section 1-1108. Whenever in the judgment of the State Board of
20 Health such action will promote honesty and fair dealing in the
21 interest of consumers, the Board shall promulgate reasonable rules
22 and regulations, giving consideration to the recommendations of the
23 Food Service Advisory Council established by Section 21 of this act,
24 fixing and establishing for any food or class of food a reasonable

1 definition and standard of identity, and/or reasonable standard of
2 quality and/or fill of container. In prescribing a definition and
3 standard of identity for any food or class of food in which optional
4 ingredients are permitted the Board shall, for the purpose of
5 promoting honesty and fair dealing in the interest of consumers,
6 designate the optional ingredients which shall be named on the
7 label. The definitions and standards so promulgated shall conform
8 so far as practicable to the definitions and standards promulgated
9 under authority of the Federal Act.

10 SECTION 43. AMENDATORY 63 O.S. 2011, Section 1-1114, is
11 amended to read as follows:

12 Section 1-1114. (a) The authority to promulgate reasonable
13 rules and regulations for the efficient enforcement of this article
14 is hereby vested in the State Board of Health. The Board is hereby
15 authorized to make the reasonable rules and regulations, giving
16 consideration to the recommendations of the Food Service Advisory
17 Council established by Section 21 of this act, promulgated under
18 this article conform, insofar as practicable, with those promulgated
19 under the Federal Act.

20 (b) Hearings authorized or required by this Article shall be
21 conducted by the State Board of Health or such officer, agent, or
22 employee as the Board may designate for the purpose.

23 (c) Before promulgating any reasonable rules and regulations
24 contemplated by Section ~~1108, Section 1110(j), or Section 1111~~ 1-

1 1108, paragraph (j) of Section 1-1110, or Section 1-1111 of this
2 article title, the Board shall give appropriate notice of the
3 proposal and of the time and place for a hearing. The reasonable
4 rules and regulations so promulgated shall become effective on a
5 date fixed by the Board (which date shall not be prior to thirty
6 (30) days after its promulgation). Such reasonable rules and
7 regulations may be amended or repealed in the same manner as is
8 provided for their adoption, except that in the case of reasonable
9 rules and regulations amending or repealing any such reasonable
10 rules and regulations the Board, to such an extent as it deems
11 necessary in order to prevent undue hardship, may disregard the
12 foregoing provisions regarding notice, hearing, or effective date.

13 SECTION 44. AMENDATORY 63 O.S. 2011, Section 1-1118, is
14 amended to read as follows:

15 Section 1-1118. A. It shall be unlawful for any person to
16 operate or maintain any establishment, stationary or otherwise,
17 where food or drink is offered for sale, or sold, to the public,
18 unless the person is the holder of a license issued for such purpose
19 by the State Commissioner of Health.

20 B. Unless otherwise provided by rule by the State Board of
21 Health, each such license shall expire on the 30th day of June
22 following its issuance. The Commissioner shall charge and collect
23 for each such license an annual fee to be fixed by the State Board
24 of Health. A license shall not be required of a nonprofit civic,

1 charitable or religious organization, using nonpaid persons to
2 prepare or serve food on its behalf, for occasional fund-raising
3 events sponsored and conducted by the organization. The
4 Commissioner shall provide guidelines for safeguarding the health of
5 customers of such events. The Board may by rule provide that a
6 license which is fee-exempt under rules adopted by the Board
7 pursuant to subsection D of Section 1-106.1 of this title shall not
8 expire but shall remain in full force and effect until affirmatively
9 revoked, suspended, annulled or withdrawn by the Commissioner in
10 accordance with applicable law. The Board may by rule also provide
11 that licenses for establishments serving events of limited duration
12 or operating on a seasonal basis shall extend only for the term of
13 the event or season, and may by rule adjust the fees for such
14 licenses accordingly.

15 C. The State Board of Health shall promulgate reasonable
16 standards and rules, giving consideration to the recommendations of
17 the Food Service Advisory Council established by Section 21 of this
18 act, for sanitation of establishments required to be licensed, which
19 shall include the following: buildings, vehicles, and appurtenances
20 thereto, including plumbing, ventilation and lighting; construction,
21 cleanliness and bactericidal treatment of equipment and utensils;
22 cleanliness, wholesomeness, storage and refrigeration of food and
23 drink sold or served; cleanliness and hygiene of personnel; toilet

24

1 facilities; disposal of waste; water supply; and other items deemed
2 necessary to safeguard the health, comfort, and safety of customers.

3 D. Day care centers or family day care centers, and all other
4 child care facilities as defined and licensed pursuant to the
5 provisions of the Oklahoma Child Care Facilities Licensing Act shall
6 not be deemed to be food service establishments.

7 E. Nursing facilities and specialized facilities, as defined in
8 and licensed pursuant to the provisions of the Nursing Home Care Act
9 and residential care homes as defined by the Residential Care Act
10 shall not be deemed to be food service establishments.

11 SECTION 45. AMENDATORY 63 O.S. 2011, Section 1-1134, is
12 amended to read as follows:

13 Section 1-1134. For the purpose of carrying into effect the
14 provisions of this article, the State Board of ~~health~~ Health, giving
15 consideration to the recommendations of the Food Service Advisory
16 Council established by Section 21 of this act, shall promulgate
17 reasonable rules and regulations relating to sanitation, conforming
18 to the purpose and content of the foregoing provisions relating to
19 frozen food locker plants.

20 SECTION 46. AMENDATORY 63 O.S. 2011, Section 1-1453, is
21 amended to read as follows:

22 Section 1-1453. A. It shall be unlawful for any person to
23 perform medical micropigmentation or to represent himself or herself
24 as a person authorized to perform medical micropigmentation:

1 1. Without having first complied with the provisions of the
2 Oklahoma Medical Micropigmentation Regulation Act; or

3 2. Unless otherwise authorized to perform medical
4 micropigmentation pursuant to the Oklahoma Medical Micropigmentation
5 Regulation Act.

6 B. ~~By November 1, 2001, the~~ The State Board of Health, giving
7 consideration to the recommendations of the Consumer Protection
8 Licensing Advisory Council established by Section 21 of this act,
9 shall ~~have promulgated~~ promulgate rules to implement the provisions
10 of the Oklahoma Medical Micropigmentation Regulation Act. The rules
11 shall include rules of practice for medical micropigmentation
12 training requirements and the establishment of criteria for the
13 certification of persons authorized to perform medical
14 micropigmentation.

15 C. The Oklahoma State Board of Medical Licensure and
16 Supervision, the State Board of Osteopathic Examiners and the Board
17 of Dentistry may each promulgate rules relating to the performance
18 of micropigmentation in physician offices by those physicians
19 subject to their licensing authority. Such rules shall comply with
20 the Oklahoma Medical Micropigmentation Regulation Act.

21 SECTION 47. AMENDATORY 63 O.S. 2011, Section 1-1455, is
22 amended to read as follows:

23 Section 1-1455. A. The State Board of Health, ~~in cooperation~~
24 ~~with the Medical Micropigmentation Advisory Committee~~ giving

1 consideration to the recommendations of the Consumer Protection
2 Licensing Advisory Council established by Section 21 of this act,
3 and in cooperation with the Oklahoma Department of Career and
4 Technology Education, may adopt a curriculum of required courses and
5 establish by rule the types of courses to be offered. The complete
6 program of instruction approved by the State Board of Health in
7 theory and clinical training shall consist of at least three hundred
8 (300) hours or the equivalent of competency-based instruction.

9 B. 1. In order to provide the State Department of Health
10 confirmation of each applicant's competency, written theory and
11 clinical tests shall be administered by the Oklahoma Department of
12 Career and Technology Education.

13 2. Applicants otherwise qualified to practice medical
14 micropigmentation as determined by the State Department of Health
15 pursuant to the Oklahoma Medical Micropigmentation Regulation Act
16 may be certified to perform medical micropigmentation without taking
17 or completing the program of instruction specified by this section
18 if the applicant obtains a passing score for both the written theory
19 and clinical tests. Not later than January 1, 2002, the State Board
20 of Health shall promulgate rules to implement the provisions of this
21 paragraph.

22 3. The State Board of Health, giving consideration to the
23 recommendations of the Consumer Protection Licensing Advisory
24

1 Council established by Section 21 of this act, shall set, by rule, a
2 minimum passing score for both written theory and clinical tests.

3 C. The Oklahoma Department of Career and Technology Education
4 may provide training and shall provide testing programs required by
5 this section for anyone qualified to apply for a certificate
6 pursuant to the provisions of Section 1-1454 of this title. The
7 training and testing programs shall meet the standards established
8 pursuant to the provisions of this section. The State Department of
9 Health may approve training programs that meet the standards
10 established pursuant to the provisions of this act.

11 D. After the initial training program offered pursuant to
12 subsection C of this section, the Oklahoma Department of Career and
13 Technology Education may provide a complete curriculum for the
14 training and testing of applicants for certification as deemed
15 needed by the Oklahoma Department of Career and Technology
16 Education.

17 E. The State Department of Health ~~upon recommendation of the~~
18 ~~Medical Micropigmentation Advisory Committee~~ may approve applicants
19 for certification by reciprocity. An applicant shall qualify for
20 certification by reciprocity if the applicant:

- 21 1. Has qualifications and training comparable to those required
22 under the Oklahoma Medical Micropigmentation Regulation Act;
- 23 2. Provides documentation verifying two (2) years of experience
24 and a minimum of two hundred (200) procedures; and

1 3. Has successfully completed the Oklahoma certification
2 examination.

3 SECTION 48. AMENDATORY 63 O.S. 2011, Section 1-1505, is
4 amended to read as follows:

5 Section 1-1505. The State Board of Health shall have the
6 authority, ~~after public hearing~~ giving consideration to the
7 recommendations of the Consumer Protection Licensing Advisory
8 Council established by Section 21 of this act, to adopt reasonable
9 rules for diagnostic x-ray facilities on the following:
10 establishment of standards for safe levels of protection against
11 radiation; maintenance and submission of records; determination,
12 prevention and control of radiation hazards; reporting of radiation
13 accidents; handling, storage and registration of diagnostic x-ray
14 systems; periodic inspections of diagnostic x-ray facilities; review
15 and approval of plans, and issuance and revocation of permits, for
16 the use of diagnostic x-ray systems; prevention and control of any
17 significant associated harmful effects of exposure to x-rays; and
18 other items deemed necessary for the protection of the public health
19 and safety in diagnostic x-ray facilities. Such rules shall be
20 consistent with nationally recognized standards, which may be
21 included by reference in the promulgated rules.

22 SECTION 49. AMENDATORY 63 O.S. 2011, Section 1-2503, is
23 amended to read as follows:

24

1 Section 1-2503. As used in the Oklahoma Emergency Response
2 Systems Development Act:

3 1. "Ambulance" means any ground, air or water vehicle which is
4 or should be approved by the Commissioner of Health, designed and
5 equipped to transport a patient or patients and to provide
6 appropriate on-scene and en route patient stabilization and care as
7 required. Vehicles used as ambulances shall meet such standards as
8 may be required by the State Board of Health for approval, and shall
9 display evidence of such approval at all times;

10 2. "Ambulance authority" means any public trust or nonprofit
11 corporation established by the state or any unit of local government
12 or combination of units of government for the express purpose of
13 providing, directly or by contract, emergency medical services in a
14 specified area of the state;

15 3. "Ambulance patient" or "patient" means any person who is or
16 will be transported in a reclining position to or from a health care
17 facility in an ambulance;

18 4. "Ambulance service" means any private firm or governmental
19 agency which is or should be licensed by the State Department of
20 Health to provide levels of medical care based on certification
21 standards promulgated by the Board;

22 5. "Ambulance service district" means any county, group of
23 counties or parts of counties formed together to provide, operate
24 and finance emergency medical services as provided by Section 9C of

1 Article X of the Oklahoma Constitution or Sections 1201 through 1221
2 of Title 19 of the Oklahoma Statutes;

3 6. "Board" means the State Board of Health;

4 7. "Classification" means an inclusive standardized
5 identification of stabilizing and definitive emergency services
6 provided by each hospital that treats emergency patients;

7 8. "Commissioner" means the State Commissioner of Health;

8 9. "Council" means the ~~Oklahoma~~ Hospital and Emergency Response
9 Systems Development Advisory Council established by Section 21 of
10 this act;

11 10. "Department" means the State Department of Health;

12 11. "Emergency medical services system" means a system which
13 provides for the organization and appropriate designation of
14 personnel, facilities and equipment for the effective and
15 coordinated local, regional and statewide delivery of health care
16 services primarily under emergency conditions;

17 12. "Emergency Medical Technician/Basic, Emergency Medical
18 Technician/Intermediate, Emergency Medical Technician/Advanced
19 Cardiac, or Emergency Medical Technician/Paramedic" means an
20 individual licensed by the Department to perform emergency medical
21 services in accordance with the Oklahoma Emergency Response Systems
22 Development Act and in accordance with the rules and standards
23 promulgated by the Board;

24

1 13. "First responder" means an individual certified by the
2 Department to perform emergency medical services in accordance with
3 the Oklahoma Emergency Response Systems Development Act and in
4 accordance with the rules and standards promulgated by the Board;

5 14. "First response agency" means an organization of any type
6 certified by the Department to provide emergency medical care, but
7 not transport. First response agencies may utilize certified first
8 responders or licensed emergency medical technicians; provided,
9 however, that all personnel so utilized shall function under the
10 direction of and consistent with guidelines for medical control;

11 15. "Licensure" means the licensing of emergency medical care
12 providers and ambulance services pursuant to rules and standards
13 promulgated by the Board at one or more of the following levels:

- 14 a. Basic life support,
- 15 b. Intermediate life support,
- 16 c. Paramedic life support,
- 17 d. Stretcher aid van, and
- 18 e. Specialized Mobile Intensive Care, which shall be used
19 solely for inter-hospital transport of patients
20 requiring specialized en route medical monitoring and
21 advanced life support which exceed the capabilities of
22 the equipment and personnel provided by paramedic life
23 support.

1 Requirements for each level of care shall be established by the
2 Board. Licensure at any level of care includes a license to operate
3 at any lower level, with the exception of licensure for Specialized
4 Mobile Intensive Care; provided, however, that the highest level of
5 care offered by an ambulance service shall be available twenty-four
6 (24) hours each day, three hundred sixty-five (365) days per year.

7 Licensure shall be granted or renewed for such periods and under
8 such terms and conditions as may be promulgated by the State Board;

9 16. "Medical control" means local, regional or statewide
10 medical direction and quality assurance of health care delivery in
11 an emergency medical service system. On-line medical control is the
12 medical direction given to emergency medical personnel and stretcher
13 aid van personnel by a physician via radio or telephone. Off-line
14 medical control is the establishment and monitoring of all medical
15 components of an emergency medical service system, which is to
16 include stretcher aid van service including, but not limited to,
17 protocols, standing orders, educational programs, and the quality
18 and delivery of on-line control;

19 17. "Medical director" means a physician, fully licensed
20 without restriction, who acts as a paid or volunteer medical advisor
21 to a licensed ambulance service and who monitors and directs the
22 care so provided. Such physicians shall meet such qualifications
23 and requirements as may be promulgated by the Board;

24

1 18. "Region" or "emergency medical service region" means two or
2 more municipalities, counties, ambulance districts or other
3 political subdivisions exercising joint control over one or more
4 providers of emergency medical services and stretcher aid van
5 service through common ordinances, authorities, boards or other
6 means;

7 19. "Regional emergency medical services system" means a
8 network of organizations, individuals, facilities and equipment
9 which serves a region, subject to a unified set of regional rules
10 and standards which may exceed, but may not be in contravention of,
11 those required by the state, which is under the medical direction of
12 a single regional medical director, and which participates directly
13 in the delivery of the following services:

- 14 a. medical call-taking and emergency medical services
15 dispatching, emergency and routine, including priority
16 dispatching of first response agencies, stretcher aid
17 van and ambulances,
- 18 b. first response services provided by first response
19 agencies,
- 20 c. ambulance services, both emergency, routine and
21 stretcher aid van including, but not limited to, the
22 transport of patients in accordance with transport
23 protocols approved by the regional medical director,
24 and

1 d. directions given by physicians directly via radio or
2 telephone, or by written protocol, to first response
3 agencies, stretcher aid van or ambulance personnel at
4 the scene of an emergency or while en route to a
5 hospital;

6 20. "Regional medical director" means a licensed physician, who
7 meets or exceeds the qualifications of a medical director as defined
8 by the Oklahoma Emergency Response Systems Development Act, chosen
9 by an emergency medical service region to provide external medical
10 oversight, quality control and related services to that region;

11 21. "Registration" means the listing of an ambulance service in
12 a registry maintained by the Department; provided, however,
13 registration shall not be deemed to be a license;

14 22. "Stretcher aid van" means any ground vehicle which is or
15 should be approved by the State Commissioner of Health, which is
16 designed and equipped to transport individuals on a stretcher or
17 gurney type apparatus. Vehicles used as stretcher aid vans shall
18 meet such standards as may be required by the State Board of Health
19 for approval and shall display evidence of such approval at all
20 times. Stretcher aid van services shall only be permitted and
21 approved by the Commissioner in emergency medical service regions,
22 ambulance service districts, or counties with populations in excess
23 of 300,000 people. Notwithstanding the provisions of this
24

1 paragraph, stretcher aid van transports may be made to and from any
2 federal or state veterans facility;

3 23. "Stretcher aid van patient" means any person who is or will
4 be transported in a reclining position on a stretcher or gurney, who
5 is medically stable, non-emergent and does not require any medical
6 monitoring equipment or assistance during transport; and

7 24. "Transport protocol" means the written instructions
8 governing decision-making at the scene of a medical emergency by
9 ambulance personnel regarding the selection of the hospital to which
10 the patient shall be transported. Transport protocols shall be
11 developed by the regional medical director for a regional emergency
12 medical services system or by the Department if no regional
13 emergency medical services system has been established. Such
14 transport protocols shall adhere to, at a minimum, the following
15 guidelines:

- 16 a. nonemergency, routine transport shall be to the
17 facility of the patient's choice,
- 18 b. urgent or emergency transport not involving life-
19 threatening medical illness or injury shall be to the
20 nearest facility, or, subject to transport
21 availability and system area coverage, to the facility
22 of the patient's choice, and
- 23 c. life-threatening medical illness or injury shall
24 require transport to the nearest health care facility

1 appropriate to the needs of the patient as established
2 by regional or state guidelines.

3 SECTION 50. AMENDATORY 63 O.S. 2011, Section 1-2506, is
4 amended to read as follows:

5 Section 1-2506. Licensed and certified emergency medical
6 personnel, while a duty to act is in effect, shall perform medical
7 procedures to assist patients to the best of their abilities under
8 the direction of a medical director or in accordance with written
9 protocols, which may include standing orders, authorized and
10 developed by the medical director and approved by the State
11 Department of Health when not in conflict with standards ~~recommended~~
12 ~~by the Medical Direction Subcommittee of the Oklahoma Emergency~~
13 ~~Response Systems Development Advisory Council~~ and approved by the
14 State Board of Health, giving consideration to the recommendations
15 of the Hospital and Emergency Response Advisory Council established
16 by Section 21 of this act. Licensure, certification and
17 authorization for emergency medical personnel to perform medical
18 procedures must be consistent with provisions of this act, and rules
19 adopted by the Board. Medical control and medical directors shall
20 meet such requirements as prescribed through rules adopted by the
21 Board.

22 SECTION 51. AMENDATORY 63 O.S. 2011, Section 1-2511, is
23 amended to read as follows:

24

1 Section 1-2511. The State Commissioner of Health shall have the
2 following powers and duties with regard to an Oklahoma Emergency
3 Medical Services Improvement Program:

4 1. Administer and coordinate all federal and state programs,
5 not specifically assigned by state law to other state agencies,
6 which include provisions of the Federal Emergency Medical Services
7 Systems Act and other federal laws and programs relating to the
8 development of emergency medical services in this state. The
9 administration and coordination of federal and state laws and
10 programs relating to the development, planning, prevention,
11 improvement and management of emergency medical services, ~~including~~
12 ~~but not limited to the staffing of the Oklahoma Emergency Response~~
13 ~~Systems Development Advisory Council,~~ shall be conducted by the
14 Division of Emergency Medical Services, as prescribed by Section 1-
15 2510 of this title;

16 2. Assist private and public organizations, emergency medical
17 and health care providers, ambulance authorities, district boards
18 and other interested persons or groups in improving emergency
19 medical services at the local, municipal, district or state levels.
20 This assistance shall be through professional advice and technical
21 assistance;

22 3. Coordinate the efforts of local units of government to
23 establish service districts and set up boards of trustees or other
24 authorities to operate and finance emergency medical services in the

1 state as provided under Section 9C of Article X of the Oklahoma
2 Constitution or under Sections 1201 through 1221 of Title 19 of the
3 Oklahoma Statutes. The Commissioner shall evaluate all proposed
4 district areas and operational systems to determine the feasibility
5 of their economic and health services delivery;

6 4. Prepare, maintain and utilize a comprehensive plan and
7 program for emergency medical services development throughout the
8 state to be adopted by the State Board of Health, giving
9 consideration to the recommendations of the Hospital and Emergency
10 Response Advisory Council established by Section 21 of this act, and
11 incorporated within the State Health Plan. The plan shall establish
12 goals, objectives and standards for a statewide integrated system
13 and a timetable for accomplishing and implementing different
14 elements of the system. The plan shall also include, but not be
15 limited to, all components of an emergency medical services system;
16 regional and statewide planning; the establishment of standards and
17 the appropriate criteria for the designation of facilities; data
18 collection and quality assurance; and funding;

19 5. Maintain a comprehensive registry of all ambulance services
20 operating within the state, to be published annually. All ambulance
21 service providers shall register annually with the Commissioner on
22 forms supplied by the State Department of Health, containing such
23 requests for information as may be deemed necessary by the
24 Commissioner;

1 6. Develop a standard report form which may be used by local,
2 regional and statewide emergency medical services and emergency
3 medical services systems to facilitate the collection of data
4 related to the provision of emergency medical and trauma care. The
5 Commissioner shall also develop a standardized emergency medical
6 services data set and an electronic submission standard. Each
7 ambulance service shall submit the information required in this
8 section at such intervals as may be prescribed by rules promulgated
9 by the State Board of Health;

10 7. Evaluate and certify all emergency medical services training
11 programs and emergency medical technician training courses and
12 operational services in accordance with specifications and
13 procedures approved by the Board;

14 8. Provide an emergency medical technicians' and ambulance
15 service licensure program;

16 9. ~~Create a standing Medical Direction Subcommittee of the~~
17 ~~Advisory Council to be composed entirely of physicians who are or~~
18 ~~who have been medical directors or regional medical directors.~~
19 ~~Members of the Subcommittee shall be appointed by and shall serve at~~
20 ~~the pleasure of the Commissioner. The Subcommittee shall advise the~~
21 ~~Commissioner or the Commissioner's designee on the following:~~

22 a. ~~the design of all medical aspects and components of~~
23 ~~emergency medical services systems,~~

24

- ~~b. the appropriateness of all standards for medical and patient care operations or services, treatment procedures and protocols,~~
- ~~c. the implementation and facilitation of regional EMS Systems, and~~
- ~~d. such other matters and activities as directed by the Commissioner or the Commissioner's designee;~~

~~10.~~ Employ and prescribe the duties of employees as may be necessary to administer the provisions of the Oklahoma Emergency Response Systems Development Act;

~~11.~~ 10. Apply for and accept public and private gifts, grants, donations and other forms of financial assistance designed for the support of emergency medical services;

~~12.~~ 11. Develop a classification system for all hospitals that treat emergency patients. The classification system shall:

- a. identify stabilizing and definitive emergency services provided by each hospital,
- b. requires each hospital to notify the regional emergency medical services system control when treatment services are at maximum capacity and that emergency patients should be diverted to another hospital; and

~~13.~~ 12. Develop and monitor a statewide emergency medical services and trauma analysis system designed to:

- 1 a. identify emergency patients and severely injured
2 trauma patients treated in Oklahoma,
3 b. identify the total amount of uncompensated emergency
4 care provided each fiscal year by each hospital and
5 ambulance service in Oklahoma, and
6 c. monitor emergency patient care provided by emergency
7 medical service and hospitals.

8 SECTION 52. AMENDATORY 63 O.S. 2011, Section 1-2512, is
9 amended to read as follows:

10 Section 1-2512. A. The State Board of Health, giving
11 consideration to the recommendations of the Hospital and Emergency
12 Response Advisory Council as established by Section 21 of this act,
13 shall promulgate rules to enact the provisions of the Oklahoma
14 Emergency Response Systems Development Act.

15 B. Such rules shall specify which vehicles of licensed
16 ambulance service providers shall be considered authorized emergency
17 vehicles pursuant to the provisions of Section 1-103 of Title 47 of
18 the Oklahoma Statutes. The rules shall provide that vehicles
19 transporting licensed ambulance service personnel or life saving
20 equipment that meet all other specifications required by the Board
21 shall be considered authorized emergency vehicles.

22 SECTION 53. AMENDATORY 63 O.S. 2011, Section 1-2530.2,
23 is amended to read as follows:
24

1 Section 1-2530.2 As used in the Oklahoma Trauma Systems
2 Improvement and Development Act:

3 1. "Ambulance" means any ground, air or water vehicle operated
4 by an ambulance service licensed pursuant to the provisions of
5 Section 1-2513 of ~~Title 63 of the Oklahoma Statutes~~ this title;

6 2. "Ambulance service" means any private firm or governmental
7 agency which is licensed by the State Department of Health to
8 provide levels of medical care based on certification standards
9 promulgated by the State Board of Health;

10 3. "Board" means the State Board of Health;

11 4. "Classification" means an inclusive standardized
12 identification of stabilizing and definitive emergency services
13 provided by each hospital that treats emergency patients;

14 5. "Commissioner" means the State Commissioner of Health;

15 6. "Council" means the ~~Oklahoma Trauma Systems Improvement and~~
16 ~~Development~~ Hospital and Emergency Response Advisory Council
17 established by Section 21 of this act;

18 7. "Department" means the State Department of Health;

19 8. "Emergency medical care" means bona fide emergency services
20 provided after the sudden onset of a medical or traumatic condition
21 manifesting itself by acute symptoms of sufficient severity,
22 including severe pain, that the absence of immediate medical
23 attention could reasonably be expected to result in:

24 a. a patient's health being placed in serious jeopardy,

1 b. serious impairment to bodily functions, or

2 c. serious dysfunction of any bodily organ or part;

3 9. "Hospital" means a hospital licensed pursuant to the
4 provisions of Section 1-704 of ~~Title 63 of the Oklahoma Statutes~~
5 this title;

6 10. "Regional trauma care system" means an arrangement of
7 available resources that are coordinated for the effective delivery
8 of emergency trauma services within a geographic region consistent
9 with an established plan;

10 11. "Trauma and emergency operative services facility" means a
11 hospital that is classified and recognized by the Department as
12 providing emergency trauma and operative surgical services on a
13 twenty-four-hour basis;

14 12. "Trauma patient" means a severely or seriously injured
15 person who has been:

16 a. evaluated by a physician, a registered nurse, or
17 emergency medical services personnel, and

18 b. found to require medical care in a hospital classified
19 as a trauma and emergency operative services facility;
20 and

21 13. "Trauma services" includes services provided to a severely
22 or seriously injured patient.

23 SECTION 54. AMENDATORY 63 O.S. 2011, Section 1-2530.3,
24 is amended to read as follows:

1 Section 1-2530.3 A. The State Board of Health, giving
2 consideration to the recommendations of the Hospital and Emergency
3 Response Advisory Council established by Section 21 of this act,
4 shall promulgate rules establishing minimum standards and objectives
5 to implement the development, regulation and improvement of trauma
6 systems on a statewide basis. Rules shall provide for the
7 classification of trauma and emergency care provided by all
8 hospitals based on the level of service provided and for triage,
9 transport and transfer guidelines. The Board shall consider
10 guidelines developed by the American College of Surgeons in
11 promulgating rules under this section.

12 B. The rules shall provide specific requirements for the
13 distribution of trauma patients, ensure that trauma care is fully
14 coordinated with all hospitals and emergency medical services in a
15 regional area, and reflect the geographic areas of the state,
16 considering time and distance.

17 C. The rules shall include:

18 1. Pre-hospital care management guidelines for triage and
19 transport of trauma patients;

20 2. Establishment of referral patterns of trauma patients and
21 geographic boundaries regarding trauma patients;

22 3. Requirements for licensed hospitals providing trauma and
23 emergency operative services to provide quality care to trauma
24 patients referred to these facilities;

- 1 4. Minimum requirements for resources and equipment needed by a
2 trauma and emergency operative services facility to treat trauma
3 patients;
- 4 5. Minimum standards for the availability and qualifications of
5 health care personnel, including physicians and surgeons, treating
6 trauma patients within a hospital;
- 7 6. Minimum requirements for data collection including, but not
8 limited to, trauma incidence reporting, system operation and patient
9 outcome, and continuous quality improvement activities;
- 10 7. Minimum requirements for periodic performance evaluation of
11 the system and its components through continuous quality improvement
12 activities;
- 13 8. Minimum requirements for reviews of trauma patient transfers
14 ~~by a medical audit committee appointed by the State Commissioner of~~
15 ~~Health;~~
- 16 9. Requirements that hospitals with the capacity and capability
17 to provide care not refuse to accept the transfer of a trauma
18 patient from another facility solely because of the person's
19 inability to pay for services or because of the person's age, sex,
20 race, religion or national origin; and
- 21 10. Requirements for transferring hospitals to enter into
22 reciprocal agreements with receiving hospitals that specify that the
23 transferring hospital will accept the return transfer of trauma
24 patients at such time as the hospital has the capability and

1 capacity to provide care; provided, however, such reciprocal
2 agreements shall not incorporate financial provisions for transfers.

3 SECTION 55. AMENDATORY 63 O.S. 2011, Section 1-2530.5,
4 is amended to read as follows:

5 Section 1-2530.5 A. Each geographic region identified in the
6 statewide trauma systems plan that has a functioning trauma system,
7 ~~as determined by the Oklahoma Trauma Systems Improvement and~~
8 ~~Development Advisory Council,~~ shall be recognized by the State
9 Department of Health.

10 B. Licensed hospitals and ambulance service providers in these
11 regions shall establish a regional trauma advisory board to
12 represent the region and conduct continuous quality improvement
13 activities of the system for the region. Licensed hospitals and
14 ambulance service providers in the region shall designate regional
15 trauma advisory board members ~~pursuant to procedures approved by the~~
16 ~~Oklahoma Trauma Systems Improvement and Development Advisory~~
17 ~~Council.~~ Regional trauma advisory board members shall consist of
18 individuals who provide trauma services in the regional system, or
19 individuals employed by licensed hospitals or ambulance service
20 providers in the region. The maximum number of board members for
21 any region shall be twenty.

22 C. As funds are available, regional trauma advisory boards may
23 receive funding from the Department to support their administrative
24 and continuous quality improvement activities.

1 SECTION 56. AMENDATORY 63 O.S. 2011, Section 1-2530.8,
2 is amended to read as follows:

3 Section 1-2530.8 A. The State Department of Health shall
4 recognize and certify a trauma transfer and referral center in each
5 county and contiguous communities with populations in excess of
6 three hundred thousand (300,000) persons for the purpose of
7 directing ambulance patients to facilities with the clinical
8 capacity and capability to appropriately care for the emergent
9 medical needs of a patient.

10 B. The State Board of Health, giving consideration to the
11 recommendations of the Hospital and Emergency Response Advisory
12 Council established by Section 21 of this act, shall promulgate
13 rules establishing minimum certification standards for such centers
14 which shall include, but not be limited to, staff certification,
15 data management and communications equipment, medical control and
16 oversight, record keeping, quality improvement activities, and such
17 other issues as the State Commissioner of Health deems appropriate.

18 C. Certified centers shall submit data as required by the
19 Department ~~to the Medical Audit Committee~~ for the purpose of trauma
20 system continuous quality improvement activities. Such reports
21 shall be confidential as provided in Section ~~§~~ 1-2530.7 of this ~~act~~
22 title.

23 D. The Board, giving consideration to the recommendations of
24 the Hospital and Emergency Response Advisory Council established by

1 Section 21 of this act, shall promulgate rules requiring emergency
2 medical services providers to contact the appropriate regional
3 trauma transfer and referral center while transporting injured
4 patients into or within that region in order to ensure that patients
5 are directed to the appropriate hospital based on the regional plan
6 and the current capability and capacity of hospitals in the system.

7 E. As funding is available, the Department may reimburse
8 operators of certified trauma transfer and referral centers for the
9 operations of the centers on an annual basis.

10 SECTION 57. AMENDATORY 63 O.S. 2011, Section 2060, is
11 amended to read as follows:

12 Section 2060. A. This section shall be known and may be cited
13 as the "Oklahoma Certified Healthy Communities Act".

14 B. The State Department of Health shall establish and maintain
15 a program for the voluntary certification of communities that
16 promote wellness, encourage the adoption of healthy behaviors, and
17 establish safe and supportive environments.

18 C. ~~There is hereby created the Oklahoma Healthy Communities~~
19 ~~Advisory Committee. The advisory committee shall consist of members~~
20 ~~as follows:~~

21 ~~1. A representative from a statewide nonprofit and nonpartisan~~
22 ~~organization that seeks to foster collaboration and encourage~~
23 ~~community and legislative action in prohealth initiatives, to be~~
24 ~~appointed by the Speaker of the Oklahoma House of Representatives;~~

1 ~~2. A representative from a statewide nonprofit and nonpartisan~~
2 ~~organization that seeks to foster collaboration and encourage~~
3 ~~community and legislative action in prohealth initiatives, to be~~
4 ~~appointed by the President Pro Tempore of the State Senate;~~

5 ~~3. Two representatives from an organization that seeks to~~
6 ~~involve communities and consumers in creating a healthier future, to~~
7 ~~be appointed by the State Commissioner of Health; and~~

8 ~~4. A representative from a statewide business organization, to~~
9 ~~be appointed by the Governor.~~

10 ~~D. Members of the Committee shall serve at the pleasure of the~~
11 ~~appointing authority. Vacancies in a position shall be filled in~~
12 ~~the same manner as the original appointment.~~

13 ~~E. The Committee shall hold an organizational meeting not later~~
14 ~~than November 30, 2010.~~

15 ~~F. The Committee shall select from among its membership a chair~~
16 ~~and cochair.~~

17 ~~G. A quorum of the members present at a meeting of the~~
18 ~~Committee shall be sufficient to conduct any business or to take any~~
19 ~~action authorized or required.~~

20 ~~H. Travel reimbursement for members of the Committee who are~~
21 ~~legislators shall be made pursuant to Section 456 of Title 74 of the~~
22 ~~Oklahoma Statutes. Travel reimbursement for other members of the~~
23 ~~Committee shall be made by the respective appointing authorities~~
24 ~~pursuant to the State Travel Reimbursement Act.~~

1 ~~I.~~ The Department, ~~in collaboration with the Committee,~~ shall
2 develop criteria for certification. The criteria may include, but
3 shall not be limited to:

4 1. The development and publication of educational materials
5 that promote health;

6 2. The development, implementation, and enforcement of local
7 social host policies;

8 3. The implementation of local ordinances that promote the
9 establishment of sidewalks, walking trails, and bicycle lanes;

10 4. The development of parks and recreation areas;

11 5. The establishment of community gardens;

12 6. Incentives and support for farmers' markets;

13 7. Incentives and support for community health services, such
14 as free clinics;

15 8. Incentives and support for community mental health services;
16 and

17 9. Incentives and support for improved housing, including
18 energy efficiency.

19 ~~J. D.~~ The Department, ~~in collaboration with the Committee,~~
20 shall develop an online scoring system based on the criteria
21 developed pursuant to subsection ~~F~~ C of this section. The program
22 shall recognize three levels of certification based on the online
23 scoring system as follows:

24 1. Basic certification;

1 2. Merit certification; and

2 3. Excellence certification.

3 ~~K. E.~~ The State Board of Health, giving consideration to the
4 recommendations of the Advancement of Wellness Advisory Council
5 established by Section 21 of this act, may promulgate rules as
6 necessary to implement the provisions of this section.

7 ~~L. The Committee shall terminate by operation of law on October~~
8 ~~31, 2015.~~

9 SECTION 58. AMENDATORY 63 O.S. 2011, Section 2061, is
10 amended to read as follows:

11 Section 2061. A. This section shall be known and may be cited
12 as the "Oklahoma Certified Healthy Schools Act".

13 B. The State Department of Health shall establish and maintain
14 a program for the voluntary certification of schools that promotes
15 wellness, encourages the adoption of healthy behaviors, and
16 establishes safe and supportive environments.

17 C. ~~There is hereby created the Oklahoma Healthy Schools~~
18 ~~Advisory Committee. The advisory committee shall consist of the~~
19 ~~following members:~~

20 ~~1. A representative from a statewide nonprofit and nonpartisan~~
21 ~~organization that seeks to foster collaboration and encourage~~
22 ~~prohealth initiatives in schools, to be appointed by the Speaker of~~
23 ~~the Oklahoma House of Representatives;~~

1 ~~2. A representative from a statewide nonprofit and nonpartisan~~
2 ~~organization that seeks to foster collaboration and encourage~~
3 ~~prohealth initiatives in schools, to be appointed by the President~~
4 ~~Pro Tempore of the State Senate;~~

5 ~~3. Two representatives from an organization that seeks to~~
6 ~~involve communities and consumers in creating a healthier future, to~~
7 ~~be appointed by the State Commissioner of Health;~~

8 ~~4. A representative from a statewide business organization, to~~
9 ~~be appointed by the Governor;~~

10 ~~5. A representative from a statewide association of parents,~~
11 ~~teachers, and students, to be appointed by the State Superintendent~~
12 ~~of Public Instruction;~~

13 ~~6. A representative from a statewide association that provides~~
14 ~~training and information services to school board members, to be~~
15 ~~appointed by the Speaker of the Oklahoma House of Representatives;~~

16 ~~7. A registered dietician, to be appointed by the President Pro~~
17 ~~Tempore of the State Senate; and~~

18 ~~8. A school nutritionist, to be appointed by the Governor.~~

19 ~~D. Members of the Committee shall serve at the pleasure of the~~
20 ~~appointing authority. Vacancies in a position shall be filled in~~
21 ~~the same manner as the original appointment.~~

22 ~~E. The Committee shall hold an organizational meeting not later~~
23 ~~than November 30, 2010.~~

1 ~~F. The Committee shall select from among its membership a chair~~
2 ~~and cochair.~~

3 ~~G. A quorum of the members present at a meeting of the~~
4 ~~Committee shall be sufficient to conduct any business or to take any~~
5 ~~action authorized or required.~~

6 ~~H. Travel reimbursement for members of the Committee who are~~
7 ~~legislators shall be made pursuant to Section 456 of Title 74 of the~~
8 ~~Oklahoma Statutes. Travel reimbursement for other members of the~~
9 ~~Committee shall be made by the respective appointing authorities~~
10 ~~pursuant to the State Travel Reimbursement Act.~~

11 ~~I.~~ The program shall recognize three levels of certification as
12 follows:

- 13 1. Basic certification;
- 14 2. Merit certification; and
- 15 3. Excellence certification.

16 ~~J. D.~~ The Department, ~~in collaboration with the Committee,~~
17 shall develop criteria for certification, which, at a minimum, may
18 include the following for each level of certification:

- 19 1. Basic certification: The school shall meet at least two
20 criteria in each of the components of the Center for Disease Control
21 and Prevention's Coordinated School Health Program model;
- 22 2. Merit certification: The school shall meet at least three
23 criteria in each of the components of the Center for Disease Control
24 and Prevention's Coordinated School Health Program model; and

1 3. Excellence certification: The school shall meet at least
2 four criteria in each of the components of the Center for Disease
3 Control and Prevention's Coordinated School Health Program model.

4 ~~K.~~ E. Subject to available funding specifically appropriated
5 for this purpose, the Department may provide a monetary reward to
6 schools that earn certification as follows:

7 1. Basic certification: Two Thousand Five Hundred Dollars
8 (\$2,500.00);

9 2. Merit certification: Five Thousand Dollars (\$5,000.00); and

10 3. Excellence certification: Ten Thousand Dollars
11 (\$10,000.00).

12 ~~L.~~ F. Schools that obtain a reward pursuant to subsection ~~N~~ H
13 of this section shall use the funds for the enhancement of wellness
14 activities and the promotion of healthy environments. Such
15 activities may include, but are not limited to:

16 1. Improving playgrounds;

17 2. Purchasing sports equipment; and

18 3. Equipping school kitchens for healthy cooking.

19 ~~M.~~ G. The Department shall develop an online application form
20 for schools seeking to become an Oklahoma Certified Healthy School.

21 ~~N.~~ H. The State Board of Health, giving consideration to the
22 recommendations of the Advancement of Wellness Advisory Council
23 established by Section 21 of this act, may promulgate rules as
24 necessary to implement the provisions of this section.

1 ~~0. I.~~ The Committee shall terminate by operation of law on
2 October 31, 2015.

3 SECTION 59. AMENDATORY 63 O.S. 2011, Section 2220.2, is
4 amended to read as follows:

5 Section 2220.2 A. ~~There is hereby established within the State~~
6 ~~Department of Health the Organ Donor Education and Awareness Program~~
7 ~~Advisory Council which shall consist of the following members~~
8 ~~appointed by the Governor, with the advice and consent of the~~
9 ~~Senate:~~

10 ~~1. One representative from an organ procurement organization in~~
11 ~~this state that is certified by the United States Department of~~
12 ~~Health and Human Services;~~

13 ~~2. One representative from a tissue procurement organization in~~
14 ~~this state that is certified by a national association of tissue~~
15 ~~banks;~~

16 ~~3. One representative from an Oklahoma eye bank that is~~
17 ~~certified by a national eye bank enucleation organization;~~

18 ~~4. Four members representing organ, tissue and eye recipients~~
19 ~~and their relatives, or donors and relatives of donors who are~~
20 ~~residents of this state; provided, however, such appointments shall~~
21 ~~be geographically representative of the four regions of the state;~~

22 ~~5. One representative from an Oklahoma transplant center that~~
23 ~~is a member of a national organ procurement network; and~~
24

1 ~~6. Three at large members who have demonstrated an interest in~~
2 ~~organ donor education and awareness and who are residents of this~~
3 ~~state.~~

4 ~~B. 1. Of the initial appointments made to the Oklahoma Organ~~
5 ~~Donor Education and Awareness Program Advisory Council pursuant to~~
6 ~~the provisions of subsection A of this section, the Governor shall~~
7 ~~designate four members to serve terms of four (4) years, four~~
8 ~~members to serve terms of three (3) years, and three members to~~
9 ~~serve terms of two (2) years. After the initial appointments,~~
10 ~~members appointed to the Advisory Council shall serve terms of four~~
11 ~~(4) years. Members shall serve until successors are appointed and~~
12 ~~qualified. A member may be removed by the Governor for cause.~~
13 ~~Members may serve no more than two full terms consecutively. A~~
14 ~~vacancy on the Advisory Council shall be filled in the same manner~~
15 ~~as the original appointment, for the unexpired portion of the term.~~

16 ~~2. The Advisory Council shall elect from among its membership a~~
17 ~~chair and a vice chair and shall adopt procedures for the governance~~
18 ~~of its operations. The Advisory Council shall meet at least~~
19 ~~semiannually. Six members shall constitute a quorum for the~~
20 ~~transaction of business.~~

21 ~~3. Members of the Advisory Council shall receive no~~
22 ~~compensation for their services but may be reimbursed for reasonable~~
23 ~~and necessary expenses incurred in the performance of their duties~~
24

1 ~~by the State Department of Health pursuant to the provisions of the~~
2 ~~State Travel Reimbursement Act.~~

3 ~~4. The State Commissioner of Health may employ such staff as~~
4 ~~necessary to carry out the provisions of this act; provided,~~
5 ~~however, the cost of administration of this act shall not exceed~~
6 ~~twenty percent (20%) of the total funds credited to the Organ Donor~~
7 ~~Education and Awareness Program Fund created in Section 3 of this~~
8 ~~act, including administrative fees paid to the Oklahoma Tax~~
9 ~~Commission and the Commissioner for Public Safety pursuant to the~~
10 ~~provisions of Sections 4 and 5 of this act.~~

11 ~~C. The Oklahoma Organ Donor Education and Awareness Program~~
12 ~~Advisory Council shall assist the State Department of Health and the~~
13 ~~State Department of Education in the development of shall develop~~
14 ~~organ donor education awareness programs to educate the general~~
15 ~~public on the importance of organ donation and shall recommend~~
16 ~~priorities in the expenditures from the Oklahoma Organ Donor~~
17 ~~Education and Awareness Program Fund.~~

18 ~~D. B. In administering this act, the Advisory Council is State~~
19 ~~Department of Health and the State Department of Education are~~
20 ~~authorized, but not limited to:~~

- 21 1. Develop and implement educational programs and campaigns to
22 increase organ donation in Oklahoma;
- 23 2. Make policy recommendations for the promotion of organ
24 donation in Oklahoma;

- 1 3. Recommend priorities in the expenditures from the Oklahoma
- 2 Organ Donor Education Program Fund;
- 3 4. Accept and hold property; and
- 4 5. Utilize local resources including volunteers when
- 5 appropriate.

6 ~~E. C.~~ The Advisory Council State Department of Health and the
7 State Department of Education shall annually submit to the Governor
8 and the Legislature a report detailing its expenditures of fund
9 monies, its activities, the status of organ donation in the state,
10 and any recommendations for legislative changes by the first day of
11 December beginning December 1, 2002.

12 SECTION 60. AMENDATORY 63 O.S. 2011, Section 2220.3, as
13 amended by Section 511, Chapter 304, O.S.L. 2012 (63 O.S. Supp.
14 2012, Section 2220.3), is amended to read as follows:

15 Section 2220.3 A. There is hereby created in the State
16 Treasury a revolving fund for the State Department of Health, to be
17 designated the "Oklahoma Organ Donor Education and Awareness Program
18 Revolving Fund". The fund shall be a continuing fund, not subject
19 to fiscal year limitations, and shall consist of all monies received
20 by the State Department of Health from:

- 21 1. Any state monies appropriated for the purpose of
- 22 implementing the provisions of the Oklahoma Organ Donor Education
- 23 and Awareness Program Act; and

24

1 2. Any monies collected pursuant to this section or any other
2 monies available to the State Department of Health to implement the
3 provisions of the Oklahoma Organ Donor Education and Awareness
4 Program Act.

5 B. All monies accruing to the credit of the fund are hereby
6 appropriated and shall be budgeted and expended to promote and
7 encourage organ donor education and awareness.

8 C. Monies credited to the fund, excluding administrative fees
9 paid to the Oklahoma Tax Commission, may be used for, but are not
10 limited to:

11 1. Administration of the Act, ~~including, but not limited to,~~
12 ~~personnel and Advisory Council expenses;~~

13 2. Development and promotion of organ donor public education
14 and awareness programs in cooperation with the Oklahoma Organ
15 Sharing Network including, but not limited to, the American Red
16 Cross and the Oklahoma Lions Eye Bank;

17 3. To assist in the publication of information pamphlets or
18 booklets by the State Department of Health and the State
19 Superintendent of Public Instruction regarding organ donation and
20 donations to the Oklahoma Organ Donor Education and Awareness
21 Program Fund. The State Department of Health shall distribute such
22 informational pamphlets or booklets to the Department of Public
23 Safety for distribution to applicants for original, renewal, or
24 replacement driver licenses and identification cards when making a

1 voluntary contribution pursuant to Section 2220.5 of this title and
2 to the Oklahoma Tax Commission for distribution to individuals when
3 making a voluntary contribution pursuant to the state income tax
4 check off provided for in Section 2220.4 of this title;

5 4. Implementation of organ donor education and awareness
6 programs in the elementary and secondary schools of this state by
7 the State Department of Education ~~in cooperation with the Oklahoma~~
8 ~~Organ Donor Education and Awareness Program Advisory Council;~~

9 5. Grants by the State Department of Health to certified organ
10 procurement organizations for the development and implementation of
11 organ donor education and awareness programs in this state;

12 6. Encouraging the incorporation of organ donor information
13 into the medical and nursing school curriculums of the state's
14 medical and nursing schools. If funds are provided to a university
15 for this educational purpose, the university shall annually evaluate
16 the extent to which the curriculum has affected the attitudes of its
17 students and graduates with regard to organ donation and shall
18 forward the evaluation results to the ~~Advisory Council~~ State
19 Department of Health; and

20 7. A reserve fund in an interest-bearing account with five
21 percent (5%) of the monies received by the fund annually to be
22 placed in this account. No funds may be expended from the reserve
23 fund account until the required balance has reached One Hundred
24 Thousand Dollars (\$100,000.00) and then these funds may only be used

1 in years when donations do not meet the average normal operating fee
2 incurred by the fund, and funds are expended to meet expenses. Once
3 the balance in the reserve fund account reaches One Hundred Thousand
4 Dollars (\$100,000.00), excess funds earned by interest, and yearly
5 allocations may be used at the discretion of the Advisory Council to
6 cover operating costs and to provide additional funds.

7 D. The fund may accept bequests and grants from individuals,
8 corporations, organizations, associations, and any other source.
9 The fund supplements and augments services provided by state
10 agencies and does not take the place of such services.

11 E. Expenditures from the fund shall be made upon warrants
12 issued by the State Treasurer against claims filed as prescribed by
13 law with the Director of the Office of Management and Enterprise
14 Services for approval and payment.

15 SECTION 61. AMENDATORY 63 O.S. 2011, Section 2220.5, is
16 amended to read as follows:

17 Section 2220.5 A. 1. An applicant for an original or
18 replacement driver license or identification card shall be given an
19 opportunity to make a voluntary contribution of One Dollar (\$1.00)
20 to be credited to the Oklahoma Organ Donor Education and Awareness
21 Program Revolving Fund established in Section 2220.3 of this title.
22 Any voluntary contribution shall be added to the driver license or
23 identification card fee and then be referred to the State Treasurer
24

1 and credited to the Oklahoma Organ Donor Education and Awareness
2 Program Revolving Fund as provided in Section 2220.3 of this title.

3 2. An applicant for a vehicle title or transfer of title or for
4 a vehicle license plate shall be given an opportunity to make a
5 minimum voluntary contribution of One Dollar (\$1.00) to be credited
6 to the Oklahoma Organ Donor Education and Awareness Program
7 Revolving Fund established in Section 2220.3 of this title. Any
8 voluntary contribution shall be added to the title or license plate
9 fee and then be referred to the State Treasurer and credited to the
10 Oklahoma Organ Donor Education and Awareness Program Revolving Fund
11 as provided in Section 2220.3 of this title.

12 3. The contribution prescribed in this section is voluntary and
13 may be refused by the applicant. The Department of Public Safety
14 and the Oklahoma Tax Commission shall make available an information
15 booklet or other informational sources on the importance of organ
16 donation to applicants for licensure, as designed and provided by
17 the State Department of Health and the State Superintendent of
18 Public Instruction ~~with the assistance of the Oklahoma Organ Donor~~
19 ~~Education and Awareness Program Advisory Council established in~~
20 ~~Section 2220.2 of this title.~~

21 B. The Department of Public Safety and motor license agents
22 shall inquire of each applicant at the time of presentation of a
23 completed application for an original driver license or
24 identification card whether the applicant is interested in making

1 the One Dollar (\$1.00) contribution prescribed in subsection A of
2 this section and whether the applicant is interested in being an
3 organ and tissue donor. The Department of Public Safety or motor
4 license agents shall also specifically inform the applicant of the
5 ability to make an organ and tissue donation. The Department of
6 Public Safety shall notify the State Commissioner of Health the
7 name, address, date of birth, and driver license number or
8 identification card number of applicants who indicate that they are
9 interested in being an organ donor.

10 C. The incremental cost of administration of contributions to
11 the fund, not to exceed one percent (1%) of the monies received
12 pursuant to the provisions of this section, shall be paid by the
13 fund to the Department of Public Safety or the Oklahoma Tax
14 Commission, as applicable, from amounts received pursuant to the
15 provisions of this section before funds are expended for the
16 purposes of the fund.

17 SECTION 62. AMENDATORY 63 O.S. 2011, Section 2220.6, is
18 amended to read as follows:

19 Section 2220.6 The State Superintendent of Public Instruction
20 shall develop and implement in conjunction with the State Department
21 of Health ~~and the Oklahoma Organ Donor Education and Awareness~~
22 ~~Program Advisory Council within the State Department of Health an~~
23 organ donor education and awareness curriculum for use in the
24 elementary and secondary schools of this state. The State Board of

1 Education shall promulgate rules to enact the provisions of this
2 section not later than the 2001-2002 school year.

3 SECTION 63. AMENDATORY 70 O.S. 2011, Section 1210.284,
4 is amended to read as follows:

5 Section 1210.284 A. 1. The parent or guardian of each student
6 enrolled in kindergarten at a public school in this state shall
7 provide certification to school personnel that the student passed a
8 vision screening within the previous twelve (12) months or during
9 the school year. Such screening shall be conducted by personnel
10 listed on the statewide registry as maintained by the State
11 Department of Health.

12 2. The parent or guardian of each student enrolled in first or
13 third grade at a public school in this state shall provide within
14 thirty (30) days of the beginning of the school year certification
15 to school personnel that the student passed a vision screening
16 within the previous twelve (12) months. Such screening shall be
17 conducted by personnel listed on the statewide registry as
18 maintained by the State Department of Health.

19 3. The parent or guardian of each student who receives a vision
20 screening as required by this section shall receive notification
21 that a vision screening is not the equivalent of a comprehensive eye
22 exam.

23 B. 1. ~~The State Department of Health shall form an advisory~~
24 ~~committee comprised of:~~

- a. ~~one licensed Oklahoma optometrist,~~
- b. ~~one licensed Oklahoma ophthalmologist,~~
- c. ~~the State Commissioner of Health, or designee,~~
- d. ~~the State Superintendent of Public Instruction, or designee, and~~
- e. ~~one representative of a statewide organization for the prevention of blindness.~~

~~2.~~ The ~~advisory committee~~ Health Care Advisory Council

established by Section 21 of this act shall make recommendations to the State Board of Health on:

- a. standards for vision screening and referral,
- b. qualifications for initial recognition and renewal of recognition of vision screeners,
- c. qualifications for initial recognition and renewal of recognition of vision screener trainers,
- d. qualifications for initial recognition and renewal of recognition of trainers of vision screener trainers, and
- e. grounds for denial, refusal, suspension or revocation of recognition of vision screeners, vision screener trainers and trainers of vision screener trainers.

~~3.~~ ~~The advisory committee shall provide to the Department a list of:~~

- a. ~~qualified vision screeners,~~

- 1 ~~b. qualified vision screener trainers, and~~
2 ~~c. qualified trainers of vision screener trainers which~~
3 ~~are recognized by another state or national entity~~
4 ~~involved with vision screening with substantially~~
5 ~~similar published standards and qualifications.~~

6 ~~4.~~ 2. The Department shall:

- 7 a. establish and thereafter maintain a statewide
8 registry, available via the Internet, which shall
9 contain a list of approved vision screeners,
10 b. maintain a list of approved vision screener trainers
11 and trainers of vision screener trainers, and
12 c. maintain the standards for vision screening and
13 referral.

14 ~~5.~~ 3. After notice and hearing, the Department may deny,
15 refuse, suspend or revoke approval to an applicant which has a
16 history of:

- 17 a. noncompliance or incomplete or partial compliance with
18 the provisions of this section or the rules adopted by
19 the Board to implement the provisions of this section,
20 b. referring persons to a business in which the applicant
21 has a financial interest or a business which is owned
22 or operated by someone within the third degree of
23 consanguinity or affinity of the applicant, or
24

1 c. conduct which demonstrates that the applicant is
2 providing services in a manner which does not warrant
3 public trust.

4 ~~6. The advisory committee may make recommendations to the Board
5 for establishing a requirement for background checks and provide a
6 listing of offenses that disqualify a vision screener, vision
7 screener trainer or trainer of vision screener trainers for
8 recognition pursuant to this section.~~

9 ~~7. The advisory committee may also serve as a sports eye safety
10 resource for Oklahoma K-12 public school districts and nonprofit
11 community sports organizations by developing and providing
12 educational materials to the school districts and organizations
13 which detail the risk of eye injuries associated with different
14 types of sports and the availability of protective eyewear that
15 reduces the risk of eye injuries due to sports.~~

16 ~~8. 4. The Board, giving consideration to the recommendations of
17 the Health Care Advisory Council established by Section 21 of this
18 act, shall promulgate rules to implement the provisions of this
19 section.~~

20 C. 1. The parent or guardian of each student who fails the
21 vision screening required in subsection A of this section shall
22 receive a recommendation to undergo a comprehensive eye examination
23 performed by an ophthalmologist or optometrist.

1 2. The ophthalmologist or optometrist shall forward a written
2 report of the results of the comprehensive eye examination to the
3 student's school, parent or guardian, and primary health care
4 provider designated by the parent or guardian. The report shall
5 include, but not be limited to:

- 6 a. date of report,
- 7 b. name, address and date of birth of the student,
- 8 c. name of the student's school,
- 9 d. type of examination,
- 10 e. a summary of significant findings, including
11 diagnoses, medication used, duration of action of
12 medication, treatment, prognosis, whether or not a
13 return visit is recommended and, if so when,
- 14 f. recommended educational adjustments for the child, if
15 any, which may include: preferential seating in the
16 classroom, eyeglasses for full-time use in school,
17 eyeglasses for part-time use in school, sight-saving
18 eyeglasses, and any other recommendations, and
- 19 g. name, address and signature of the examiner;

20 D. No student shall be prohibited from attending school for a
21 parent's or guardian's failure to furnish a report of the student's
22 vision screening or an examiner's failure to furnish the results of
23 a student's comprehensive eye examination required by this section.

1 E. School districts shall notify parents or guardians of
2 students who enroll in kindergarten, first, or third grade for the
3 2007-08 school year and each year thereafter of the requirements of
4 this section.

5 F. The State Board of Education shall adopt rules for the
6 implementation of this section except as provided in subsection B of
7 this section. The State Department of Education shall issue a
8 report annually on the impact and effectiveness of this section.

9 SECTION 64. REPEALER 59 O.S. 2011, Sections 61.4,
10 1150.5, as amended by Section 277, Chapter 304, O.S.L. 2012, 1150.6,
11 1904, 1925.4 and 1933 (59 O.S. Supp. 2012, Section 1150.5), and 63
12 O.S. 2011, Sections 1-106.3, 1-122, 1-227.9, 1-229.4, 1-232.2, 1-
13 260.4, 1-555, 1-860.13, 1-860.14, 1-1456, 1-1504.1, 1-1753, 1-1923,
14 1-1970, 1-2516, as amended by Section 1, Chapter 74, O.S.L. 2012, 1-
15 2530.4, 1-2530.6 and 1-2530.7 (63 O.S. Supp. 2012, Section 1-2516),
16 are hereby repealed.

17 SECTION 65. This act shall become effective November 1, 2013.

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