

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL 1467

By: Murphey and Turner of the
House

6 and

7 Griffin of the Senate
8
9

10 COMMITTEE SUBSTITUTE

11 An Act relating to health; amending 10A O.S. 2011,
12 Section 1-9-102, which relates to the Oklahoma
13 Children's Code; transferring duties from the Child
14 Abuse Training and Coordination Council to the
15 Oklahoma Commission on Children and Youth; amending
16 47 O.S. 2011, Section 1135.3, which relates to
17 special license plates; requiring organ, eye and
18 tissue license plate to be designed in consultation
19 with the State Department of Health; amending 59 O.S.
20 2011, Section 61.1, which relates to licensing
21 barbers; directing consideration of recommendations
22 by the Consumer Protection Licensing Advisory
23 Council; transferring powers, duties, property, and
24 rules related to certain acts to the State Board of
Examiners of Licensed Counselors; creating the State
Board of Examiners of Licensed Counselors; providing
appointing authority; providing standards for
meetings; authorizing the State Commissioner of
Health to appoint Board members; providing procedures
related to recommendations of the Board; providing
jurisdictional area of the Board; requiring
compliance with certain acts; providing for
reimbursement of certain expenses by Board members;
providing authorization of certain acts by Board;
amending 59 O.S. 2011, Sections 1902, 1905, 1906,
1907, 1908, 1909, 1911, 1912, 1913.1, 1916.1, 1917,
1918, as amended by Section 288, Chapter 304, O.S.L.

1 2012 (59 O.S. Supp. 2012, Section 1918), and 1919,
2 which relate to the Licensed Professional Counselors
3 Act; modifying definitions; clarifying language;
4 transferring certain powers and duties from the State
5 Board and State Commissioner of Health, respectively,
6 to the State Board of Examiners of Licensed
7 Counselors and the Executive Director of the State
8 Board of Examiners of Licensed Counselors,
9 respectively; amending 59 O.S. 2011, Sections 1925.2,
10 1925.5, 1925.6, 1925.7, 1925.8, 1925.9, 1925.15,
11 1925.17, as amended by Section 289, Chapter 304,
12 O.S.L. 2012 (59 O.S. Supp. 2012, Section 1925.17) and
13 1925.18, which relate to the Marital and Family
14 Therapist Licensure Act; modifying definitions;
15 clarifying language; transferring certain powers and
16 duties from the State Board and State Commissioner of
17 Health, respectively, to the State Board of Examiners
18 of Licensed Counselors and the Executive Director of
19 the State Board of Examiners of Licensed Counselors,
20 respectively; amending 59 O.S. 2011, Sections 1931,
21 1934, 1935, 1936, 1937, 1938, 1940, 1941, 1942, 1944,
22 1945, 1946, as amended by Section 290, Chapter 304,
23 O.S.L. 2012 (59 O.S. Supp. 2012, Section 1946), 1947,
24 1948, and 1949 which relate to the Licensed
Behavioral Practitioner Act; modifying definitions;
clarifying language; transferring certain powers and
duties from the State Board and State Commissioner of
Health, respectively, to the State Board of Examiners
of Licensed Counselors and the Executive Director of
the State Board of Examiners of Licensed Counselors,
respectively; amending 62 O.S. 2011, Section 155, as
amended by Section 446, Chapter 304, O.S.L. 2012 (62
O.S. Supp. 2012, Section 155), which relates to
revolving funds; deleting revolving fund for the
State Barber Advisory Board; creating the Oklahoma
Public Health Advisory Council Modernization Act;
establishing six advisory councils to assist and
advise the State Department of Health; providing for
meetings; providing for appointments to each advisory
council; providing for jurisdictional areas of each
advisory council; providing for powers and duties of
advisory councils; providing for reimbursement
expenses; amending 63 O.S. 2011, Section 1-114.1,
which relates to the Comprehensive Childhood Lead
Poisoning Prevention Program; directing consideration
of recommendations by the Infant and Children's
Health Advisory Council; eliminating Childhood Lead

1 Poisoning Prevention Advisory Council; amending 63
2 O.S. 2011, Sections 1-227.1, 1-227.2 and 1-227.4,
3 which relate to the Child Abuse Prevention Act;
4 deleting terms; directing consideration of
5 recommendations by the Infant and Children's Health
6 Advisory Council; eliminating the interagency child
7 abuse prevention task force; transferring certain
8 duty of task force to the State Department of Health;
9 deleting certain requirement of Commissioner;
10 amending 63 O.S. 2011, Sections 1-229.2, 1-229.5 and
11 1-229.6, which relate to the Oklahoma Tobacco Use
12 Prevention and Cessation Act; deleting and modifying
13 terms; directing consideration of recommendations by
14 the Advancement of Wellness Advisory Council;
15 eliminating the Tobacco Use Prevention and Cessation
16 Committee; transferring certain duties to the State
17 Department of Health; deleting certain requirements
18 of the state plan; deleting certain requirements
19 concerning invitations to bid; amending 63 O.S. 2011,
20 Section 1-1923.1, which relates to the Residents and
21 Family State Council; directing consideration of
22 recommendations by the Long-Term Care Facility
23 Advisory Board; amending 63 O.S. 2011, Sections 1-
24 260.2 and 1-260.4, which relate to the Osteoporosis
Prevention and Treatment Education Act; directing
consideration of recommendations by the Advancement
of Wellness Council; eliminating Interagency Council
on Osteoporosis; amending 63 O.S. 2011, Sections 1-
556 and 1-557, as amended by Section 480, Chapter
304, O.S.L. 2012 (63 O.S. Supp. 2012, Section 1-557),
which relate to breast cancer; eliminating the
Oklahoma Breast and Cervical Cancer Prevention and
Treatment Advisory Committee; transferring certain
duties to the State Department of Health; directing
consideration of recommendations by the Advancement
of Wellness Council; amending 63 O.S. 2011, Section
1-1970, which relates to the Home Health Advisory
Board; eliminating Board; directing consideration of
recommendations by the Home Care and Hospice Advisory
Council; amending 63 O.S. 2011, Section 1-860.14,
which relates to the Hospice Advisory Board;
transferring certain authority of Board to State
Department of Health; amending 63 O.S. 2011, Sections
1-564, 1-567 and 1-569, which relate to genetic
counselors; directing consideration of
recommendations by the Counseling Advisory Council;
deleting references to the Genetics Counseling

1 Advisory Committee; providing that State Board of
2 Health rules shall include requirements for
3 maintaining and renewal of genetic counselor license;
4 amending 63 O.S. 2011, Section 1-706.12, which
5 relates to the Emergency Medical Services for
6 Children Resource Center; removing requirement that
7 certain items be submitted to State Department of
8 Health Emergency Medical Services Advisory Council
9 prior to Department action; amending 63 O.S. 2011,
10 Sections 1-1453 and 1-1455, which relate to the
11 Oklahoma Medical Micropigmentation Regulation Act;
12 directing consideration of recommendations by the
13 Consumer Protection Licensing Advisory Council;
14 deleting reference to the Medical Micropigmentation
15 Advisory Committee; amending 63 O.S. 2011, Section 1-
16 1505, which relates to the Diagnostic X-Ray Facility
17 Act; directing consideration of recommendations by
18 the Consumer Protection Licensing Advisory Council;
19 amending 63 O.S. 2011, Sections 1-2503, 1-2506, 1-
20 2511, 1-2512, 1-2530.2, 1-2530.3, 1-2530.5 and 1-
21 2530.8, which relate to the Oklahoma Emergency
22 Response Systems Development Act and the Oklahoma
23 Trauma Systems Improvement and Development Act;
24 modifying definition; directing consideration of
recommendations by the Trauma and Emergency Response
Advisory Council; deleting references to the Oklahoma
Emergency Response Systems Development Advisory
Council; removing power of State Commissioner of
Health to create Medical Direction Subcommittee;
modifying term; amending 63 O.S. 2011, Section 1-122,
which relates to the Health Care Information Advisory
Committee; transferring certain duties to Hospital
Advisory Council; amending 63 O.S. 2011, Section
2060, which relates to the Oklahoma Certified Healthy
Communities Act; eliminating the Oklahoma Healthy
Communities Advisory Committee; directing
consideration of recommendations by the Advancement
of Wellness Advisory Council; amending 63 O.S. 2011,
Section 2061, which relates to the Oklahoma Certified
Healthy Schools Act; eliminating the Oklahoma Healthy
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

1 Awareness Program Advisory Council; authorizing State
2 Department of Health and State Department of
3 Education to take certain actions regarding organ
4 donations; amending 70 O.S. 2011, Section 1210.284,
5 which relates to vision screening; eliminating
6 advisory committee concerning vision screening;
7 directing consideration of recommendation by the
8 Health Care Advisory Council; repealing 59 O.S. 2011,
9 Section 61.4, which relates to the State Barber
10 Advisory Board; repealing 59 O.S. 2011, Section 1904,
11 which relates to the Oklahoma Licensed Professional
12 Counselors Advisory Board; repealing 59 O.S. 2011,
13 Section 1925.4, which relates to the Oklahoma
14 Licensed Marital and Family Therapist Advisory Board;
15 repealing 59 O.S. 2011, Section 1933, which relates
16 to the Oklahoma Licensed Behavioral Practitioners
17 Advisory Board; repealing 63 O.S. 2011, Section 1-
18 229.4, which relates to the Tobacco Use Prevention
19 and Cessation Advisory Committee; repealing 63 O.S.
20 2011, Section 1-232.2, which relates to the Shaken
21 Baby Prevention Education Initiative Task Force;
22 repealing 63 O.S. 2011, Section 1-1456, which relates
23 to the Medical Micropigmentation Advisory Committee;
24 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 1-2516, 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; providing for
noncodification; and providing an effective date.

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

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

1 Section 1-9-102. A. 1. In coordination with the ~~Child Abuse~~
2 ~~Training and Coordination Council~~ Oklahoma Commission on Children
3 and Youth, each district attorney shall develop a multidisciplinary
4 child abuse team in each county of the district attorney or in a
5 contiguous group of counties.

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

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

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

13 2. Police officers or other law enforcement agents with a role
14 in, or experience or training in child abuse and neglect
15 investigation;

16 3. Medical personnel with experience in child abuse and neglect
17 identification;

18 4. Child protective services workers within the Department of
19 Human Services;

20 5. Multidisciplinary child abuse team coordinators, or Child
21 Advocacy Center personnel; and

22 6. The district attorney or assistant district attorney.

23 C. 1. To the extent that resources are available to each of
24 the various multidisciplinary child abuse teams throughout the

1 state, the functions of the team shall include, but not be limited
2 to, the following specific functions:

- 3 a. whenever feasible, law enforcement and child welfare
4 staff shall conduct joint investigations in an effort
5 to effectively respond to child abuse reports,
- 6 b. develop a written protocol for investigating child
7 sexual abuse and child physical abuse or neglect cases
8 and for interviewing child victims. The purpose of
9 the protocol shall be to ensure coordination and
10 cooperation between all agencies involved so as to
11 increase the efficiency in handling such cases and to
12 minimize the stress created for the allegedly abused
13 child by the legal and investigatory process. In
14 addition, each team shall develop confidentiality
15 statements and interagency agreements signed by member
16 agencies that specify the cooperative effort of the
17 member agencies to the team,
- 18 c. freestanding multidisciplinary child abuse teams shall
19 be approved by the ~~Child Abuse Training and~~
20 ~~Coordination Council~~ Commission. The Council shall
21 conduct an annual review of freestanding
22 multidisciplinary teams to ensure that the teams are
23 functioning effectively. Teams not meeting the
24 minimal standards as promulgated by the Council shall

1 be removed from the list of functioning teams in the
2 state,

3 d. increase communication and collaboration among the
4 professionals responsible for the reporting,
5 investigation, prosecution and treatment of child
6 abuse and neglect cases,

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

9 f. identify gaps in service or all untapped resources
10 within the community to improve the delivery of
11 services to the victim and family,

12 g. encourage the development of expertise through
13 training. Each team member and those conducting child
14 abuse investigations and interviews of child abuse
15 victims shall be trained in the multidisciplinary team
16 approach, conducting legally sound and age-appropriate
17 interviews, effective investigation techniques and
18 joint investigations as provided through the ~~Child~~
19 ~~Abuse Training and Coordination Council~~ Commission or
20 other resources,

21 h. formalize a case review process and provide data as
22 requested to the ~~Child Abuse Training and Coordination~~
23 ~~Council~~ Commission for freestanding teams, and
24

1 i. standardize investigative procedures for the handling
2 of child abuse and neglect cases.

3 2. All investigations of child sexual abuse and child physical
4 abuse or neglect and interviews of child abuse or neglect victims
5 shall be carried out by appropriate personnel using the protocols
6 and procedures specified in this section.

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

16 D. 1. A multidisciplinary child abuse team may enter into an
17 agreement with the Child Death Review Board within the Oklahoma
18 Commission on Children and Youth and, in accordance with rules
19 promulgated by the Oklahoma Commission on Children and Youth,
20 conduct case reviews of deaths and near deaths of children within
21 the geographical area of that multidisciplinary child abuse team.

22 2. Any multidisciplinary child abuse team reviewing deaths and
23 near deaths of children shall prepare and make available to the
24 public, on an annual basis, a report containing a summary of the

1 activities of the team relating to the review of the deaths and near
2 deaths of children and a summary of the extent to which the state
3 child protection system is coordinated with foster care and adoption
4 programs and whether the state is efficiently discharging its child
5 protection responsibilities. The report shall be completed no later
6 than December 31 of each year.

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

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

- 14 a. nonurban centers in districts with child populations
15 that are less than sixty thousand (60,000),
- 16 b. midlevel nonurban centers in districts with child
17 populations equal to or greater than sixty thousand
18 (60,000), but not including Oklahoma and Tulsa
19 Counties, and
- 20 c. urban centers in Oklahoma and Tulsa Counties.

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

- 1 a. choose a lead agency for the team,
- 2 b. intervene in reports involving child sexual abuse and
- 3 may intervene in child physical abuse or neglect,
- 4 c. promote the joint investigation of child abuse reports
- 5 between law enforcement and child welfare staff, and
- 6 d. formalize standardized investigative procedures for
- 7 the handling of child abuse and neglect cases.

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

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

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

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

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

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

20 If fewer than one hundred of any type of special license plates
21 authorized prior to January 1, 2004, are issued prior to January 1,
22 2006, the Tax Commission shall discontinue issuance and renewal of
23 that type of special license plate. Any such authorized special
24 license plate registrant shall be allowed to display the license

1 plate upon the designated vehicle until the registration expiration
2 date. After such time the expired special license plate shall be
3 removed from the vehicle.

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

14 B. The special license plates provided by this section are as
15 follows:

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

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

23 3. National Rifle Association License Plates - such plates
24 shall be designed, subject to the criteria to be presented to the

1 Tax Commission by the National Rifle Association, and issued to any
2 person wishing to demonstrate support for the National Rifle
3 Association;

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

14 5. Shriner's Hospitals for Burned and Crippled Children License
15 Plates - such plates shall be designed to demonstrate support for
16 Shriner's Hospitals for Burned and Crippled Children and shall be
17 issued to any resident of this state who is a member of a Shriner's
18 Temple in Oklahoma. The license plate shall be designed in
19 consultation with the Shriner's Temples in Oklahoma and shall
20 contain the Shriner's emblem;

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

24

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

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

21 9. Jaycees License Plates - such plates shall be designed and
22 issued to members of the Jaycees. Persons applying for such license
23 plate must show proof of membership in the Jaycees. The license
24 plates shall be designed in consultation with the Jaycees;

1 10. Ducks Unlimited License Plates - such plates shall be
2 designed and issued to members of Ducks Unlimited. Persons applying
3 for and renewing such license plates must show proof of tag
4 membership in Ducks Unlimited. The license plates shall be designed
5 in consultation with Ducks Unlimited;

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

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

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

22 14. Civilian Conservation Corps License Plates - such plates
23 shall be designed, subject to criteria to be presented to the Tax
24 Commission, by the Civilian Conservation Corps Association, and

1 issued to any person wishing to demonstrate support of the Civilian
2 Conservation Corps;

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

12 16. Benevolent Protective Order of Elks - such plates shall be
13 designed, subject to criteria to be presented to the Tax Commission,
14 by the Benevolent Protective Order of Elks, and issued to any
15 resident of this state who is a member of the Benevolent Protective
16 Order of Elks;

17 17. Humane Society License Plates - such plates shall be
18 designed and issued to any person wishing to demonstrate support for
19 the Humane Society of the United States. The plates shall be issued
20 to any person in any combination of numbers and letters from one to
21 a maximum of seven, as for personalized license plates. The plate
22 shall contain the official Humane Society logo;

23 18. Oklahoma Mustang Club - such plates shall be designed,
24 subject to criteria to be presented to the Tax Commission, by the

1 Oklahoma Mustang Club, and issued to any resident of this state who
2 is a member of the Oklahoma Mustang Club. Such persons may apply
3 for an Oklahoma Mustang Club license plate upon presentment of proof
4 of membership in the Oklahoma Mustang Club. The plates shall be
5 issued to any person in any combination of numbers and letters from
6 one to a maximum of seven, as for personalized license plates;

7 19. American Business Clubs (AMBUCS) License Plates - such
8 plates shall be designed and issued to members of American Business
9 Clubs. Persons applying for such license plate must show proof of
10 membership in AMBUCS. The license plates shall be designed in
11 consultation with American Business Clubs;

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

18 21. Oklahoma Aquarium License Plate - such plates shall be
19 designed and issued to persons wishing to demonstrate support for
20 the Oklahoma Aquarium. The license plates shall be designed in
21 consultation with the Oklahoma Aquarium;

22 22. The Pride of Broken Arrow License Plates - such plates
23 shall be designed and issued to any person wishing to demonstrate
24 support for The Pride of Broken Arrow marching band. The plates

1 shall be designed in consultation with the Broken Arrow Public
2 School System;

3 23. Fellowship of Christian Athletes License Plates - such
4 plates shall be designed in consultation with the Fellowship of
5 Christian Athletes and issued to members and supporters of the
6 Fellowship of Christian Athletes;

7 24. Parrothead Club License Plates - such plates shall be
8 designed and issued to members and supporters of the Parrothead
9 Club. The license plate shall be issued to any person in any
10 combination of numbers and letters from one to a maximum of seven as
11 for personalized license plates;

12 25. Oklahoma Bicycling Coalition License Plates - such plates
13 shall be designed and issued to any person who is a member of the
14 Oklahoma Bicycling Coalition. The license plates shall be designed
15 in consultation with the Oklahoma Bicycling Coalition;

16 26. Electric Lineman License Plate - such plates shall be
17 designed and issued to persons wishing to demonstrate support for
18 Oklahoma's electric linemen. The license plates shall be designed
19 in consultation with the Oklahoma Electric Superintendent's
20 Association;

21 27. Alpha Kappa Alpha License Plate - such plates shall be
22 designed and issued to any person who is a member of Alpha Kappa
23 Alpha Sorority. The license plates shall be designed in
24

1 consultation with the Oklahoma Chapter of Alpha Kappa Alpha
2 Sorority;

3 28. The National Pan-Hellenic Council Incorporated License
4 Plate - such plates shall be designed and issued to any person
5 wishing to demonstrate support to any of the nine sororities and
6 fraternities recognized by the National Pan-Hellenic Council
7 Incorporated. The license plates shall be designed in consultation
8 with the Oklahoma Chapter of the National Pan-Hellenic Council
9 Incorporated;

10 29. Organ, Eye and Tissue License Plate - such plates shall be
11 designed and issued to persons wishing to demonstrate support and
12 increase awareness for organ, eye and tissue donation. The license
13 plates shall be designed in consultation with the ~~Oklahoma Organ~~
14 ~~Donor Education and Awareness Program Advisory Council~~ State
15 Department of Health;

16 30. Central Oklahoma Habitat for Humanity License Plate - such
17 plates shall be designed and issued to persons wishing to
18 demonstrate support and increase awareness for Habitat for Humanity.
19 The license plate shall be designed in consultation with Central
20 Oklahoma Habitat for Humanity;

21 31. Family Career and Community Leaders of America Incorporated
22 License Plate - such plates shall be designed and issued to persons
23 wishing to demonstrate support for Family Career and Community
24 Leaders of America Incorporated. The license plates shall be

1 designed in consultation with Family Career and Community Leaders of
2 America Incorporated;

3 32. Delta Sigma Theta License Plate - such plates shall be
4 designed and issued to any person who is a member of Delta Sigma
5 Theta Sorority. The license plates shall be designed in
6 consultation with the Oklahoma Chapter of Delta Sigma Theta Sorority
7 Incorporated;

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

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

17 35. 50th Anniversary of the Interstate System of Highways
18 License Plate - such plates shall be designed and issued to persons
19 wishing to commemorate the 50th Anniversary of the Interstate System
20 of Highways. The license plates shall be designed in consultation
21 with the American Association of State Highway and Transportation
22 Officials;

23 36. Kappa Alpha Psi License Plate - such plates shall be
24 designed and issued to any person who is a member of Kappa Alpha Psi

1 Fraternity. The license plates shall be designed in consultation
2 with the Oklahoma Chapter of Kappa Alpha Psi Fraternity
3 Incorporated;

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

8 38. Multiple Sclerosis License Plate - such plates shall be
9 designed and issued to persons wishing to demonstrate support for
10 and increase awareness of multiple sclerosis. The license plates
11 shall be designed in consultation with the Oklahoma Chapter of the
12 National Multiple Sclerosis Society;

13 39. Frederick Douglass High School License Plates - such plates
14 shall be designed and issued to any person wishing to demonstrate
15 support for Frederick Douglass High School located in Oklahoma City.
16 The plates shall be designed in consultation with representatives of
17 Frederick Douglass High School National Alumni Association;

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

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

24

1 42. National Weather Center License Plate - such plates shall
2 be designed and issued to any person wishing to demonstrate support
3 for the National Weather Center in Norman. The plates shall be
4 designed in consultation with representatives of the National
5 Weather Center Directors;

6 43. Make-A-Wish Foundation License Plate - such plates shall be
7 designed and issued to persons wishing to demonstrate support for
8 the Make-A-Wish Foundation. The license plates shall be designed in
9 consultation with the Oklahoma Chapter of the National Make-A-Wish
10 Foundation;

11 44. South Central Section PGA Foundation License Plate - such
12 plates shall be designed and issued to persons wishing to
13 demonstrate support for the South Central Section PGA Foundation.
14 The license plates shall be designed in consultation with the South
15 Central Section PGA Foundation;

16 45. Putnam City High School License Plate - such plates shall
17 be designed and issued to any person wishing to demonstrate support
18 for Putnam City High School. The plates shall be designed in
19 consultation with representatives of Putnam City High School Alumni
20 Association, Inc.;

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

1 47. Oklahoma Blood Institute License Plate - such plates shall
2 be designed and issued to any person wishing to demonstrate support
3 for the Oklahoma Blood Institute. The license plates shall be
4 designed in consultation with the Oklahoma Blood Institute;

5 48. Zeta Phi Beta and Phi Beta Sigma License Plate - such
6 plates shall be designed and issued to any person who is a member of
7 Zeta Phi Beta Sorority or Phi Beta Sigma Fraternity. The license
8 plates shall be designed in consultation with the Oklahoma chapters
9 of Zeta Phi Beta Sorority Incorporated and Phi Beta Sigma Fraternity
10 Incorporated;

11 49. Star Spencer High School License Plate - such plates shall
12 be designed and issued to any person wishing to demonstrate support
13 for Star Spencer High School located in Oklahoma City. The plates
14 shall be designed in consultation with representatives of the Star
15 Spencer High School Alumni Association;

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

21 51. Oklahoma City Central High School License Plate - such
22 plates shall be designed and issued to any person wishing to
23 demonstrate support for the Oklahoma City Central High School Alumni
24 Association. The plates shall be designed in consultation with

1 representatives of the Oklahoma City Central High School Alumni
2 Association;

3 52. Historic Greenwood District License Plate - such plates
4 shall be issued to persons wishing to demonstrate support for music
5 festivals held in the Historic Greenwood District in Tulsa,
6 Oklahoma. The license plates shall be designed in consultation with
7 the Greenwood Cultural Center;

8 53. Oklahoma Rifle Association License Plate - such plates
9 shall be designed and issued to any person wishing to demonstrate
10 support for the Oklahoma Rifle Association. The plates shall be
11 designed in consultation with representatives of the Oklahoma Rifle
12 Association;

13 54. Oklahoma City Thunder License Plate - such plates shall be
14 designed and issued to any person wishing to demonstrate support for
15 the Oklahoma City Thunder. The license plate shall be designed in
16 consultation with the Oklahoma City Thunder organization;

17 55. Ovarian Cancer Awareness License Plate - such plates shall
18 be designed and issued to any person wishing to increase awareness
19 of ovarian cancer. The license plate shall be designed in
20 consultation with the HOPE in Oklahoma organization;

21 56. BMW Car Club of America License Plate - such plates shall
22 be designed and issued to any resident of this state who is a member
23 of the BMW Car Club of America. Such persons may apply for an BMW
24 Car Club of America license plate upon presentment of proof of

1 membership in the BMW Car Club of America. The plates shall be
2 issued to any person in any combination of numbers and letters from
3 one to a maximum of seven, as for personalized license plates. The
4 license plate shall be designed in consultation with the Sunbelt
5 Chapter of the BMW Car Club of America;

6 57. Deer Creek School District License Plates - such plates
7 shall be designed and issued to any person wishing to demonstrate
8 support for the Deer Creek School District. The plates shall be
9 designed in consultation with representatives of the Deer Creek
10 School District; and

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

16 C. The fee for such plates shall be Fifteen Dollars (\$15.00)
17 and shall be in addition to all other registration fees provided by
18 the Oklahoma Vehicle License and Registration Act. Unless otherwise
19 provided in this section, the fee shall be apportioned as follows:
20 Eight Dollars (\$8.00) of the special license plate fee shall be
21 deposited in the Oklahoma Tax Commission Reimbursement Fund to be
22 used for the administration of the Oklahoma Vehicle License and
23 Registration Act and the remaining Seven Dollars (\$7.00) of the

24

1 special license plate fee shall be apportioned as provided in
2 Section 1104 of this title.

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

5 Section 61.1. A. ~~Except as provided in subsection B of Section~~
6 ~~61.4 of this title, the~~ The State Board of Health, giving
7 consideration to the recommendations of the Consumer Protection
8 Licensing Advisory Council established by Section 45 of this act, is
9 hereby authorized to promulgate rules which govern the examining and
10 licensing of barbers, barber apprentices, barber instructors, and
11 barber colleges; the defining of categories and limitations for such
12 licenses; the sanitary operation and sanitation of barber shops and
13 barber colleges; and the establishment and levying of administrative
14 fines not to exceed Fifty Dollars (\$50.00) for those licensed and
15 not to exceed Five Hundred Dollars (\$500.00) for those not licensed.
16 Each day a violation continues shall be a separate offense.

17 B. ~~Except as provided in subsection B of Section 61.4 of this~~
18 ~~title, the~~ The State Department of Health shall have the power and
19 duty to implement the rules of the State Board of Health, to issue
20 and renew annual barber, barber apprentice, barber instructor and
21 barber college licenses, to inspect barber licenses, and to inspect
22 the sanitary operating practices of barbers and the sanitary
23 condition of barber shops and barber colleges.

24

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

4 1. Unsanitary operating practices or unsanitary conditions of
5 barber shops or barber colleges;

6 2. Unsanitary practices of barbers, apprentice barbers, or
7 barber instructors;

8 3. Making a material misstatement in the application for a
9 license, in the renewal of a license, or in the records which are
10 maintained by barber instructors or colleges to comply with Sections
11 61.1 through 61.6 of this title or the regulations promulgated
12 pursuant thereto; or

13 4. Employment of an unlicensed person as a barber, barber
14 apprentice, or barber instructor.

15 SECTION 4. NEW LAW A new section of law not to be
16 codified in the Oklahoma Statutes reads as follows:

17 A. All powers, duties, responsibilities, equipment and records
18 of the State Board of Health, the State Department of Health, and
19 the State Commissioner of Health relating exclusively to the
20 regulation of Licensed Professional Counselors, Licensed Marital and
21 Family Therapists and Licensed Behavioral Practitioners are hereby
22 transferred and shall be placed under the authority of the State
23 Board of Examiners of Licensed Counselors. To the extent
24 practicable, this shall include all computer hardware and software

1 used in regulating the functions listed in this subsection. The
2 State Commissioner of Health, the Executive Director of the State
3 Board of Medical Licensure and Supervision, and the Director of the
4 Office of Management and Enterprise Services may contract for
5 additional legal and administrative services as necessary to
6 effectuate the transfer.

7 B. All unexpended funds, property, furnishings, equipment,
8 supplies, records, personnel and outstanding financial obligations
9 and encumbrances relating to the designated transfer of the Licensed
10 Professional Counselors Act, the Marital and Family Therapist
11 Licensure Act and the Licensed Behavioral Practitioner Act are
12 hereby transferred to the State Board of Examiners of Licensed
13 Counselors for the continuing performance of duties relating to the
14 Licensed Professional Counselors Act, the Marital and Family
15 Therapist Licensure Act and the Licensed Behavioral Practitioner
16 Act. No funds, property, furnishings, equipment, supplies, records,
17 or personnel may be expended or used for any purpose other than the
18 performance of duties and responsibilities as directed and required
19 in this act.

20 C. All transferred contract personnel and any written contracts
21 or agreements, or portions thereof, relating to any transferred
22 personnel or any right, obligation, responsibility, duty or
23 authority subject to the transfer specified in subsection A of this
24 section shall remain in full force and effect upon transfer.

1 D. The State Board of Health, the State Department of Health,
2 and the State Commissioner of Health shall not enter into any
3 contract or agreement relating to the regulation of Licensed
4 Professional Counselors, Licensed Marital and Family Therapists and
5 Licensed Behavioral Practitioners extending beyond the effective
6 date of the transfer without approval by the Executive Director of
7 the State Board of Examiners of Licensed Counselors and the Office
8 of Management and Enterprise Services.

9 E. All licenses, registrations, certifications and
10 accreditations subject to the transfer provided in subsection A of
11 this section shall remain in full force and effect upon transfer to
12 the State Board of Examiners of Licensed Counselors.

13 F. The Director of the Office of Management and Enterprise
14 Services is hereby directed to coordinate the transfer of funds,
15 allotments, purchase orders, and outstanding financial obligations
16 and encumbrances relating to the Licensed Professional Counselors
17 Act, the Marital and Family Therapist Licensure Act, and the
18 Licensed Behavioral Practitioner Act subject to transfer pursuant to
19 the provisions of this act.

20 G. Upon the effective date of this legislation, all
21 administrative rules promulgated by the State Board of Health
22 relating to the Licensed Professional Counselors Act, the Marital
23 and Family Therapist Licensure Act and the Licensed Behavioral
24 Practitioner Act shall be transferred to and become a part of the

1 administrative rules of the State Board of Examiners of Licensed
2 Counselors. The Office of Administrative Rules in the Secretary of
3 State's office shall provide adequate notice in the Oklahoma
4 Register of the transfer of such rules, and shall place the
5 transferred rules under the Administrative Code section of the State
6 Board of Examiners of Licensed Counselors. Such rules shall
7 continue in full force and effect as rules of the State Board of
8 Examiners of Licensed Counselors from and after the effective date
9 of this act, and any amendment, repeal or addition to the
10 transferred rules shall be under the jurisdiction of the State Board
11 of Examiners of Licensed Counselors.

12 SECTION 5. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 5001 of Title 59, unless there
14 is created a duplication in numbering, reads as follows:

15 A. 1. There is hereby created the State Board of Examiners of
16 Licensed Counselors to continue until July 1, 2019, in accordance
17 with the provisions of the Oklahoma Sunset Law.

18 2. Members of the Board shall serve at the pleasure of and may
19 be removed from office by the appointing authority. Members shall
20 continue to serve until their successors are appointed. Any vacancy
21 shall be filled in the same manner as the original appointments.
22 Four members shall constitute a quorum.

23

24

1 3. The Board shall meet at least twice a year, but no more than
2 four (4) times a year and shall elect a chair and a vice-chair from
3 among its members. The Board shall only meet as required for:

- 4 a. election of officers,
- 5 b. establishment of meeting dates and times,
- 6 c. rule development,
- 7 d. review and recommendation, and
- 8 e. adoption of nonbinding resolutions to the Board concerning
9 matters brought before the Board.

10 4. Special meetings may be called by the chair or by
11 concurrence of any three members.

12 B. 1. All members of the Board shall be knowledgeable of
13 counseling issues. The Board shall be appointed by the State
14 Commissioner of Health with the advice and consent of the State
15 Board of Health:

- 16 a. three members who are licensed behavioral
17 practitioners,
- 18 b. three members who are licensed professional
19 counselors, and
- 20 c. three members who are licensed family and marital
21 therapists.

22 2. All appointees shall be selected from a list of qualified
23 candidates submitted by the Executive Committee of the Oklahoma
24 Counseling Association acting in conjunction with the executive

1 committees of all state professional counseling associations which
2 represent a specialty recognized pursuant to the Licensed
3 Professional Counselors Act, the Marital and Family Therapist
4 Licensure Act, and the Licensed Behavioral Practitioner Act.

5 3. The three members of the Board from each professional
6 specialty shall comprise separate committees and shall consult on
7 professional issues within their respective specialties. Each
8 committee shall recommend to the Board approval or disapproval of
9 all licenses to be issued within its specialty. Each committee
10 shall be authorized to recommend approval or disapproval of the
11 examination requirements for all applicants for licensure in the
12 respective specialty, provide grading standards for examinations,
13 and provide for other matters relating to licensure in that
14 specialty. Each committee may create advisory committees to consult
15 on professional duties and responsibilities pursuant to the
16 provision of this act.

17 4. Any and all recommendations, approvals, or disapprovals made
18 by a committee pursuant to the provisions of this section shall not
19 become effective without the approval of a majority of members of
20 the Board.

21 5. The jurisdictional areas of the Board shall include
22 professional counseling licensing and practice issues, marital and
23 family therapist licensing and practice issues, behavioral
24

1 practitioner licensing and practice issues and such other areas as
2 authorized by Section 1901 et seq. of this title.

3 C. The Board shall not recommend rules for promulgation unless
4 all applicable requirements of the Administrative Procedures Act
5 have been followed, including but not limited to notice, rule impact
6 statement and rule-making hearings.

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

13 E. The Board is authorized and empowered to:

14 1. Establish and maintain a system of licensure and
15 certification pursuant to the provisions of Section 1901 et seq. of
16 Title 59 of the Oklahoma Statutes;

17 2. Adopt and enforce standards governing the professional
18 conduct of persons licensed pursuant to the provisions of Section
19 1901 et seq. of Title 59 of the Oklahoma Statutes;

20 3. Lease office space for the purpose of operating and
21 maintaining a state office, and pay rent thereon; provided, however,
22 such state office shall not be located in or directly adjacent to
23 the office of any person licensed pursuant to the provisions of
24 Section 1901 et seq. of Title 59 of the Oklahoma Statutes;

1 4. Purchase office furniture, equipment, and supplies;

2 5. Employ such office personnel as may be necessary, and fix
3 and pay their salaries or wages;

4 6. Contract with state agencies for the sole purpose of
5 investigating written complaints regarding the conduct of persons
6 licensed pursuant to the provisions of Section 1901 et seq. of Title
7 59 of the Oklahoma Statutes;

8 7. Make such other expenditures as may be necessary in the
9 performance of its duties.

10 F. The Board shall employ an Executive Director. The Executive
11 Director shall be authorized to:

12 1. Employ and maintain an office staff;

13 2. Enter into contracts on behalf of the Board; and

14 3. Perform other duties on behalf of the Board as needed or
15 directed.

16 G. All employees and positions shall be placed in unclassified
17 status, exempt from the provisions of the Oklahoma Personnel Act.

18 SECTION 6. AMENDATORY 59 O.S. 2011, Section 1902, is
19 amended to read as follows:

20 Section 1902. For the purpose of the Licensed Professional
21 Counselors Act:

22 1. "Licensed professional counselor" or "LPC" means any person
23 who offers professional counseling services for compensation to any
24 person and is licensed pursuant to the provisions of the Licensed

1 Professional Counselors Act. The term shall not include those
2 professions exempted by Section 1903 of this title;

3 2. "Board" means the State Board of ~~Health~~ Examiners of
4 Licensed Counselors;

5 3. ~~"Department" means the State Department of Health;~~

6 4. ~~"Advisory Board" means the Oklahoma Licensed Professional~~
7 ~~Counselors Advisory Board appointed by the Commissioner;~~

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

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

11 a. facilitate human development and adjustment throughout
12 the life span,

13 b. prevent, diagnose or treat mental, emotional or
14 behavioral disorders or associated distress which
15 interfere with mental health,

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

18 d. plan, implement or evaluate treatment plans using
19 counseling treatment interventions;

20 7. 4. "Counseling treatment interventions" means the
21 application of cognitive, affective, behavioral and systemic
22 counseling strategies which include principles of development,
23 wellness, and pathology that reflect a pluralistic society. Such
24

1 interventions are specifically implemented in the context of a
2 professional counseling relationship;

3 ~~8.~~ 5. "Consulting" means interpreting or reporting scientific
4 fact or theory in counseling to provide assistance in solving
5 current or potential problems of individuals, groups or
6 organizations;

7 ~~9.~~ 6. "Referral activities" means the evaluating of data to
8 identify problems and to determine the advisability of referral to
9 other specialists;

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

12 ~~11.~~ 8. "Specialty" means the designation of a subarea of
13 counseling practice that is recognized by a national certification
14 agency or by the Board;

15 ~~12.~~ 9. "Supervisor" means a person who meets the requirements
16 established by the Board and who is licensed pursuant to the
17 Licensed Professional Counselors Act; ~~and~~

18 ~~13.~~ 10. "Licensed professional counselor candidate" means a
19 person whose application for licensure has been accepted and who is
20 under supervision for licensure as provided in Section 1906 of this
21 title; and

22 11. "Executive Director" means the Executive Director of the
23 State Board of Examiners of Licensed Counselors.

24

1 SECTION 7. AMENDATORY 59 O.S. 2011, Section 1905, is
2 amended to read as follows:

3 Section 1905. A. The State Board of ~~Health~~ Examiners of
4 Licensed Counselors shall, ~~giving regard to the recommendations of~~
5 ~~the Oklahoma Licensed Professional Counselors Advisory Board:~~

6 1. Prescribe, adopt and promulgate rules to implement and
7 enforce the provisions of the Licensed Professional Counselors Act,
8 including the adoption of the State Department of Health rules by
9 reference;

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

11 3. Set license and examination fees as required by the Licensed
12 Professional Counselors Act.

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

15 1. Seek injunctive relief;

16 2. Request the district attorney to bring an action to enforce
17 the provisions of the Licensed Professional Counselors Act;

18 3. Receive fees and deposit said fees into the Licensed
19 Professional Counselors Revolving Fund as required by the Licensed
20 Professional Counselors Act;

21 4. Issue, renew, revoke, deny, suspend and place on probation
22 licenses to practice professional counseling pursuant to the
23 provisions of the Licensed Professional Counselors Act;

24

1 5. Examine all qualified applicants for licenses to practice
2 professional counseling;

3 6. ~~Investigate~~ Request assistance from the State Board of
4 Medical Licensure and Supervision for the purposes of investigating
5 complaints and possible violations of the Licensed Professional
6 Counselors Act;

7 7. Accept grants and gifts from various foundations and
8 institutions; and

9 8. Make such expenditures and employ such personnel as the
10 ~~Commissioner~~ Executive Director may deem necessary for the
11 administration of the Licensed Professional Counselors Act.

12 SECTION 8. AMENDATORY 59 O.S. 2011, Section 1906, is
13 amended to read as follows:

14 Section 1906. A. Applications for a license to practice as a
15 licensed professional counselor shall be made to the State
16 ~~Department of Health~~ Board of Examiners of Licensed Counselors in
17 writing. Such applications shall be on a form and in a manner
18 prescribed by the ~~Commissioner of Health~~ Board. The application
19 shall be accompanied by the fee required by the Licensed
20 Professional Counselors Act, which shall be retained by the
21 ~~Department~~ Board and not returned to the applicant.

22 B. Each applicant for a license to practice as a licensed
23 professional counselor shall:

24 1. Be possessed of good moral character;

1 2. Pass an examination based on standards promulgated by the
2 ~~State Board of Health~~ pursuant to the Licensed Professional
3 Counselors Act;

4 3. Be at least twenty-one (21) years of age;

5 4. Not have engaged in, nor be engaged in, any practice or
6 conduct which would be grounds for denying, revoking or suspending a
7 license pursuant to this title; and

8 5. Otherwise comply with the rules promulgated by the Board
9 pursuant to the provisions of the Licensed Professional Counselors
10 Act.

11 C. In addition to the qualifications specified by the
12 provisions of subsection B of this section, an applicant for a
13 license to practice as a licensed professional counselor shall have:

14 1. Successfully completed at least sixty (60) graduate semester
15 hours (ninety (90) graduate quarter hours) of counseling-related
16 course work. These sixty (60) hours shall include at least a
17 master's degree in a counseling field. All courses and degrees
18 shall be earned from a regionally accredited college or university.
19 The ~~State Board of Health~~ shall define what course work qualifies as
20 "counseling-related" and what degrees/majors qualify as a
21 "counseling field"; and

22 2. Three (3) years of supervised full-time experience in
23 professional counseling subject to the supervision of a licensed
24 professional counselor pursuant to conditions established by the

1 Board. One (1) or two (2) years of experience may be gained at the
2 rate of one (1) year for each thirty (30) graduate semester hours
3 earned beyond the master's degree, provided that such hours are
4 clearly related to the field of counseling and are acceptable to the
5 Board. The applicant shall have no less than one (1) year of
6 supervised full-time experience in counseling.

7 SECTION 9. AMENDATORY 59 O.S. 2011, Section 1907, is
8 amended to read as follows:

9 Section 1907. A. 1. Examinations shall be held at such times,
10 at such place and in such manner as the ~~Commissioner of Health State~~
11 Board of Examiners of Licensed Counselors directs. An examination
12 shall be held at least annually. The ~~State Department of Health~~
13 Board shall determine the acceptable grade on examinations. The
14 examination shall cover such technical, professional and practical
15 subjects as relate to the practice of professional counseling.

16 2. If an applicant fails to pass the examinations, the
17 applicant may reapply.

18 B. The ~~Commissioner~~ Board shall preserve answers to any
19 examination, and the applicant's performance on each section, as
20 part of the records of the ~~Department~~ Board for a period of two (2)
21 years following the date of the examination.

22 SECTION 10. AMENDATORY 59 O.S. 2011, Section 1908, is
23 amended to read as follows:

24

1 Section 1908. A. An applicant who meets the requirements for
2 licensure pursuant to the provisions of the Licensed Professional
3 Counselors Act, has paid the required license fees and has otherwise
4 complied with the provisions of the Licensed Professional Counselors
5 Act shall be licensed by the State ~~Department of Health~~ Board of
6 Examiners of Licensed Counselors.

7 B. Each initial license issued pursuant to the Licensed
8 Professional Counselors Act shall expire twenty-four (24) months
9 from the date of issuance unless revoked. A license may be renewed
10 annually upon application and payment of fees. The application for
11 renewal shall be accompanied by evidence satisfactory to the
12 ~~Department~~ Board that the applicant has completed relevant
13 professional or continued educational experience during the previous
14 twenty-four (24) months. Failure to renew a license shall result in
15 forfeiture of the rights and privileges granted by the license. A
16 person whose license has expired may make application within one (1)
17 year following the expiration in writing to the ~~Department~~ Board
18 requesting reinstatement in a manner prescribed by the ~~Department~~
19 Board and payment of the fees required by the provisions of the
20 Licensed Professional Counselors Act. The license of a person whose
21 license has expired for more than one (1) year shall not be
22 reinstated. A person may reapply for a new license as provided in
23 Section 1906 of this title.

24

1 C. A licensed professional counselor whose license is current
2 and in good standing, who wishes to retire the license, may do so by
3 informing the ~~Department~~ Board in writing and returning the license
4 to the Office of Licensed Professional Counselors. A license so
5 retired shall not be reinstated but does not prevent a person from
6 applying for a new license at a future date.

7 SECTION 11. AMENDATORY 59 O.S. 2011, Section 1909, is
8 amended to read as follows:

9 Section 1909. The ~~Commissioner of Health~~ State Board of
10 Examiners of Licensed Counselors shall have the power to issue a
11 license by endorsement to an applicant licensed in another state to
12 practice as a licensed professional counselor if the ~~Commissioner~~
13 Board deems such applicant to have qualifications comparable to
14 those required under the Licensed Professional Counselors Act and if
15 the ~~Commissioner~~ Board finds the applicant meets the standards,
16 provided by rules, for license by endorsement.

17 SECTION 12. AMENDATORY 59 O.S. 2011, Section 1911, is
18 amended to read as follows:

19 Section 1911. A. Any person who:

- 20 1. Represents himself or herself by the title "Licensed
21 Professional Counselor" or "LPC" without having first complied with
22 the provisions of the Licensed Professional Counselors Act;
- 23 2. Otherwise offers to perform counseling services;

24

1 3. Uses the title of Licensed Professional Counselor or any
2 other name, style or description denoting that the person is
3 licensed as a licensed professional counselor; or

4 4. Practices counseling,
5 upon conviction thereof, shall be guilty of a misdemeanor and shall
6 be punished by imposition of a fine of not less than One Hundred
7 Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) for
8 each offense and in addition may be imprisoned for a term not to
9 exceed six (6) months in the county jail or by both such fine and
10 imprisonment.

11 B. It shall be unlawful for any person who is not licensed or
12 supervised pursuant to or specifically exempt from the provisions of
13 the Licensed Professional Counselors Act to:

14 1. Advertise or otherwise offer to perform counseling services;

15 2. Use the title of Licensed Professional Counselor or any
16 other name, style or description denoting that the person is
17 licensed as a licensed professional counselor; or

18 3. Practice counseling.

19 Such action shall be subject to injunctive action by the
20 ~~Commissioner of Health~~ State Board of Examiners of Licensed
21 Counselors.

22 SECTION 13. AMENDATORY 59 O.S. 2011, Section 1912, is
23 amended to read as follows:

24

1 Section 1912. A. The State ~~Department of Health~~ Board of
2 Examiners of Licensed Counselors may deny, revoke, suspend or place
3 on probation any license or specialty designation issued pursuant to
4 the provisions of the Licensed Professional Counselors Act to a
5 licensed professional counselor, if the person has:

6 1. Been convicted of a felony;

7 2. Been convicted of a misdemeanor determined to be of such a
8 nature as to render the person convicted unfit to practice
9 counseling;

10 3. Engaged in fraud or deceit in connection with services
11 rendered or in establishing needed qualifications pursuant to the
12 provisions of this act;

13 4. Knowingly aided or abetted a person not licensed pursuant to
14 these provisions in representing himself as a licensed professional
15 counselor in this state;

16 5. Engaged in unprofessional conduct as defined by the rules
17 established by the Board;

18 6. Engaged in negligence or wrongful actions in the performance
19 of his or her duties; or

20 7. Misrepresented any information required in obtaining a
21 license.

22 B. If the ~~Department~~ Board determines that a felony conviction
23 of an applicant renders the convicted applicant unfit to practice
24 counseling, the ~~Commissioner~~ Board shall provide notice and

1 opportunity to the applicant, by certified mail at the last-known
2 address, for an administrative hearing to contest such determination
3 before the Department may deny the application. The request shall
4 be made by the applicant within fifteen (15) days of receipt of the
5 notice.

6 C. No license or specialty designation shall be suspended or
7 revoked, nor a licensed professional counselor placed on probation
8 until notice is served upon the licensed professional counselor and
9 a hearing is held in conformity with Article II of the
10 Administrative Procedures Act.

11 SECTION 14. AMENDATORY 59 O.S. 2011, Section 1913.1, is
12 amended to read as follows:

13 Section 1913.1. A. The State Board of ~~Health~~ Examiners of
14 Licensed Counselors shall promulgate rules governing any licensure
15 action to be taken pursuant to the Licensed Professional Counselors
16 Act which shall be consistent with the requirements of notice and
17 hearing under the Administrative Procedures Act. No action shall be
18 taken without prior notice unless the ~~State Commissioner of Health~~
19 Board determines that there exists a threat to the health and safety
20 of the residents of Oklahoma.

21 B. 1. Any person who is determined by the ~~State Department of~~
22 ~~Health~~ Board to have violated any provision of the Licensed
23 Professional Counselors Act, or any rule promulgated or order issued
24 pursuant thereto, may be subject to an administrative penalty.

1 2. The maximum administrative penalty shall not exceed Ten
2 Thousand Dollars (\$10,000.00).

3 3. Administrative penalties imposed pursuant to this subsection
4 shall be enforceable in the district courts of this state.

5 4. All administrative penalties collected shall be deposited
6 into the Licensed Professional Counselors Revolving Fund.

7 SECTION 15. AMENDATORY 59 O.S. 2011, Section 1916.1, is
8 amended to read as follows:

9 Section 1916.1. All licensed professional counselors, except
10 those employed by federal, state, or local governmental agencies,
11 shall, prior to the performance of service, furnish the client with
12 a copy of the Statement of Professional Disclosure as promulgated by
13 rule of the State Board of ~~Health~~ Examiners of Licensed Counselors.
14 A current copy shall be on file with the ~~State Department of Health~~
15 Board at all times.

16 SECTION 16. AMENDATORY 59 O.S. 2011, Section 1917, is
17 amended to read as follows:

18 Section 1917. A. A professional specialty designation area may
19 be established by the State ~~Department of Health~~ Board of Examiners
20 of Licensed Counselors upon receipt of a petition signed by fifteen
21 qualified persons who are currently licensed as licensed
22 professional counselors, and who meet the recognized minimum
23 standards as established by appropriate nationally recognized
24 certification agencies; provided, if a nationally recognized

1 certification does not exist, the ~~Department~~ Board may establish
2 minimum standards for specialty designations.

3 B. Upon receipt of credentials from the appropriate
4 certification agency, the ~~Department~~ Board may grant the licensed
5 professional counselor the appropriate specialty designation. The
6 licensed professional counselor may attain specialty designation
7 through examination. A licensed professional counselor shall not
8 claim or advertise a counseling specialty and shall not incorporate
9 the specialty designation into the professional title of such
10 licensed professional counselor, unless the qualifications and
11 certification requirements of that specialty have been met and have
12 been approved by the ~~Department~~ Board and the appropriate
13 certification agency.

14 SECTION 17. AMENDATORY 59 O.S. 2011, Section 1918, as
15 amended by Section 288, Chapter 304, O.S.L. 2012 (59 O.S. Supp.
16 2012, Section 1918), is amended to read as follows:

17 Section 1918. There is hereby created in the State Treasury a
18 revolving fund for the ~~Oklahoma~~ State Board of ~~Licensed Professional~~
19 ~~Counselors~~ Examiners of Licensed Counselors, to be designated the
20 "Licensed Professional Counselors Revolving Fund". The fund shall
21 be a continuing fund, not subject to fiscal year limitations, and
22 shall consist of all monies received pursuant to this act. All
23 monies accruing to the credit of said fund are hereby appropriated
24 and may be budgeted and expended by the ~~State Department of Health~~

1 Executive Director to meet expenses necessary for carrying out the
2 purpose of the Licensed Professional Counselors Act. Expenditures
3 from said fund shall be approved by the ~~Commissioner~~ Board and shall
4 be made upon warrants issued by the State Treasurer against claims
5 filed as prescribed by law with the Director of the Office of
6 Management and Enterprise Services for approval and payment.

7 SECTION 18. AMENDATORY 59 O.S. 2011, Section 1919, is
8 amended to read as follows:

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

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

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

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

24

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

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

5 4. The fee for an examination required pursuant to the Licensed
6 Professional Counselors Act shall not exceed the ~~Department~~ Board's
7 actual costs for holding and grading the examination.

8 SECTION 19. AMENDATORY 59 O.S. 2011, Section 1925.2, is
9 amended to read as follows:

10 Section 1925.2. For purposes of the Marital and Family
11 Therapist Licensure Act:

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

18 2. "Board" means the State Board of ~~Health~~ Examiners of
19 Licensed Counselors;

20 3. ~~"Commissioner" means the State Commissioner of Health;~~

21 4. ~~"Advisory Board" means the Oklahoma Licensed Marital and~~
22 ~~Family Therapist Advisory Board appointed by the State Board of~~
23 ~~Health;~~

24 5. ~~"Department" means the State Department of Health;~~

1 ~~6.~~ "Licensed marital and family therapist" means a person
2 holding a current license issued pursuant to the provisions of the
3 Marital and Family Therapist Licensure Act;

4 ~~7.~~ 4. "Marital and family therapy" means the assessment,
5 diagnosis and treatment of disorders, whether cognitive, affective,
6 or behavioral, within the context of marital and family systems.
7 Marital and family therapy involves the professional application of
8 family systems theories and techniques in the delivery of services
9 to individuals, marital pairs, and families for the purpose of
10 treating such disorders;

11 ~~8.~~ 5. "Person" means any individual, firm, corporation,
12 partnership, organization or body politic;

13 ~~9.~~ 6. "Practice of marital and family therapy" means the
14 rendering of professional marital and family therapy services to
15 individuals, family groups and marital pairs, singly or in groups,
16 whether such services are offered directly to the general public or
17 through organizations either public or private, for a fee, monetary
18 or otherwise;

19 ~~10.~~ 7. "Recognized educational institution" means a regionally
20 accredited college or university recognized by the United States
21 Department of Education;

22 ~~11.~~ 8. "Use a title or description of" means to hold oneself
23 out to the public as having a particular status by means of stating
24 on signs, mailboxes, address plates, stationery, announcements,

1 calling cards or other instruments of professional identification;
2 and

3 ~~12.~~ 9. "Licensed marital and family therapist candidate" means
4 a person whose application for licensure has been accepted and who
5 is under supervision for licensure as set forth in Section 1925.6 of
6 this title; and

7 10. "Executive Director" means the Executive Director of the
8 State Board of Examiners of Licensed Counselors.

9 SECTION 20. AMENDATORY 59 O.S. 2011, Section 1925.5, is
10 amended to read as follows:

11 Section 1925.5. A. The State Board of ~~Health, giving regard to~~
12 ~~the recommendations of the Oklahoma Licensed Marital and Family~~
13 ~~Therapist Advisory Board,~~ Examiners of Licensed Counselors shall:

14 1. Prescribe, adopt and promulgate rules to implement and
15 enforce the provisions of the Marital and Family Therapist Licensure
16 Act;

17 2. Set license and examination fees as required by the Marital
18 and Family Therapist Licensure Act, including the adoption of the
19 State Department of Health rules by reference; and

20 3. Adopt and establish rules of professional conduct.

21 B. The ~~Department~~ Board shall have the authority to:

22 1. Seek injunctive relief;

23

24

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

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

7 4. Examine all qualified applicants for licenses to practice
8 marital and family therapy;

9 5. Accept grants and gifts from various foundations and
10 institutions;

11 6. Make such expenditures and employ such personnel as the
12 Commissioner may deem necessary for the administration of the
13 Marital and Family Therapist Licensure Act;

14 7. Request the district attorney to bring an action to enforce
15 the provisions of the Marital and Family Therapist Licensure Act;
16 and

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

19 SECTION 21. AMENDATORY 59 O.S. 2011, Section 1925.6, is
20 amended to read as follows:

21 Section 1925.6. A. Applications for a license to practice as a
22 licensed marital and family therapist shall be made to the State
23 ~~Department of Health~~ Board of Examiners of Licensed Counselors in
24 writing. Such applications shall be on a form and in a manner

1 prescribed by the ~~Commissioner~~ Board. The application shall be
2 accompanied by the fee required by Section 1925.18 of this title
3 which shall be retained by the ~~State Department of Health~~ Board and
4 not returned to the applicant.

5 B. Each applicant for a license to practice as a licensed
6 marital and family therapist shall:

7 1. Be possessed of good moral character;

8 2. Be at least twenty-one (21) years of age;

9 3. Not have engaged in, nor be engaged in, any practice or
10 conduct which would be a grounds for revoking, suspending or placing
11 on probation a license under Section 1925.15 of this title; and

12 4. Otherwise comply with the rules and regulations promulgated
13 by the Board pursuant to the provisions of the Marital and Family
14 Therapist Licensure Act.

15 C. In addition to the qualifications specified by the
16 provisions of subsection B of this section any person applying for a
17 license after September 1, 1991, to practice as a licensed marital
18 and family therapist shall have the following educational and
19 experience qualifications:

20 1. A master's degree or a doctoral degree in marital and family
21 therapy, or a content-equivalent degree as defined by the Board;

22 2. Successful completion of two (2) calendar years of work
23 experience in marital and family therapy following receipt of a
24

1 qualifying degree, under supervision in accordance with standards
2 established by the Board; and

3 3. An applicant applying for a license after September 1, 1991,
4 shall also be required to pass a written or oral examination or both
5 written and oral examination administered by the Board if, at the
6 discretion of the ~~Department~~ Board, such examination is deemed
7 necessary in order to determine the applicant's qualifications for
8 the practice of marital and family therapy.

9 SECTION 22. AMENDATORY 59 O.S. 2011, Section 1925.7, is
10 amended to read as follows:

11 Section 1925.7. A. Examinations shall be held at such times,
12 at such place and in such manner as the State ~~Department of Health~~
13 Board of Examiners of Licensed Counselors directs. An examination
14 shall be held at least annually. Examinations may be written or
15 oral or both written and oral. In any written examination each
16 applicant shall be designated so that such applicant's name shall
17 not be disclosed to the ~~Department~~ Board until the examinations have
18 been graded. Examinations shall include questions in such
19 theoretical and applied fields as the ~~Department~~ Board deems most
20 suitable to test an applicant's knowledge and competence to engage
21 in the practice of marital and family therapy.

22 B. The ~~Department~~ Board shall determine the acceptable grade on
23 examinations. If an applicant fails to pass the examinations, the
24 applicant may reapply.

1 C. The ~~Department~~ Board shall preserve answers to any
2 examination, and the applicant's performance on each section, as
3 part of the records of the ~~Department~~ Board for a period of two (2)
4 years following the date of the examination.

5 SECTION 23. AMENDATORY 59 O.S. 2011, Section 1925.8, is
6 amended to read as follows:

7 Section 1925.8. A. An applicant who meets the requirements for
8 licensure required by the provisions of the Marital and Family
9 Therapist Licensure Act, has paid the required license fees and has
10 otherwise complied with the provisions of the Marital and Family
11 Therapist Licensure Act, shall be licensed by the ~~Department~~ State
12 Board of Examiners of Licensed Counselors.

13 B. Each initial license issued pursuant to the Marital and
14 Family Therapist Licensure Act shall expire twenty-four (24) months
15 from the date of issuance. A license may be renewed annually upon
16 application and payment of fees. Failure to timely renew a license
17 shall result in expiration of the license and forfeiture of the
18 rights and privileges granted by the license. A person whose
19 license has expired may within one (1) year following the expiration
20 request reinstatement in a manner prescribed by the ~~State~~ Board of
21 Health. The license of a person whose license has expired pursuant
22 to this section for more than one (1) year shall not be reinstated.

23 SECTION 24. AMENDATORY 59 O.S. 2011, Section 1925.9, is
24 amended to read as follows:

1 Section 1925.9. The ~~Commissioner of Health~~ State Board of
2 Examiners of Licensed Counselors shall have the power to issue, upon
3 application and payment of fees, a license by endorsement for an
4 applicant licensed in another state to practice as a licensed
5 marital and family therapist if the ~~Commissioner~~ Board deems such
6 applicant to have qualifications equivalent to or which exceed those
7 required pursuant to the provisions of the Marital and Family
8 Therapist Licensure Act and if the ~~Commissioner~~ Board finds the
9 applicant meets the standards, provided by rule, for license by
10 endorsement.

11 SECTION 25. AMENDATORY 59 O.S. 2011, Section 1925.15, is
12 amended to read as follows:

13 Section 1925.15. A. The State ~~Department of Health~~ Board of
14 Examiners of Licensed Counselors may deny, revoke, suspend or place
15 on probation any license issued subject to the provisions of the
16 Marital and Family Therapist Licensure Act, if the person has:

- 17 1. Been convicted of a felony;
- 18 2. Been convicted of a crime the ~~Commissioner~~ Board determines
19 after a hearing to be of such a nature as to render the person
20 convicted unfit to practice marital and family therapy;
- 21 3. Violated ethical standards of such a nature as to render the
22 person found by the ~~Commissioner~~ Board to have engaged in such
23 violation unfit to practice marital and family therapy;

24

1 4. Misrepresented any information required in obtaining a
2 license;

3 5. Engaged in fraud or deceit in connection with services
4 rendered or in establishing needed qualifications pursuant to the
5 provisions of the Marital and Family Therapist Licensure Act;

6 6. Knowingly aided or abetted a person not licensed pursuant to
7 these provisions in representing himself or herself as a licensed
8 marital and family therapist in this state;

9 7. Engaged in unprofessional conduct as defined by the rules
10 promulgated by the ~~State Board of Health~~; or

11 8. Engaged in negligence or wrongful actions in the performance
12 of the duties of such person.

13 B. If the ~~Department~~ Board determines that a felony conviction
14 of an applicant renders the convicted applicant unfit to practice
15 counseling, the ~~Commissioner~~ Board shall provide notice and
16 opportunity to the applicant, by certified mail at the last-known
17 address, for an administrative hearing to contest such determination
18 before the ~~Department~~ Board may deny the application. The request
19 shall be made by the applicant within fifteen (15) days of receipt
20 of the notice.

21 C. No license shall be suspended, revoked or placed on
22 probation until notice is served upon the licensed marital and
23 family therapist and a hearing is held in such manner as is required
24 by the Marital and Family Therapist Licensure Act.

1 D. Any person who is determined by the ~~Department~~ Board to have
2 violated any of the provisions of the Marital and Family Therapist
3 Licensure Act or any rule promulgated or order issued pursuant
4 thereto may be subject to an administrative penalty. The maximum
5 fine shall not exceed Ten Thousand Dollars (\$10,000.00). All
6 administrative penalties collected pursuant to the Marital and
7 Family Therapist Licensure Act shall be deposited into the Licensed
8 Marital and Family Therapist Revolving Fund. Administrative
9 penalties imposed pursuant to this subsection shall be enforceable
10 in the district courts of this state.

11 SECTION 26. AMENDATORY 59 O.S. 2011, Section 1925.17, as
12 amended by Section 289, Chapter 304, O.S.L. 2012 (59 O.S. Supp.
13 2012, Section 1925.17), is amended to read as follows:

14 Section 1925.17. There is hereby created in the State Treasury
15 a revolving fund for the State ~~Department of Health~~ Board of
16 Examiners of Licensed Counselors, to be designated the "Licensed
17 Marital and Family Therapist Revolving Fund". The fund shall be a
18 continuing fund, not subject to fiscal year limitations, and shall
19 consist of all monies received pursuant to the provisions of the
20 Marital and Family Therapist Licensure Act. All monies accruing to
21 the credit of said fund are hereby appropriated and may be budgeted
22 and expended by the ~~State Department of Health~~ Executive Director to
23 meet expenses necessary for carrying out the purpose of the Marital
24 and Family Therapist Licensure Act. Expenditures from said fund

1 shall be approved by the ~~Commissioner~~ Board and shall be made upon
2 warrants issued by the State Treasurer against claims filed as
3 prescribed by law with the Director of the Office of Management and
4 Enterprise Services for approval and payment.

5 SECTION 27. AMENDATORY 59 O.S. 2011, Section 1925.18, is
6 amended to read as follows:

7 Section 1925.18. A. The licensing fee and the annual renewal
8 fee shall be amounts fixed by the State Board of ~~Health upon~~
9 ~~recommendations of the Licensed Marital and Family Therapist~~
10 ~~Advisory Board~~ Examiners of Licensed Counselors.

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

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

19 3. The fee for the issuance of a license to replace a license
20 which was lost, destroyed or mutilated shall be Twenty-five Dollars
21 (\$25.00).

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

24

1 5. The fee for an examination required pursuant to the Marital
2 and Family Therapist Licensure Act shall not exceed the actual costs
3 incurred by the ~~Department~~ Board for holding and grading the
4 examinations.

5 SECTION 28. AMENDATORY 59 O.S. 2011, Section 1931, is
6 amended to read as follows:

7 Section 1931. For the purpose of the Licensed Behavioral
8 Practitioner Act:

9 1. ~~"Advisory Board" means the Oklahoma Licensed Behavioral~~
10 ~~Practitioners Advisory Board appointed by the State Commissioner of~~
11 ~~Health;~~

12 ~~2.~~ "Behavioral health services" means the application of the
13 scientific components of psychological and mental health principles
14 in order to:

- 15 a. facilitate human development and adjustment throughout
16 the life span,
- 17 b. prevent, diagnose, or treat mental, emotional, or
18 behavioral disorders or associated distress which
19 interfere with mental health,
- 20 c. conduct assessments or diagnoses for the purpose of
21 establishing treatment goals and objectives, and
- 22 d. plan, implement, or evaluate treatment plans using
23 behavioral treatment interventions;

24

1 ~~3.~~ 2. "Behavioral treatment interventions" means the
2 application of empirically validated treatment modalities,
3 including, but not limited to, operant and classical conditioning
4 techniques, adherence/compliance methods, habit reversal procedures,
5 cognitive behavior therapy, biofeedback procedures and parent
6 training. Such interventions are specifically implemented in the
7 context of a professional therapeutic relationship;

8 ~~4.~~ 3. "Board" means the State Board of ~~Health~~ Examiners of
9 Licensed Counselors;

10 ~~5.~~ "~~Commissioner~~" means the ~~Commissioner of Health~~;

11 ~~6.~~ 4. "Consulting" means interpreting or reporting scientific
12 fact or theory in behavioral health to provide assistance in solving
13 current or potential problems of individuals, groups, or
14 organizations;

15 ~~7.~~ "~~Department~~" means the ~~State Department of Health~~;

16 ~~8.~~ 5. "Licensed behavioral practitioner" or "LBP" means any
17 person who offers professional behavioral health services to any
18 person and is licensed pursuant to the provisions of the Licensed
19 Behavioral Practitioner Act. The term shall not include those
20 professions exempted by Section 1932 of this title;

21 ~~9.~~ 6. "Licensed behavioral practitioner candidate" means a
22 person whose application for licensure has been accepted and who is
23 under supervision for licensure as provided in Section 1935 of this
24 title;

1 ~~10.~~ 7. "Referral activities" means the evaluating of data to
2 identify problems and to determine the advisability of referral to
3 other specialists;

4 ~~11.~~ 8. "Research activities" means reporting, designing,
5 conducting, or consulting on research in behavioral health services;

6 ~~12.~~ 9. "Specialty" means the designation of a subarea of
7 behavioral practice that is recognized by a national certification
8 agency or by the Board; ~~and~~

9 ~~13.~~ 10. "Supervisor" means a person who meets the requirements
10 established by the Board; and

11 11. "Executive Director" means the Executive Director of the
12 State Board of Examiners of Licensed Counselors.

13 SECTION 29. AMENDATORY 59 O.S. 2011, Section 1934, is
14 amended to read as follows:

15 Section 1934. A. The State Board of ~~Health~~ Examiners of
16 Licensed Counselors shall, ~~giving regard to the recommendations of~~
17 ~~the Oklahoma Licensed Behavioral Practitioners Advisory Board:~~

18 1. Prescribe, adopt, and promulgate rules to implement and
19 enforce the provisions of the Licensed Behavioral Practitioner Act,
20 including the adoption of State Department of Health rules by
21 reference;

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 Board~~ shall, ~~giving regard to~~
2 ~~the 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 30. AMENDATORY 59 O.S. 2011, Section 1935, is
22 amended to read as follows:

23 Section 1935. A. Applications for a license to practice as a
24 licensed behavioral practitioner shall be made to the State

1 ~~Department of Health~~ Board of Examiners of Licensed Counselors in
2 writing. Such applications shall be on a form and in a manner
3 prescribed by the State Commissioner of Health. The application
4 shall be accompanied by the fee required by the Licensed Behavioral
5 Practitioner Act, which shall be retained by the ~~State Department of~~
6 ~~Health~~ Board and not returned to the applicant.

7 B. Each applicant for a license to practice as a licensed
8 behavioral practitioner shall:

9 1. Be possessed of good moral character;

10 2. Pass an examination based on standards promulgated by the
11 ~~State Board of Health~~ pursuant to the Licensed Behavioral
12 Practitioner Act;

13 3. Be at least twenty-one (21) years of age;

14 4. Not have engaged in, nor be engaged in, any practice or
15 conduct which would be grounds for denying, revoking, or suspending
16 a license pursuant to the Licensed Behavioral Practitioner Act; and

17 5. Otherwise comply with the rules promulgated by the Board
18 pursuant to the provisions of the Licensed Behavioral Practitioner
19 Act.

20 C. In addition to the qualifications specified by the
21 provisions of subsection B of this section, an applicant for a
22 license to practice as a licensed behavioral practitioner shall
23 have:

24

1 1. Successfully completed at least forty-five (45) graduate
2 semester hours (sixty (60) graduate quarter hours) of behavioral
3 science-related course work. These forty-five (45) hours shall
4 include at least a master's degree from a program in psychology.
5 All course work and degrees shall be earned from a regionally
6 accredited college or university. The ~~State Board of Health~~ shall
7 define what course work qualifies as "behavioral science-related";

8 2. On or after January 1, 2008, successfully completed at least
9 sixty (60) graduate semester hours (ninety (90) graduate quarter
10 hours) of behavioral science-related course work. These sixty (60)
11 hours shall include at least a master's degree from a program in
12 psychology. All courses shall be earned from a regionally
13 accredited college or university.

14 The Board shall define what course work qualifies as "behavioral
15 science-related"; and

16 3. Three (3) years of supervised full-time experience in
17 professional behavioral health services subject to the supervision
18 of a licensed mental health professional pursuant to conditions
19 established by the Board. One (1) or two (2) years of experience
20 may be gained at the rate of one (1) year for each thirty (30)
21 graduate semester hours earned beyond the master's degree, provided
22 that such hours are clearly related to the field of psychology or
23 behavioral sciences and are acceptable to the Board. The applicant
24

1 shall have no less than one (1) year of supervised full-time
2 experience in behavioral science.

3 SECTION 31. AMENDATORY 59 O.S. 2011, Section 1936, is
4 amended to read as follows:

5 Section 1936. A. Examinations for licensure shall be held at
6 such times, at such place, and in such manner as the ~~Commissioner of~~
7 ~~Health~~ State Board of Examiners of Licensed Counselors directs. The
8 examination shall be held at least annually. The ~~State Department~~
9 ~~of Health~~ Board shall determine the acceptable grade on
10 examinations. The examination shall cover such technical,
11 professional, and practical subjects as relate to the practice of
12 behavioral science. If an applicant fails to pass the examination,
13 the applicant may reapply.

14 B. The ~~Commissioner~~ Board shall preserve answers to any
15 examination, and the applicant's performance on each section, for a
16 period of two (2) years following the date of the examination.

17 SECTION 32. AMENDATORY 59 O.S. 2011, Section 1937, is
18 amended to read as follows:

19 Section 1937. A. An applicant who meets the requirements for
20 licensure pursuant to the provisions of the Licensed Behavioral
21 Practitioner Act, has paid the required license fees, and has
22 otherwise complied with the provisions of the Licensed Behavioral
23 Practitioner Act shall be licensed by the ~~State Department of Health~~
24 Board of Examiners of Licensed Counselors.

1 B. Each initial license issued pursuant to the Licensed
2 Behavioral Practitioner Act shall expire twenty-four (24) months
3 from the date of issuance unless revoked. A license may be renewed
4 upon application and payment of fees. The application for renewal
5 shall be accompanied by evidence satisfactory to the ~~Department~~
6 Board that the licensed behavioral practitioner has completed
7 relevant professional or continued educational experience during the
8 previous twenty-four (24) months. Failure to renew a license shall
9 result in forfeiture of the rights and privileges granted by the
10 license. A person whose license has expired may make application
11 within one (1) year following the expiration in writing to the
12 ~~Department~~ Board requesting reinstatement in a manner prescribed by
13 the ~~Department~~ Board and payment of the fees required by the
14 provisions of Licensed Behavioral Practitioner Act. The license of
15 a person whose license has expired for more than one (1) year shall
16 not be reinstated. A person may apply for a new license as provided
17 in Section 1935 of this title.

18 C. A licensed behavioral practitioner whose license is current
19 and in good standing, who wishes to retire the license, may do so by
20 informing the ~~Department~~ Board in writing and returning the license
21 to the ~~Department~~ Board. A license so retired shall not be
22 reinstated but retirement of the license shall preclude a person
23 from applying for a new license at a future date.

24

1 SECTION 33. AMENDATORY 59 O.S. 2011, Section 1938, is
2 amended to read as follows:

3 Section 1938. The ~~Commissioner of Health~~ State Board of
4 Examiners of Licensed Counselors shall have the power to issue a
5 license by endorsement for an applicant licensed in another state to
6 practice as a behavioral practitioner or under similar title if the
7 ~~Commissioner~~ Board deems such applicant to have qualifications
8 comparable to those required under the Licensed Behavioral
9 Practitioner Act and if the ~~Commissioner~~ Board finds the applicant
10 meets the standards, provided by rule, for license by endorsement.

11 SECTION 34. AMENDATORY 59 O.S. 2011, Section 1940, is
12 amended to read as follows:

13 Section 1940. A. Any person who represents himself or herself
14 by the title "Licensed Behavioral Practitioner" or "LBP" without
15 having first complied with the provisions of the Licensed Behavioral
16 Practitioner Act, or who otherwise offers to perform behavioral
17 health services, or who uses the title of Licensed Behavioral
18 Practitioner or any other name, style, or description denoting that
19 the person is licensed as a behavioral practitioner, or who
20 practices behavioral science, upon conviction thereof, shall be
21 guilty of a misdemeanor and shall be punished by imposition of a
22 fine of not less than One Hundred Dollars (\$100.00) nor more than
23 Five Hundred Dollars (\$500.00) for each offense and in addition may
24

1 be imprisoned for a term not to exceed six (6) months in the county
2 jail or by both such fine and imprisonment.

3 B. It shall be unlawful for any person not licensed or
4 supervised pursuant to or specifically exempt from the Licensed
5 Behavioral Practitioner Act to advertise or otherwise offer to
6 perform behavioral health services or to use the title of Licensed
7 Behavioral Practitioner or any other name, style, or description
8 denoting that the person is licensed as a licensed behavioral
9 practitioner, or to practice behavioral science. Such action shall
10 be subject to injunctive action by the State ~~Commissioner of Health~~
11 Board of Examiners of Licensed Counselors.

12 SECTION 35. AMENDATORY 59 O.S. 2011, Section 1941, is
13 amended to read as follows:

14 Section 1941. A. The State ~~Department of Health~~ Board of
15 Examiners of Licensed Counselors may deny, revoke, suspend, or place
16 on probation any license or specialty designation issued pursuant to
17 the provisions of the Licensed Behavioral Practitioner Act to a
18 licensed behavioral practitioner, if the person has:

- 19 1. Been convicted of a felony;
- 20 2. Been convicted of a misdemeanor determined to be of such a
21 nature as to render the person convicted unfit to practice
22 behavioral health;

23
24

1 3. Engaged in fraud or deceit in connection with services
2 rendered or in establishing needed qualifications pursuant to the
3 provisions of this act;

4 4. Knowingly aided or abetted a person not licensed pursuant to
5 these provisions in representing himself or herself as a licensed
6 behavioral practitioner in this state;

7 5. Engaged in unprofessional conduct as defined by the rules
8 established by the ~~State Board of Health~~;

9 6. Engaged in negligence or wrongful actions in the performance
10 of the licensee's duties; or

11 7. Misrepresented any information required in obtaining a
12 license.

13 B. If the ~~Department~~ Board determines that a felony conviction
14 of an applicant renders the convicted applicant unfit to practice
15 counseling, the ~~Commissioner~~ Board shall provide notice and
16 opportunity to the applicant, by certified mail at the last-known
17 address, for an administrative hearing to contest such determination
18 before the ~~Department~~ Board may deny the application. The request
19 shall be made by the applicant within fifteen (15) days of receipt
20 of the notice.

21 C. No license or specialty designation shall be suspended or
22 revoked, nor a licensed behavioral practitioner placed on probation,
23 until notice is served upon the licensed behavioral practitioner and
24

1 a hearing is held in conformity with Article II of the
2 Administrative Procedures Act.

3 SECTION 36. AMENDATORY 59 O.S. 2011, Section 1942, is
4 amended to read as follows:

5 Section 1942. A. The State Board of ~~Health~~ Examiners of
6 Licensed Counselors shall promulgate rules governing any licensure
7 action to be taken pursuant to the Licensed Behavioral Practitioner
8 Act which shall be consistent with the requirements of notice and
9 hearing under the Administrative Procedures Act. No action shall be
10 taken without prior notice unless the ~~State Commissioner of Health~~
11 Board determines that there exists a threat to the health and safety
12 of the residents of this state.

13 B. 1. Any person who is determined by the ~~State Department of~~
14 ~~Health~~ Board to have violated any provision of the Licensed
15 Behavioral Practitioner Act, or any rule promulgated or order issued
16 pursuant thereto, may be subject to an administrative penalty.

17 2. The maximum administrative penalty shall not exceed Ten
18 Thousand Dollars (\$10,000.00).

19 3. Administrative penalties imposed pursuant to this subsection
20 shall be enforceable in the district courts of this state.

21 4. All administrative penalties collected shall be deposited
22 into the Licensed Behavioral Practitioner Revolving Fund.

23 SECTION 37. AMENDATORY 59 O.S. 2011, Section 1944, is
24 amended to read as follows:

1 Section 1944. All licensed behavioral practitioners, except
2 those employed by federal, state, or local governmental agencies,
3 shall, prior to the performance of service, furnish the client with
4 a copy of the Statement of Professional Disclosure as promulgated by
5 rule of the State Board of ~~Health~~ Examiners of Licensed Counselors.
6 A current copy of the document shall be on file with the ~~Department~~
7 ~~of Health~~ Board at all times.

8 SECTION 38. AMENDATORY 59 O.S. 2011, Section 1945, is
9 amended to read as follows:

10 Section 1945. A. A professional specialty designation area may
11 be established by the State ~~Department of Health~~ Board of Examiners
12 of Licensed Counselors upon receipt of a petition signed by fifteen
13 qualified persons who are currently licensed as licensed behavioral
14 practitioners, who have acquired at least sixty (60) semester hours,
15 to increase to seventy-five (75) semester hours on and after January
16 1, 2008, of graduate credit in behavioral science or psychology-
17 related course work from a regionally accredited college or
18 university, and who meet the recognized minimum standards as
19 established by appropriate nationally recognized certification
20 agencies; provided, however, if a nationally recognized
21 certification does not exist, the ~~Department~~ Board may establish
22 minimum standards for specialty designations.

23 B. Upon receipt of credentials from the appropriate
24 certification agency, the ~~Department~~ Board may grant the licensed

1 behavioral practitioner the appropriate specialty designation. The
2 licensed behavioral practitioner may attain specialty designation
3 through examination. A licensed behavioral practitioner shall not
4 claim or advertise a behavioral health specialty and shall not
5 incorporate the specialty designation into the professional title of
6 such licensed behavioral practitioner unless the qualifications and
7 certification requirements of that specialty have been met and have
8 been approved by the ~~Department~~ Board and the appropriate
9 certification agency.

10 SECTION 39. AMENDATORY 59 O.S. 2011, Section 1946, as
11 amended by Section 290, Chapter 304, O.S.L. 2012 (59 O.S. Supp.
12 2012, Section 1946), is amended to read as follows:

13 Section 1946. There is hereby created in the State Treasury a
14 revolving fund for the ~~Oklahoma~~ State Board of ~~Licensed Behavioral~~
15 ~~Practitioners~~ Examiners of Licensed Counselors, to be designated the
16 "Licensed Behavioral Practitioners Revolving Fund". The fund shall
17 be a continuing fund, not subject to fiscal year limitations, and
18 shall consist of all monies received pursuant to this act. All
19 monies accruing to the credit of the fund are hereby appropriated
20 and may be budgeted and expended by the ~~State Department of Health~~
21 Executive Director to meet expenses necessary for carrying out the
22 purpose of the Licensed Behavioral Practitioner Act. Expenditures
23 from the fund shall be approved by the ~~State Commissioner of Health~~
24 Board and shall be made upon warrants issued by the State Treasurer

1 against claims filed as prescribed by law with the Director of the
2 Office of Management and Enterprise Services for approval and
3 payment.

4 SECTION 40. AMENDATORY 59 O.S. 2011, Section 1947, is
5 amended to read as follows:

6 Section 1947. A. Licensing fees and annual renewal fees shall
7 be amounts fixed by the State Board of ~~Health upon recommendations~~
8 ~~of the Oklahoma Licensed Behavioral Practitioners Advisory Board~~
9 Examiners of Licensed Counselors. The Board shall fix the amount of
10 the fees so that the total fees collected will be sufficient to meet
11 the expenses of administering the provisions of the Licensed
12 Behavioral Practitioner Act and so that excess funds do not
13 accumulate from year to year in the Licensed Behavioral
14 Practitioners Revolving Fund.

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

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

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

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

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

4 SECTION 41. AMENDATORY 59 O.S. 2011, Section 1948, is
5 amended to read as follows:

6 Section 1948. All licensed behavioral practitioners licensed
7 pursuant to the Licensed Behavioral Practitioner Act shall be
8 required to satisfactorily complete ten (10) hours of continuing
9 education credits annually. The State ~~Department of Health~~ Board of
10 Examiners of Licensed Counselors shall provide forms and require
11 verification of such credits. Such credits shall be earned from
12 courses on empirically validated procedures, taught by instructors
13 certified by the North American Association of Masters in
14 Psychology, its designees or successors.

15 SECTION 42. AMENDATORY 59 O.S. 2011, Section 1949, is
16 amended to read as follows:

17 Section 1949. A. Until January 1, 2002, the State Board of
18 ~~Health~~ Examiners of Licensed Counselors, upon receipt of an
19 applicant's proper application, completion of examination, and
20 payment of fees, shall issue licenses to persons who, prior to
21 January 1, 2002:

22 1. Have practiced full time as a behavioral practitioner for at
23 least two (2) years and possess a master's degree from a program in
24

1 psychology from a college or university accredited by an agency
2 recognized by the United States Department of Education;

3 2. Are currently practicing as a behavioral practitioner;

4 3. Have satisfactorily completed ten (10) hours of continuing
5 education pursuant to Section 1948 of this title; and

6 4. Otherwise comply with the licensure requirements of the
7 Licensed Behavioral Practitioner Act.

8 B. The ~~Commissioner of Health~~ Board shall consider experience
9 of the applicant prior to application for licensure pursuant to the
10 provisions of this section as a waiver of all or part of the
11 supervised experience requirement required by paragraph 3 of
12 subsection C of Section 1935 of this title.

13 C. The ~~Commissioner~~ Board shall require applicants for
14 licensure pursuant to the provisions of this section to file a
15 Statement of Professional Disclosure as provided by Section 1944 of
16 this title.

17 SECTION 43. AMENDATORY 62 O.S. 2011, Section 155, as
18 amended by Section 446, Chapter 304, O.S.L. 2012 (62 O.S. Supp.
19 2012, Section 155), is amended to read as follows:

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

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

- 1 2. ~~The State Barber Advisory Board;~~
- 2 3. Oklahoma Funeral Board;
- 3 4. 3. Board of Podiatric Medical Examiners;
- 4 5. 4. Board of Chiropractic Examiners;
- 5 6. 5. State Board of Registration for Foresters;
- 6 7. 6. State Board of Medical Licensure and Supervision;
- 7 8. 7. Oklahoma Board of Nursing;
- 8 9. 8. State Board of Osteopathic Examiners;
- 9 10. 9. State Board of Pharmacy;
- 10 11. 10. State Board of Licensed Social Workers;
- 11 12. 11. Oklahoma Motor Vehicle Commission;
- 12 13. 12. Oklahoma Peanut Commission;
- 13 14. 13. Oklahoma Real Estate Commission;
- 14 15. 14. Santa Claus Commission; and
- 15 16. 15. Wheat Utilization, Research and Market Development
- 16 Commission.

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

24

1 C. Expenditures from ~~said~~ the revolving funds shall be made
2 pursuant to the laws of the state and the statutes relating to said
3 boards, commissions and departments, and without legislative
4 appropriation. Warrants for expenditures from said revolving funds
5 shall be drawn by the State Treasurer, based on claims signed by an
6 authorized employee or employees of the respective boards,
7 commissions or departments and approved for payment by the Director
8 of the Office of Management and Enterprise Services.

9 SECTION 44. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 1-103a of Title 63, unless there
11 is created a duplication in numbering, reads as follows:

12 Section 45 of this act shall be known and may be cited as the
13 "Oklahoma Public Health Advisory Council Modernization Act".

14 SECTION 45. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 1-103a.1 of Title 63, unless
16 there is created a duplication in numbering, reads as follows:

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

- 19 1. The Consumer Protection Licensing Advisory Council;
- 20 2. The Trauma and Emergency Response Advisory Council;
- 21 3. The Health Care Advisory Council;
- 22 4. The Infant and Children's Health Advisory Council;
- 23 5. The Advancement of Wellness Advisory Council; and
- 24 6. The Home Care and Hospice Advisory Council.

1 B. 1. Each Public Health Advisory Council (Advisory Council)
2 created pursuant to subsection A of this section shall consist of
3 seven (7) members. Two members shall be appointed by the Governor,
4 two members shall be appointed by the Speaker of the House of
5 Representatives, two members shall be appointed by the President Pro
6 Tempore of the Senate, and one member shall be appointed by the
7 State Board of Health. Appointments shall be for three-year terms.
8 Members of the Advisory Councils shall serve at the pleasure of and
9 may be removed from office by the appointing authority. Members
10 shall continue to serve until their successors are appointed. Any
11 vacancy shall be filled in the same manner as the original
12 appointments. Four members shall constitute a quorum.

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

22 C. 1. All members of the Consumer Protection Licensing
23 Advisory Council shall be knowledgeable of certain consumer issues
24

1 as specified below. The Consumer Protection Licensing Advisory
2 Council shall be composed as follows:

3 a. the Governor shall appoint:

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

6 (2) one member who is a licensed audiologist,

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

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

9 (2) one member representing the hearing aid fitting
10 industry,

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

13 (1) one member representing the medical
14 micropigmentation industry, and

15 (2) one member representing the hearing-impaired
16 public, and

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

19 2. The jurisdiction areas of the Consumer Protection Licensing
20 Advisory Council shall include the barber industry, the hearing-aid-
21 fitting industry, the medical micropigmentation industry, the
22 radiation industry and such other areas as designated by the State
23 Board of Health.

24

1 D. 1. All members of the Trauma and Emergency Response
2 Advisory Council shall be knowledgeable of issues that arise in a
3 hospital setting and issues that arise concerning emergency
4 response. The Trauma and Emergency Response Advisory Council shall
5 be composed as follows:

6 a. the Governor shall appoint:

7 (1) one member who is an administrative director of a
8 licensed ambulatory service, and

9 (2) one member who is a Board Certified Emergency
10 Physician,

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

12 (1) one member who is a representative from a
13 hospital with trauma and emergency services, and

14 (2) one member who is a trauma surgeon with
15 privileges at a hospital with trauma and
16 emergency operative services,

17 c. the Speaker of the House of Representatives shall
18 appoint:

19 (1) one member representing the trauma registrar of a
20 licensed hospital that is classified as providing
21 trauma and emergency operative services, and

22 (2) one member who is an Emergency Medical
23 Technician, and
24

1 d. the State Board of Health shall appoint one member who
2 is a critical care nurse.

3 2. The jurisdictional areas of the Trauma and Emergency
4 Response Advisory Council shall include emergency response systems
5 development, injury prevention, catastrophic health emergency,
6 trauma systems improvement and development and such other areas
7 designated by the State Board of Health.

8 E. 1. All members of the Health Care Advisory Council shall be
9 knowledgeable of issues that arise in areas of adult health care.

10 The Council shall be composed as follows:

11 a. the Governor shall appoint:

12 (1) one member who is a physician licensed by the
13 state, and

14 (2) one member who is an optometrist licensed by the
15 state,

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

17 (1) one member who is knowledgeable about health
18 information and the exchange of information, and

19 (2) one member who is an audiologist licensed by the
20 state,

21 c. the Speaker of the House of Representatives shall
22 appoint:

23 (1) one member who is a dentist licensed by the
24 state, and

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

4 d. the State Board of Health shall appoint one member who
5 is a physician licensed by the state who specializes
6 in the diagnosis and treatment of sexually transmitted
7 diseases.

8 2. The jurisdictional areas of the Health Care Advisory Council
9 shall include all issues that arise in the area of health care for
10 adults and such other areas as designated by the State Board of
11 Health.

12 F. 1. All members of the Infant and Children's Health Advisory
13 Council shall be knowledgeable of issues that arise in the area of
14 infant and children's health care. The Infant and Children's Health
15 Advisory Council shall be composed as follows:

16 a. the Governor shall appoint:

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

19 (2) one member who is knowledgeable about childhood
20 immunizations,

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

22 (1) one member who is knowledgeable about newborn
23 screening issues, and

24

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

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

6 (1) one member who is licensed by the state as a
7 physician and works as a pediatrician in an urban
8 setting, and

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

11 d. the State Board of Health shall appoint one member who
12 is a physician licensed by the state who specializes
13 in the diagnosis and treatment of childhood injuries
14 in a trauma setting.

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

19 G. 1. All members of the Advancement of Wellness Advisory
20 Council shall be knowledgeable of issues that arise in the area of
21 advancing the health of all Oklahomans. The Advancement of Wellness
22 Advisory Council shall be composed as follows:

23 a. the Governor shall appoint:
24

- 1 (1) one member who is knowledgeable about the
2 prevention and/or cessation of tobacco usage, and
3 (2) one member who is knowledgeable about organ donor
4 issues,

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

- 6 (1) one member who is mayor of a city or town that
7 has been designated a certified healthy community
8 in an urban setting, and
9 (2) one member who is the president or chief
10 operating officer of a business that has been
11 designated a certified healthy business in a
12 rural setting,

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

- 15 (1) one member who is the mayor of a city or town
16 that has been designated a certified healthy
17 community in a rural 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 an
21 urban setting, and

22 d. the State Board of Health shall appoint one member who
23 is the Executive Director of the Tobacco Settlement
24 Endowment Trust.

1 2. The jurisdictional areas of the Advancement of Wellness
2 Advisory Council shall include all issues that arise in the areas of
3 tobacco usage and cessation, organ and tissue donation, the
4 requirements for a city or town in the state to be designated as a
5 certified healthy community, the requirements for a business to be
6 designated as a certified healthy business and such other areas as
7 designated by the State Board of Health.

8 H. 1. All members of the Home Care and Hospice Advisory
9 Council shall be knowledgeable of issues that arise in the
10 administration and practice of home care and hospice services. The
11 Home Care and Hospice Advisory Council shall be composed as follows:

- 12 a. the Governor shall appoint:
 - 13 (1) one member who is licensed in accordance with the
 - 14 Oklahoma Hospice Licensing Act, and
 - 15 (2) one member who is licensed in accordance with the
 - 16 Oklahoma Home Care Act,
- 17 b. the President Pro Tempore of the Senate shall appoint:
 - 18 (1) one member who is licensed in accordance with the
 - 19 Oklahoma Hospice Licensing Act, and
 - 20 (2) one member who is licensed in accordance with the
 - 21 Oklahoma Home Care Act,
- 22 c. the Speaker of the House of Representatives shall
23 appoint:
24

1 (1) one member representing the public who is a legal
2 guardian of a recipient of hospice services, and

3 (2) one member representing the public who is a
4 resident or legal guardian of a recipient of
5 services from a home health agency, and

6 d. the State Board of Health shall appoint one member
7 representing an association which advocates on behalf
8 of home care and hospice issues.

9 2. The jurisdictional areas of the Home Care and Hospice
10 Advisory Council shall include all issues that arise in the areas of
11 home care and hospice services, and such other areas as designated
12 by the State Board of Health.

13 I. In addition to other powers and duties assigned to each
14 Advisory Council pursuant to this section, each Advisory Council,
15 within its jurisdictional area, shall:

16 1. Have authority to recommend to the State Board of Health
17 rules on behalf of the State Department of Health. The State
18 Department of Health shall not have standing to recommend to the
19 State Board of Health permanent rules or changes to such rules
20 within the jurisdiction of an Advisory Council which have not been
21 submitted previously to the appropriate Advisory Council for action;

22 2. Before recommending any permanent rules to the State Board
23 of Health, give public notice, offer an opportunity for public
24

1 comment and conduct a public rulemaking hearing when required by the
2 Administrative Procedures Act;

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

7 4. Have the authority to provide a public forum for the
8 discussion of issues it considers relevant to its area of
9 jurisdiction, and to:

- 10 a. pass nonbinding resolutions expressing the sense of
11 the Advisory Council, and
12 b. make recommendations to the State Board of Health or
13 the State Department of Health concerning the need and
14 the desirability of conducting meetings, workshops and
15 seminars; and

16 5. Cooperate with each other Advisory Council, the public, the
17 State Board of Health and the Commissioner of Health in order to
18 coordinate the rules within their respective jurisdictional areas
19 and to achieve maximum efficiency and effectiveness in furthering
20 the objectives of the State Department of Health.

21 J. The Advisory Councils shall not recommend rules for
22 promulgation by the State Board of Health unless all applicable
23 requirements of the Administrative Procedures Act have been

24

1 followed, including but not limited to notice, rule-impact statement
2 and rulemaking hearings.

3 K. Members of the Advisory Councils shall serve without
4 compensation but may be reimbursed expenses incurred in the
5 performance of their duties, as provided in the State Travel
6 Reimbursement Act. The Advisory Councils are authorized to utilize
7 the conference rooms of the State Department of Health and obtain
8 administrative assistance from the State Department of Health, as
9 required.

10 SECTION 46. AMENDATORY 63 O.S. 2011, Section 1-114.1, is
11 amended to read as follows:

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

15 B. The State Board of Health, giving consideration to the
16 recommendations of the Infant and Children's Health Advisory Council
17 established by Section 45 of this act, shall promulgate rules for:

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

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

22 3. The performance of blood lead tests when screening eligible
23 children for lead poisoning, provided that screening and testing for
24

1 Medicaid-eligible children shall be conducted in accordance with
2 existing federal law;

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

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

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

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

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

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

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

21 ~~1. Eleven members shall be appointed by the State Commissioner~~
22 ~~of Health as follows: a representative of a local housing~~
23 ~~authority, a representative of a housing industry organization, a~~
24 ~~local housing code official, a representative of a local housing~~

1 ~~project, an environmental professional, a public health nurse, a~~
2 ~~representative of the Oklahoma Chapter of the American Academy of~~
3 ~~Pediatrics, a representative of the State Medicaid Program, a~~
4 ~~clinical laboratory director, and two parents; and~~

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

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

17 SECTION 47. AMENDATORY 63 O.S. 2011, Section 1-227.1, is
18 amended to read as follows:

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

20 1. "Child abuse prevention" means services and programs
21 designed to prevent the occurrence or recurrence of child abuse and
22 neglect as defined in Section ~~7102~~ 1-1-105 of Title ~~10~~ 10A of the
23 Oklahoma Statutes but as limited by Section 844 of Title 21 of the
24 Oklahoma Statutes. Except for the purpose of planning and

1 coordination pursuant to the provisions of the Child Abuse
2 Prevention Act, the services and programs of the Department of Human
3 Services which are mandated by state law or which are a requirement
4 for the receipt of federal funds with regard to deprived, destitute
5 or homeless children shall not be subject to the provisions of the
6 Child Abuse Prevention Act;

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

10 ~~3.~~ "Primary prevention" means programs and services designed to
11 promote the general welfare of children and families;

12 ~~4.~~ 3. "Secondary prevention" means the identification of
13 children who are in circumstances where there is a high risk that
14 abuse will occur and assistance, as necessary and appropriate, to
15 prevent abuse or neglect from occurring;

16 ~~5.~~ 4. "Tertiary prevention" means those services provided after
17 abuse or neglect has occurred which are designed to prevent the
18 recurrence of abuse or neglect;

19 ~~6.~~ 5. "Department" means the State Department of Health;

20 ~~7.~~ 6. "Director" means the Director of the Office of Child
21 Abuse Prevention;

22 ~~8.~~ 7. "Office" means the Office of Child Abuse Prevention;

23 ~~9.~~ ~~"Interagency child abuse prevention task force" means the~~
24 ~~state child abuse prevention planning and coordinating body~~

1 ~~established pursuant to the provisions of Section 1-227.4 of this~~
2 ~~title;~~

3 ~~10.~~ 8. "Commission" means the Oklahoma Commission on Children
4 and Youth; and

5 ~~11.~~ 9. "Child Abuse Prevention Fund" means the revolving fund
6 established pursuant to Section 1-227.8 of this title.

7 SECTION 48. AMENDATORY 63 O.S. 2011, Section 1-227.2, is
8 amended to read as follows:

9 Section 1-227.2. A. The Office of Child Abuse Prevention,
10 giving consideration to the recommendations of the Infant and
11 Children's Health Advisory Council as established by Section 45 of
12 this act, is hereby authorized and directed to:

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

18 2. Monitor, evaluate and review the development and quality of
19 services and programs for the prevention of child abuse and neglect,
20 publish and distribute an annual report of its findings on or before
21 January 1 of each year to the Governor, the Speaker of the House of
22 Representatives, the President Pro Tempore of the Senate and to the
23 chief administrative officer of each agency affected by the report.

24 The report shall include:

- 1 a. activities of the Office,
- 2 b. a summary detailing the demographic characteristics of
- 3 families served including, but not limited to, the
- 4 following:
- 5 (1) age and marital status of parent(s),
- 6 (2) number and age of children living in the
- 7 household,
- 8 (3) household composition of families served,
- 9 (4) number of families accepted into the program by
- 10 grantee site and average length of time enrolled,
- 11 (5) number of families not accepted into the program
- 12 and the reason therefor, and
- 13 (6) average actual expenditures per family during the
- 14 most recent state fiscal year,
- 15 c. recommendations for the further development and
- 16 improvement of services and programs for the
- 17 prevention of child abuse and neglect, and
- 18 d. budget and program needs; and

19 3. Conduct or otherwise provide for or make available

20 continuing professional education and training in the area of child

21 abuse prevention.

22 B. For the purpose of implementing the provisions of the Child

23 Abuse Prevention Act, the State Department of Health is authorized

24 to:

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

4 2. Enter into agreements or contracts for the establishment and
5 development of:

6 a. programs and services for the prevention of child
7 abuse and neglect,

8 b. training programs for the prevention of child abuse
9 and neglect, and

10 c. multidisciplinary and discipline specific training
11 programs for professionals with responsibilities
12 affecting children, youth and families; and

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

15 C. For the purpose of implementing the provisions of the Child
16 Abuse Prevention Act, the State Board of Health, giving
17 consideration to the recommendations of the Infant and Children's
18 Health Advisory Council as established by Section 45 of this act, is
19 authorized to promulgate rules and regulations as necessary to
20 implement the duties and responsibilities assigned to the Office of
21 Child Abuse Prevention.

22 SECTION 49. AMENDATORY 63 O.S. 2011, Section 1-227.4, is
23 amended to read as follows:

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

4 1. ~~One representative of the child welfare services division of~~
5 ~~the Department of Human Services;~~

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

8 3. ~~One representative of the child guidance services of the~~
9 ~~State Department of Health;~~

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

11 5. ~~Two representatives of the Department of Mental Health and~~
12 ~~Substance Abuse Services, one with expertise in the treatment of~~
13 ~~mental illness and one with expertise in the treatment of substance~~
14 ~~abuse;~~

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

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

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

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

23 10. ~~Two representatives who have expertise in the delivery of~~
24 ~~child abuse prevention services and who do not receive funds from~~

1 ~~the Child Abuse Prevention Fund as provided in Section 1-227.8 of~~
2 ~~this title; one of whom shall have experience providing child abuse~~
3 ~~prevention services pursuant to Section 1-9-108 of Title 10A of the~~
4 ~~Oklahoma Statutes;~~

5 ~~11. One representative of the Oklahoma Partnership for School~~
6 ~~Readiness Board;~~

7 ~~12. Three parents participating in a child abuse prevention~~
8 ~~program; and~~

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

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

12 ~~C. The Office of Child Abuse Prevention and the interagency~~
13 ~~child abuse prevention task force of the Oklahoma Commission on~~
14 ~~Children and Youth State Department of Health shall prepare the~~
15 ~~comprehensive state plan for prevention of child abuse and neglect~~
16 ~~for the approval of the Oklahoma Commission on Children and Youth.~~
17 ~~The development and preparation of the plan shall include, but not~~
18 ~~be limited to, adequate opportunity for appropriate local private~~
19 ~~and public agencies and organizations and private citizens to~~
20 ~~participate in the development of the state plan at the local level.~~

21 ~~D. B. 1. The interagency child abuse prevention task force and~~
22 ~~the Office of Child Abuse Prevention shall review and evaluate all~~
23 ~~proposals submitted for grants or contracts for child abuse~~
24 ~~prevention programs and services. Upon completion of such review~~

1 and evaluation, the ~~interagency child abuse prevention task force~~
2 ~~and the~~ Office of Child Abuse Prevention shall make the final
3 recommendations as to which proposals should be funded pursuant to
4 the provisions of the Child Abuse Prevention Act and shall submit
5 its findings to the Oklahoma Commission on Children and Youth. The
6 Commission shall review the findings of the interagency child abuse
7 prevention task force and the Office of Child Abuse Prevention for
8 compliance of such approved proposals with the comprehensive state
9 plan prepared pursuant to the provisions of the Child Abuse
10 Prevention Act.

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

15 3. The Commissioner shall authorize the Office of Child Abuse
16 Prevention to use the Child Abuse Prevention Fund to fund such
17 grants or contracts for child abuse prevention programs and services
18 which are approved by the Commissioner.

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

23 5. Once the grants or contracts have been awarded by the
24 Commissioner, the Office of Child Abuse Prevention, ~~along with the~~

1 ~~interagency child abuse prevention task force,~~ shall annually review
2 the performance of the awardees and determine if funding should be
3 continued.

4 SECTION 50. AMENDATORY 63 O.S. 2011, Section 1-229.2, is
5 amended to read as follows:

6 Section 1-229.2. As used in the Oklahoma Tobacco Use Prevention
7 and Cessation Act:

8 1. ~~"Committee" means the Tobacco Use Prevention and Cessation~~
9 ~~Advisory Committee established pursuant to Section 4 of this act to~~
10 ~~review and recommend a State Plan for Tobacco Use Prevention and~~
11 ~~Cessation, to periodically review progress towards meeting the~~
12 ~~objectives of the State Plan, and to approve of all Invitations To~~
13 ~~Bid prior to issuance and make final recommendations for award of~~
14 ~~contracts from the Fund for the purpose of reducing tobacco use;~~

15 2. "Contractor" means any public entity, private entity, or
16 private nonprofit entity to which the State Department of Health,
17 after recommendation by the ~~Tobacco Use Prevention and Cessation~~
18 Advancement of Wellness Advisory Committee Council as established by
19 Section 45 of this act, has awarded monies from the Fund for
20 qualified tobacco use prevention or cessation programs;

21 3. 2. "Department" means the State Department of Health;

22 4. 3. "Fund" means the Tobacco Use Reduction Fund established
23 pursuant to Section ~~3~~ 1-229.3 of this ~~act~~ title;

24

1 ~~5.~~ 4. "Qualified tobacco use prevention or cessation program"
2 means a program for the prevention or cessation of tobacco use that
3 meets the criteria set forth in the State Plan for Tobacco Use
4 Prevention and Cessation;

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

8 ~~7.~~ 6. "Tobacco use" means the consumption of tobacco products
9 by burning, chewing, inhalation or other forms of ingestion.

10 SECTION 51. AMENDATORY 63 O.S. 2011, Section 1-229.5, is
11 amended to read as follows:

12 Section 1-229.5. A. On or before January 1, 2002, the ~~Tobacco~~
13 ~~Use Prevention and Cessation~~ Department, giving consideration to the
14 recommendations of the Advancement of Wellness Advisory Committee
15 Council as established by Section 45 of this act, shall review and
16 recommend a State Plan for Tobacco Use Prevention and Cessation that
17 is in compliance with nationally recognized guidelines or scientific
18 evidence of effectiveness. On or before January 1 of each
19 ~~subsequent~~ year, the ~~Committee~~ State Department of Health may
20 propose amendments to the plan. The ~~Committee~~ Department shall
21 submit its proposed State Plan or any proposed amendments thereto to
22 the Governor, the Speaker of the House of Representatives, the
23 President Pro Tempore of the Senate, and the Attorney General. The
24 Governor, members of the Legislature, and the Attorney General ~~may~~

1 ~~submit comments to the Committee on the State Plan on or before~~
2 ~~March 1, 2002,~~ and may submit comments to the Committee Department
3 on its proposed amendments to the State Plan on or before March 1 of
4 each ~~subsequent~~ year. ~~On or before May 1, 2002,~~ the ~~Committee shall~~
5 ~~adopt a final State Plan and shall submit such plan to the State~~
6 ~~Department of Health.~~ On or before May 1 of each ~~subsequent~~ year,
7 the Committee Department shall ~~recommend any amendments to the State~~
8 ~~Plan to the Department and shall~~ make such amended State Plan
9 public.

10 B. The State Plan shall set out the criteria by which
11 Invitations To Bid and applications for contract proposals are
12 considered ~~by the Committee.~~ Such plan shall also describe the
13 types of tobacco use prevention or cessation programs that shall be
14 eligible for consideration for contracts from the Fund utilizing
15 only those programs that are in compliance with nationally
16 recognized guidelines, or scientific evidence of effectiveness.
17 Such eligible programs shall include, but not be limited to:

18 1. Media campaigns directed to youth to prevent underage
19 tobacco use;

20 2. School-based education programs to prevent youth tobacco
21 use;

22 3. Community-based youth programs involving tobacco use
23 prevention through general youth development;

24

1 4. Enforcement and administration of the Prevention of Youth
2 Access to Tobacco Act, and related retailer education and compliance
3 efforts;

4 5. Cessation programs for youth; and

5 6. Prevention or cessation programs for adults.

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

10 D. The State Plan shall provide for the evaluation of all
11 funded programs to determine their overall effectiveness in
12 preventing or reducing tobacco use according to the program's stated
13 goals.

14 An annual evaluation shall be provided by an independent
15 contractor to determine the effectiveness of the programs by
16 measuring the following:

17 1. Tobacco consumption;

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

19 and

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

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

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

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

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

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

12 ~~F. The State Plan shall provide that no more than five percent~~
13 ~~(5%) of the Fund shall be expended on the administrative costs of~~
14 ~~the Committee.~~

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

18 SECTION 52. AMENDATORY 63 O.S. 2011, Section 1-229.6, is
19 amended to read as follows:

20 Section 1-229.6. A. ~~The Tobacco Use Prevention and Cessation~~
21 ~~Advisory Committee~~ State Department of Health shall meet at least
22 ~~four times a year to~~ review Invitations To Bid ~~proposed by the~~
23 ~~Department~~ and applications for contracts and ~~to~~ evaluate the
24 progress and outcomes of tobacco use prevention and cessation

1 programs. The ~~Committee~~ Department shall make final approval ~~to the~~
2 ~~State Department of Health~~ for the issuance of Invitations To Bid
3 for contracts for tobacco use prevention and cessation programs. ~~No~~
4 ~~approval of an Invitation To Bid may be forwarded to the Department~~
5 ~~without the approval of the vote of a majority of the Committee.~~

6 B. ~~The Invitation To Bid response evaluation teams shall be~~
7 ~~subcommittees appointed by the Advisory Committee. No subcommittee~~
8 ~~member shall be an applicant or recipient of funds for the program~~
9 ~~component proposed.~~

10 C. ~~The subcommittees and Advisory Committee shall make final~~
11 ~~recommendations to the Department for the award of contracts to~~
12 ~~qualified bidders. No recommendation may be forwarded to the~~
13 ~~Department without the approval of a majority of the Committee.~~

14 D. ~~In the case of proposed contracts between the Department and~~
15 ~~other government agencies, the Advisory Committee shall make final~~
16 ~~recommendations to the Department for award. No recommendations may~~
17 ~~be forwarded to the Department without the approval of a majority of~~
18 ~~the Committee.~~

19 E. An applicant or a bidder that requests funding to initiate,
20 continue or expand a tobacco use prevention or cessation program
21 shall demonstrate, by means of application, letters of
22 recommendation, and such other means as the ~~Committee~~ Department may
23 designate, that the proposed tobacco use prevention or cessation
24 program for which it seeks funds meets the criteria set forth in the

1 State Plan. Previous contractors shall include recent evaluations
2 of their programs with their bids or applications. The ~~Committee~~
3 Department may not ~~recommend the award of~~ a contract unless it makes
4 a specific finding, as to each applicant or bidder, that the program
5 proposed to be funded meets the criteria set forth in the State
6 Plan.

7 F. C. In developing the State Plan and approving Invitations To
8 Bid and reviewing intergovernmental contracts the ~~Committee~~
9 Department shall consider:

10 1. In the case of applications or Invitations To Bid to fund
11 media campaigns directed to youth to prevent underage tobacco use,
12 whether the campaign provides for sound management and periodic
13 evaluation of the campaign's relevance to the intended audience,
14 including audience awareness of the campaign and recollection of the
15 main message;

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

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

23 a. has a comprehensive strategy with a clear mission and
24 goals,

- b. has professional leadership,
- c. offers a diverse array of youth-centered activities in youth-accessible facilities,
- d. is culturally sensitive, inclusive and diverse,
- e. involves youth in the planning, delivery, and evaluation of services that affect them, and
- f. offers a positive focus including all youth;

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

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

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

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

SECTION 53. AMENDATORY 63 O.S. 2011, Section 1-1923.1, is amended to read as follows:

Section 1-1923.1. The State Department of Health shall:

1 1. Establish a Residents and Family State Council which shall
2 be composed of fifteen (15) members who are, or who have been within
3 the last twelve (12) months, residents, family members, resident
4 volunteer representatives or guardians of residents of nursing
5 facilities licensed pursuant to the Nursing Home Care Act, but shall
6 not include persons representing residents in facilities for the
7 developmentally disabled. The Council shall annually elect a chair
8 and vice-chair, and shall meet at least quarterly. Meetings shall be
9 conducted in the various areas of the state with at least one
10 meeting in each of the four quadrants of the state to allow for
11 participation by family members and residents where possible. The
12 members of the Council shall be reimbursed pursuant to the State
13 Travel Reimbursement Act. The Council, giving consideration to the
14 recommendations of the Long-Term Care Facility Advisory Board
15 established by Section 1-1923 of this title, shall have the power
16 and duty to advise the State Department of Health concerning the
17 development and improvement of services to and care and treatment of
18 residents of facilities subject to the provisions of the Nursing
19 Home Care Act and make recommendations to the Department as
20 necessary and appropriate. The members shall serve at the pleasure
21 of the State Commissioner of Health; and

22 2. Establish a toll free, twenty-four-hour hotline for filing
23 of complaints against facilities licensed pursuant to the provisions
24 of the Nursing Home Care Act.

1 SECTION 54. AMENDATORY 63 O.S. 2011, Section 1-260.2, is
2 amended to read as follows:

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

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

- 6 a. the causes of osteoporosis,
- 7 b. personal risk factors,
- 8 c. the value of prevention and early detection, and
- 9 d. the options available for treatment;

10 2. To facilitate and enhance knowledge and understanding of
11 osteoporosis by disseminating educational materials, information
12 about research results, services, and strategies for prevention and
13 treatment to patients, health professionals, and the public;

14 3. To utilize educational and training resources and services
15 that have been developed by organizations with appropriate expertise
16 and knowledge of osteoporosis, and to use available technical
17 assistance;

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

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

23 6. To educate and train service providers, health
24 professionals, and physicians;

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

4 8. To coordinate state programs and services to address the
5 issue of osteoporosis;

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

8 10. To adequately fund these programs; and

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

12 B. 1. The State Board of Health, giving consideration to the
13 recommendations of the Advancement of Wellness Advisory Council
14 established by Section 45 of this act, shall promulgate rules
15 necessary to enact the provisions of the Osteoporosis Prevention and
16 Treatment Education Act.

17 2. The State Department of Health, as funds are available,
18 shall:

19 a. provide sufficient staff to implement the Osteoporosis
20 Prevention and Treatment Education Program,

21 b. provide appropriate training for staff of the
22 Osteoporosis Prevention and Treatment Education
23 Program,
24

- c. identify the appropriate entities to carry out the program,
- d. base the program on the most up-to-date scientific information and findings,
- e. work to improve the capacity of community-based services available to osteoporosis patients,
- f. work with governmental offices, community and business leaders, community organizations, health care and human service providers, and national osteoporosis organizations to coordinate efforts and maximize state resources in the areas of prevention, education, and treatment of osteoporosis, and
- g. identify and, when appropriate, replicate or use successful osteoporosis programs and procure related materials and services from organizations with appropriate expertise and knowledge of osteoporosis.

SECTION 55. AMENDATORY 63 O.S. 2011, Section 1-260.4, is amended to read as follows:

~~Section 1-260.4. A. There is hereby established within the State Department of Health an Interagency Council on Osteoporosis. The State Commissioner of Health shall chair the interagency council. The council shall be composed of representatives from appropriate state departments and agencies including, but not limited to, the entities with responsibility for aging, health care~~

1 ~~delivery, education, public welfare, and women's programs, who shall~~
2 ~~be appointed by the director or chief operating officer of such~~
3 ~~entity.~~

4 ~~B.~~ The ~~council~~ State Department of Health, giving consideration
5 to the recommendations of the Advancement of Wellness Advisory
6 Council established by Section 45 of this act, shall:

7 1. Advise ~~the Department~~ regarding coordination of osteoporosis
8 programs conducted by or through the Department;

9 2. Establish a mechanism for sharing information on
10 osteoporosis among all officials and employees involved in carrying
11 out osteoporosis-related programs;

12 3. Preview and coordinate the most promising areas of
13 education, prevention, and treatment concerning osteoporosis;

14 4. Assist ~~the Department and~~ other offices in developing plans
15 for education and health promotion on osteoporosis;

16 5. Establish mechanisms to use the results of research
17 concerning osteoporosis in the development of relevant policies and
18 programs; and

19 6. Prepare a report that describes educational initiatives on
20 osteoporosis sponsored by the state and makes recommendations for
21 new educational initiatives on osteoporosis. The ~~council~~ Council
22 shall transmit the report to the State Board of Health for review
23 and forwarding with any necessary comments or recommendations to the
24 Legislature. The report shall also be available to the public.

1 C B. ~~The Interagency Council on Osteoporosis~~ Department, giving
2 consideration to the recommendations of the Advancement of Wellness
3 Advisory Council established by Section 45 of this act, shall
4 establish and coordinate an Advisory Panel on Osteoporosis which
5 will provide nongovernmental input regarding the Osteoporosis
6 Prevention and Treatment Education Program. Membership on the
7 advisory panel shall be voluntary and shall include, but not be
8 limited to, persons with osteoporosis, representatives of women's
9 health organizations, public health education, osteoporosis experts,
10 providers of osteoporosis health care, persons knowledgeable in
11 health promotion and education, and representatives of national
12 osteoporosis organizations or their state or regional affiliates.

13 SECTION 56. AMENDATORY 63 O.S. 2011, Section 1-556, is
14 amended to read as follows:

15 Section 1-556. A. ~~The Oklahoma Breast and Cervical Cancer~~
16 ~~Prevention and Treatment Advisory Committee~~ State Department of
17 Health, giving consideration to the recommendations of the
18 Advancement of Wellness Advisory Council established by Section 45
19 of this act, shall be responsible for evaluating and reporting to
20 the Governor and the State Commissioner of Health regarding
21 contracting for statewide services or issues related to breast
22 cancer including, but not limited to:

23 1. Mammography and pap smear screening of women for breast and
24 cervical cancer as an early detection health care measure, provided

1 by facilities which are accredited by national organizations that
2 have formed coalitions to issue national cancer screening
3 guidelines;

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

7 3. Education and training programs for health care
8 professionals to improve methods for the detection and control of
9 breast and cervical cancer, and to improve communication with breast
10 and cervical cancer patients after diagnosis;

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

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

17 6. Outreach to groups with high proportions of uninsured and
18 underinsured women.

19 B. The evaluative efforts of the Advisory Committee with
20 respect to contracts for services specified in subsection A of this
21 section shall provide appropriate oversight and requirements that
22 result in:

23

24

1 1. Enhanced quality control standards within facilities which
2 perform diagnostic cancer screening for breast and cervical cancer;
3 and

4 2. Establishment of a fee schedule for breast and cervical
5 cancer screening and diagnosis that complies with accepted
6 Medicare/Medicaid rates and that incorporates a sliding fee payment
7 system to encourage self-responsibility.

8 C. ~~The Oklahoma Breast and Cervical Cancer Prevention and~~
9 ~~Treatment Advisory Committee~~ State Department of Health, giving
10 consideration to the recommendations of the Advancement of Wellness
11 Advisory Council established by Section 45 of this act, shall report
12 annually to the Governor, the Speaker of the House of
13 Representatives, the President Pro Tempore of the Senate, and the
14 State Board of Health by October 1 of each year, activities
15 completed pursuant to the Oklahoma Breast and Cervical Cancer Act
16 during the prior fiscal year, including a report of the funding for
17 related activities. The report shall identify populations at
18 highest risk for breast or cervical cancer, priority strategies, and
19 emerging technologies, including newly introduced therapies and
20 preventive vaccines that are effective in preventing and controlling
21 the risk of breast and cervical cancer, and any recommendations for
22 additional funding, if necessary, to provide screenings and
23 treatment for breast and cervical cancer for uninsured and
24 underinsured women. The report shall further recommend strategies

1 or actions to reduce the costs of breast and cervical cancer in the
2 State of Oklahoma.

3 D. The Advancement of Wellness Advisory Committee Council shall
4 evaluate the prospective termination or continuation of its ongoing
5 duties on October 1, 2008, ~~or upon submission of the Advisory~~
6 ~~Committee's final report to the Governor, the State Commissioner of~~
7 ~~Health, and the 1st Session of the 51st Oklahoma Legislature,~~
8 ~~whichever occurs earlier.~~ Such evaluation shall be made based on
9 the successful implementation of breast and cervical cancer
10 reduction plans and/or achievement of significant reductions in
11 breast and cervical cancer morbidity and mortality in the state of
12 Oklahoma.

13 SECTION 57. AMENDATORY 63 O.S. 2011, Section 1-557, as
14 amended by Section 480, Chapter 304, O.S.L. 2012 (63 O.S. Supp.
15 2012, Section 1-557), is amended to read as follows:

16 Section 1-557. A. 1. There is hereby created in the State
17 Treasury a revolving fund for the State Department of Health to be
18 designated the "Breast and Cervical Cancer Act Revolving Fund". The
19 fund shall be a continuing fund, not subject to fiscal year
20 limitations, and shall consist of all monies received by the fund
21 and gifts or donations to the fund.

22 2. All monies donated or accruing to the credit of the fund are
23 hereby appropriated and may be budgeted and expended by the State
24 Department of Health, ~~after consideration of the recommendations~~

1 ~~from the Oklahoma Breast and Cervical Cancer Prevention and~~
2 ~~Treatment Advisory Committee,~~ for the purposes specified in and
3 associated with implementation of the Oklahoma Breast and Cervical
4 Cancer Act.

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

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

12 B. ~~1. All proposals to expend monies from the Breast Cancer~~
13 ~~Act Revolving Fund shall have been reviewed by the Oklahoma Breast~~
14 ~~and Cervical Cancer Prevention and Treatment Advisory Committee, and~~
15 ~~the Advisory Committee shall advise the Commissioner on the proposed~~
16 ~~use of monies from the fund.~~

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

19 ~~C.~~ Monies in the Breast and Cervical Cancer Act Revolving Fund
20 may be expended by the State Department of Health, ~~subject to review~~
21 ~~by the Oklahoma Breast and Cervical Cancer Prevention and Treatment~~
22 ~~Advisory Committee,~~ for promotional activities to encourage
23 donations to the Breast and Cervical Cancer Act Revolving Fund by
24 individuals and private businesses or foundations.

1 SECTION 58. AMENDATORY 63 O.S. 2011, Section 1-1970, is
2 amended to read as follows:

3 Section 1-1970. ~~A. There is hereby created a Home Health~~
4 ~~Advisory Board which shall be composed of seven (7) members as~~
5 ~~follows:~~

6 ~~1. One member who shall be a family practice physician or~~
7 ~~general practitioner of the medical professions licensed pursuant to~~
8 ~~the laws of this state and with a practice which includes home~~
9 ~~health service;~~

10 ~~2. One member who shall be a registered nurse licensed pursuant~~
11 ~~to the laws of this state and whose practice includes home health~~
12 ~~services;~~

13 ~~3. Two members who shall be administrators of home health~~
14 ~~agencies which shall, subsequent to the effective date of this act~~
15 ~~and its regulation, be licensed pursuant to this act; and~~

16 ~~4. Three members who shall represent the general public and who~~
17 ~~shall, within twenty four (24) months of their appointment, be~~
18 ~~consumers of home health services for themselves or for family~~
19 ~~members within the third degree of consanguinity.~~

20 ~~B. The members of the Home Health Advisory Board shall be~~
21 ~~appointed by the State Commissioner of Health with the advice and~~
22 ~~consent of the State Board of Health. Each member shall be appointed~~
23 ~~for a term of three (3) years except that the initial appointment of~~
24 ~~the physician and one administrator shall be for one (1) year and~~

1 ~~the initial appointment of one administrator and one consumer shall~~
2 ~~be for two (2) years. Vacancies shall be filled in like manner.~~

3 ~~C. The State Department of Health shall provide staff to~~
4 ~~perform the designated duties of the Home Health Advisory Board. The~~
5 ~~Department shall provide meeting space for the Advisory Board.~~

6 ~~D. The Advisory Board shall annually elect from among its~~
7 ~~membership a chair. The Home Health Advisory Board shall meet at~~
8 ~~least quarterly and at such other times as necessary. The members~~
9 ~~shall serve without compensation but shall be reimbursed for~~
10 ~~expenses related to their service by the Department pursuant to the~~
11 ~~provisions of the State Travel Reimbursement Act.~~

12 ~~E. The Home Health Advisory Board~~ State Department of Health,
13 giving consideration to the recommendations of the Home Care and
14 Hospice Advisory Council established by Section 45 of this act,
15 shall have the power and duty to:

16 1. Serve as an advisory body ~~to the Department~~ for the
17 development and improvement of services to patients of home health
18 agencies;

19 2. Review and make recommendations to the State Board of Health
20 regarding rules and standards promulgated by the Board; and

21 3. ~~Approve, in its advisory capacity, rules and standards~~
22 ~~promulgated by the Board; and~~

23

24

1 4. Evaluate and review the standards, practices and procedures
2 of the Department regarding the administration and enforcement of
3 the provisions of the Home Care Act.

4 SECTION 59. AMENDATORY 63 O.S. 2011, Section 1-860.14,
5 is amended to read as follows:

6 Section 1-860.14. A. The ~~Hospice Advisory Board~~ State
7 Department of Health, giving consideration to the recommendations of
8 the Home Care and Hospice Advisory Council established by Section 45
9 of this act, shall have the power and duty to:

10 1. Serve as an advisory body ~~to the Department~~ for the
11 development and improvement of services provided by hospices;

12 2. Review, make recommendations regarding, and approve in its
13 advisory capacity the system of standards developed by the
14 Department; and

15 3. Evaluate and review the standards, practices and procedures
16 of the Department regarding the administration and enforcement of
17 the provisions of the Oklahoma Hospice Licensing Act and make
18 recommendations to the Department as necessary and appropriate.

19 B. The ~~Hospice Advisory Board~~ Council shall publish and
20 distribute an annual report of its activities and any
21 recommendations for the improvement of services and care and
22 treatment to hospice patients on or before January 1 of each year to
23 the Governor and to the Commissioner of Health.

24

1 SECTION 60. AMENDATORY 63 O.S. 2011, Section 1-564, is
2 amended to read as follows:

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

5 1. Submit an application, ~~as promulgated by the State Board of~~
6 ~~Health pursuant to recommendations of the Genetic Counseling~~
7 ~~Advisory Committee~~ on forms provided by the State Department of
8 Health;

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

11 3. Provide satisfactory evidence of having earned:

12 a. a master's degree from a genetic counseling training
13 program that is accredited by the American Board of
14 Genetic Counseling or an equivalent entity as
15 determined by the ABGC, or

16 b. a doctoral degree from a medical genetics training
17 program accredited by the American Board of Medical
18 Genetics or an equivalent as determined by the ABMG;
19 and

20 4. Meet the examination requirement for certification as:

21 a. a genetic counselor by the ABGC or the ABMG, or

22 b. a medical geneticist by the ABMG.
23
24

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

4 SECTION 61. AMENDATORY 63 O.S. 2011, Section 1-567, is
5 amended to read as follows:

6 Section 1-567. A. The State Board of Health, ~~pursuant to~~
7 giving consideration to the recommendations from of the Genetics
8 Counseling Advisory Committee Infant and Children's Health Advisory
9 Council established by Section 45 of this act, shall establish
10 continuing education requirements for genetic counselors as a
11 condition of renewal or reinstatement of a license.

12 B. A licensee shall be responsible for maintaining competent
13 records of completed qualified professional education for a period
14 of four (4) years after close of the two-year period to which the
15 records pertain. It shall be the responsibility of the licensee to
16 maintain such information with respect to qualified professional
17 education to demonstrate that it meets the requirements under this
18 section.

19 C. A licensee who documents that he or she is subjected to
20 circumstances which prevent the licensee from meeting the continuing
21 professional education requirements established under this section
22 may apply to be excused from the requirement for a period of up to
23 five (5) years. It shall be the responsibility of the licensee to
24

1 document the reasons and justify why the requirement could not be
2 met.

3 SECTION 62. AMENDATORY 63 O.S. 2011, Section 1-569, is
4 amended to read as follows:

5 Section 1-569. The State Board of Health shall promulgate
6 rules, ~~pursuant~~ giving consideration to the recommendations from of
7 the Genetic Counseling Advisory Committee Infant and Children's
8 Health Advisory Council established by Section 45 of this act,
9 establishing licensure requirements for genetic counselors. Such
10 rules shall include, but not be limited to:

- 11 1. Policy and budgetary matters related to licensure;
- 12 2. Applicant screening, licensing, renewal licensing, license
13 reinstatement and relicensure;
- 14 3. Standards for supervision of students or persons training to
15 become qualified to obtain a license in genetic counseling; ~~and~~
- 16 4. Requirements for maintaining and renewal of a license; and
- 17 5. Procedures for reviewing cases of individuals found to be in
18 violation of the provisions of the Genetic Counseling Licensure Act,
19 including disciplinary actions when necessary.

20 SECTION 63. AMENDATORY 63 O.S. 2011, Section 1-706.12,
21 is amended to read as follows:

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

24

- 1 1. Maximize pediatric emergency care in Oklahoma through expert
2 leadership, education, research and advocacy;
- 3 2. Develop guidelines for approval of emergency medical service
4 facilities as Emergency Departments Approved for Pediatrics (EDA-P)
5 and for rating the ability of a facility to provide pediatric
6 emergency medical services;
- 7 3. Develop guidelines for equipment and its use for prehospital
8 and hospital pediatric emergency care;
- 9 4. Develop guidelines and protocols for prehospital and
10 hospital facilities which encompass all levels of pediatric
11 emergency medical services, including, but not limited to,
12 stabilization, treatment, transfers and referrals;
- 13 5. Provide initial and continuing professional education
14 programs and guidelines on pediatric emergency medical care for
15 emergency medical services personnel and other health care
16 providers;
- 17 6. Conduct public education concerning pediatric emergency
18 medical services including, but not limited to, prevention and
19 access to pediatric emergency services;
- 20 7. Collect and analyze existing data from prehospital and
21 hospital emergency medical systems related to pediatric emergency
22 and critical care for the purpose of quality improvement;
- 23 8. Consult with and advise public and private organizations,
24 including the Emergency Medical Services Division and the Trauma

1 Systems Development Section of the Injury Prevention Service within
2 the State Department of Health, the Oklahoma Highway Safety Office,
3 law enforcement, fire service, ambulance services, educational
4 institutions, professional organizations, business organizations,
5 hospital organizations and any other federally funded projects in
6 pediatric emergency and critical care medical services;

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

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

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

16 SECTION 64. AMENDATORY 63 O.S. 2011, Section 1-1453, is
17 amended to read as follows:

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

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

23
24

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

4 B. ~~By November 1, 2001, the~~ The State Board of Health, giving
5 consideration to the recommendations of the Consumer Protection
6 Licensing Advisory Council established by Section 45 of this act,
7 shall ~~have promulgated~~ promulgate rules to implement the provisions
8 of the Oklahoma Medical Micropigmentation Regulation Act. The rules
9 shall include rules of practice for medical micropigmentation
10 training requirements and the establishment of criteria for the
11 certification of persons authorized to perform medical
12 micropigmentation.

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

19 SECTION 65. AMENDATORY 63 O.S. 2011, Section 1-1455, is
20 amended to read as follows:

21 Section 1-1455. A. The State Board of Health, ~~in cooperation~~
22 ~~with the Medical Micropigmentation Advisory Committee~~ giving
23 consideration to the recommendations of the Consumer Protection
24 Licensing Advisory Council established by Section 45 of this act,

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

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

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

20 3. The State Board of Health, giving consideration to the
21 recommendations of the Consumer Protection Licensing Advisory
22 Council established by Section 45 of this act, shall set, by rule, a
23 minimum passing score for both written theory and clinical tests.

24

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

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

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

19 1. Has qualifications and training comparable to those required
20 under the Oklahoma Medical Micropigmentation Regulation Act;

21 2. Provides documentation verifying two (2) years of experience
22 and a minimum of two hundred (200) procedures; and

23 3. Has successfully completed the Oklahoma certification
24 examination.

1 SECTION 66. AMENDATORY 63 O.S. 2011, Section 1-1505, is
2 amended to read as follows:

3 Section 1-1505. The State Board of Health shall have the
4 authority, ~~after public hearing~~ giving consideration to the
5 recommendations of the Consumer Protection Licensing Advisory
6 Council established by Section 45 of this act, to adopt reasonable
7 rules for diagnostic x-ray facilities on the following:
8 establishment of standards for safe levels of protection against
9 radiation; maintenance and submission of records; determination,
10 prevention and control of radiation hazards; reporting of radiation
11 accidents; handling, storage and registration of diagnostic x-ray
12 systems; periodic inspections of diagnostic x-ray facilities; review
13 and approval of plans, and issuance and revocation of permits, for
14 the use of diagnostic x-ray systems; prevention and control of any
15 significant associated harmful effects of exposure to x-rays; and
16 other items deemed necessary for the protection of the public health
17 and safety in diagnostic x-ray facilities. Such rules shall be
18 consistent with nationally recognized standards, which may be
19 included by reference in the promulgated rules.

20 SECTION 67. AMENDATORY 63 O.S. 2011, Section 1-2503, is
21 amended to read as follows:

22 Section 1-2503. As used in the Oklahoma Emergency Response
23 Systems Development Act:
24

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

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

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

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

20 5. "Ambulance service district" means any county, group of
21 counties or parts of counties formed together to provide, operate
22 and finance emergency medical services as provided by Section 9C of
23 Article X of the Oklahoma Constitution or Sections 1201 through 1221
24 of Title 19 of the Oklahoma Statutes;

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

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

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

6 9. "Council" means the ~~Oklahoma~~ Trauma and Emergency Response
7 ~~Systems Development~~ Advisory Council established by Section 45 of
8 this act;

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

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

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

22 13. "First responder" means an individual certified by the
23 Department to perform emergency medical services in accordance with
24

1 the Oklahoma Emergency Response Systems Development Act and in
2 accordance with the rules and standards promulgated by the Board;

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

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

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

22 Requirements for each level of care shall be established by the
23 Board. Licensure at any level of care includes a license to operate
24 at any lower level, with the exception of licensure for Specialized

1 Mobile Intensive Care; provided, however, that the highest level of
2 care offered by an ambulance service shall be available twenty-four
3 (24) hours each day, three hundred sixty-five (365) days per year.

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

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

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

21 18. "Region" or "emergency medical service region" means two or
22 more municipalities, counties, ambulance districts or other
23 political subdivisions exercising joint control over one or more
24 providers of emergency medical services and stretcher aid van

1 service through common ordinances, authorities, boards or other
2 means;

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

- 10 a. medical call-taking and emergency medical services
11 dispatching, emergency and routine, including priority
12 dispatching of first response agencies, stretcher aid
13 van and ambulances,
- 14 b. first response services provided by first response
15 agencies,
- 16 c. ambulance services, both emergency, routine and
17 stretcher aid van including, but not limited to, the
18 transport of patients in accordance with transport
19 protocols approved by the regional medical director,
20 and
- 21 d. directions given by physicians directly via radio or
22 telephone, or by written protocol, to first response
23 agencies, stretcher aid van or ambulance personnel at
24

1 the scene of an emergency or while en route to a
2 hospital;

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

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

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

23 23. "Stretcher aid van patient" means any person who is or will
24 be transported in a reclining position on a stretcher or gurney, who

1 is medically stable, non-emergent and does not require any medical
2 monitoring equipment or assistance during transport; and

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

- 12 a. nonemergency, routine transport shall be to the
13 facility of the patient's choice,
- 14 b. urgent or emergency transport not involving life-
15 threatening medical illness or injury shall be to the
16 nearest facility, or, subject to transport
17 availability and system area coverage, to the facility
18 of the patient's choice, and
- 19 c. life-threatening medical illness or injury shall
20 require transport to the nearest health care facility
21 appropriate to the needs of the patient as established
22 by regional or state guidelines.

23 SECTION 68. AMENDATORY 63 O.S. 2011, Section 1-2506, is
24 amended to read as follows:

1 Section 1-2506. Licensed and certified emergency medical
2 personnel, while a duty to act is in effect, shall perform medical
3 procedures to assist patients to the best of their abilities under
4 the direction of a medical director or in accordance with written
5 protocols, which may include standing orders, authorized and
6 developed by the medical director and approved by the State
7 Department of Health when not in conflict with standards ~~recommended~~
8 ~~by the Medical Direction Subcommittee of the Oklahoma Emergency~~
9 ~~Response Systems Development Advisory Council~~ and approved by the
10 State Board of Health, giving consideration to the recommendations
11 of the Trauma and Emergency Response Advisory Council established by
12 Section 45 of this act. Licensure, certification and authorization
13 for emergency medical personnel to perform medical procedures must
14 be consistent with provisions of this act, and rules adopted by the
15 Board. Medical control and medical directors shall meet such
16 requirements as prescribed through rules adopted by the Board.

17 SECTION 69. AMENDATORY 63 O.S. 2011, Section 1-2511, is
18 amended to read as follows:

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

22 1. Administer and coordinate all federal and state programs,
23 not specifically assigned by state law to other state agencies,
24 which include provisions of the Federal Emergency Medical Services

1 Systems Act and other federal laws and programs relating to the
2 development of emergency medical services in this state. The
3 administration and coordination of federal and state laws and
4 programs relating to the development, planning, prevention,
5 improvement and management of emergency medical services, ~~including~~
6 ~~but not limited to the staffing of the Oklahoma Emergency Response~~
7 ~~Systems Development Advisory Council,~~ shall be conducted by the
8 Division of Emergency Medical Services, as prescribed by Section 1-
9 2510 of this title;

10 2. Assist private and public organizations, emergency medical
11 and health care providers, ambulance authorities, district boards
12 and other interested persons or groups in improving emergency
13 medical services at the local, municipal, district or state levels.
14 This assistance shall be through professional advice and technical
15 assistance;

16 3. Coordinate the efforts of local units of government to
17 establish service districts and set up boards of trustees or other
18 authorities to operate and finance emergency medical services in the
19 state as provided under Section 9C of Article X of the Oklahoma
20 Constitution or under Sections 1201 through 1221 of Title 19 of the
21 Oklahoma Statutes. The Commissioner shall evaluate all proposed
22 district areas and operational systems to determine the feasibility
23 of their economic and health services delivery;

24

1 4. Prepare, maintain and utilize a comprehensive plan and
2 program for emergency medical services development throughout the
3 state to be adopted by the State Board of Health, giving
4 consideration to the recommendations of the Trauma and Emergency
5 Response Advisory Council established by Section 45 of this act, and
6 incorporated within the State Health Plan. The plan shall establish
7 goals, objectives and standards for a statewide integrated system
8 and a timetable for accomplishing and implementing different
9 elements of the system. The plan shall also include, but not be
10 limited to, all components of an emergency medical services system;
11 regional and statewide planning; the establishment of standards and
12 the appropriate criteria for the designation of facilities; data
13 collection and quality assurance; and funding;

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

20 6. Develop a standard report form which may be used by local,
21 regional and statewide emergency medical services and emergency
22 medical services systems to facilitate the collection of data
23 related to the provision of emergency medical and trauma care. The
24 Commissioner shall also develop a standardized emergency medical

1 services data set and an electronic submission standard. Each
2 ambulance service shall submit the information required in this
3 section at such intervals as may be prescribed by rules promulgated
4 by the State Board of Health;

5 7. Evaluate and certify all emergency medical services training
6 programs and emergency medical technician training courses and
7 operational services in accordance with specifications and
8 procedures approved by the Board;

9 8. Provide an emergency medical technicians' and ambulance
10 service licensure program;

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

- 17 a. ~~the design of all medical aspects and components of~~
18 ~~emergency medical services systems,~~
- 19 b. ~~the appropriateness of all standards for medical and~~
20 ~~patient care operations or services, treatment~~
21 ~~procedures and protocols,~~
- 22 c. ~~the implementation and facilitation of regional EMS~~
23 ~~Systems, and~~

24

1 ~~d. such other matters and activities as directed by the~~
2 ~~Commissioner or the Commissioner's designee;~~

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

6 ~~11.~~ 10. Apply for and accept public and private gifts, grants,
7 donations and other forms of financial assistance designed for the
8 support of emergency medical services;

9 ~~12.~~ 11. Develop a classification system for all hospitals that
10 treat emergency patients. The classification system shall:

11 a. identify stabilizing and definitive emergency services
12 provided by each hospital,

13 b. requires each hospital to notify the regional
14 emergency medical services system control when
15 treatment services are at maximum capacity and that
16 emergency patients should be diverted to another
17 hospital; and

18 ~~13.~~ 12. Develop and monitor a statewide emergency medical
19 services and trauma analysis system designed to:

20 a. identify emergency patients and severely injured
21 trauma patients treated in Oklahoma,

22 b. identify the total amount of uncompensated emergency
23 care provided each fiscal year by each hospital and
24 ambulance service in Oklahoma, and

1 c. monitor emergency patient care provided by emergency
2 medical service and hospitals.

3 SECTION 70. AMENDATORY 63 O.S. 2011, Section 1-2512, is
4 amended to read as follows:

5 Section 1-2512. A. The State Board of Health, giving
6 consideration to the recommendations of the Trauma and Emergency
7 Response Advisory Council as established by Section 45 of this act,
8 shall promulgate rules to enact the provisions of the Oklahoma
9 Emergency Response Systems Development Act.

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

17 SECTION 71. AMENDATORY 63 O.S. 2011, Section 1-2530.2,
18 is amended to read as follows:

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

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

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

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

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

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

10 6. "Council" means the ~~Oklahoma Trauma Systems Improvement and~~
11 ~~Development~~ Trauma and Emergency Response Advisory Council
12 established by Section 45 of this act;

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

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

- 19 a. a patient's health being placed in serious jeopardy,
20 b. serious impairment to bodily functions, or
21 c. serious dysfunction of any bodily organ or part;

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

1 10. "Regional trauma care system" means an arrangement of
2 available resources that are coordinated for the effective delivery
3 of emergency trauma services within a geographic region consistent
4 with an established plan;

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

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

11 a. evaluated by a physician, a registered nurse, or
12 emergency medical services personnel, and

13 b. found to require medical care in a hospital classified
14 as a trauma and emergency operative services facility;
15 and

16 13. "Trauma services" includes services provided to a severely
17 or seriously injured patient.

18 SECTION 72. AMENDATORY 63 O.S. 2011, Section 1-2530.3,
19 is amended to read as follows:

20 Section 1-2530.3. A. The State Board of Health, giving
21 consideration to the recommendations of the Trauma and Emergency
22 Response Advisory Council established by Section 45 of this act,
23 shall promulgate rules establishing minimum standards and objectives
24 to implement the development, regulation and improvement of trauma

1 systems on a statewide basis. Rules shall provide for the
2 classification of trauma and emergency care provided by all
3 hospitals based on the level of service provided and for triage,
4 transport and transfer guidelines. The Board shall consider
5 guidelines developed by the American College of Surgeons in
6 promulgating rules under this section.

7 B. The rules shall provide specific requirements for the
8 distribution of trauma patients, ensure that trauma care is fully
9 coordinated with all hospitals and emergency medical services in a
10 regional area, and reflect the geographic areas of the state,
11 considering time and distance.

12 C. The rules shall include:

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

15 2. Establishment of referral patterns of trauma patients and
16 geographic boundaries regarding trauma patients;

17 3. Requirements for licensed hospitals providing trauma and
18 emergency operative services to provide quality care to trauma
19 patients referred to these facilities;

20 4. Minimum requirements for resources and equipment needed by a
21 trauma and emergency operative services facility to treat trauma
22 patients;

23

24

1 5. Minimum standards for the availability and qualifications of
2 health care personnel, including physicians and surgeons, treating
3 trauma patients within a hospital;

4 6. Minimum requirements for data collection including, but not
5 limited to, trauma incidence reporting, system operation and patient
6 outcome, and continuous quality improvement activities;

7 7. Minimum requirements for periodic performance evaluation of
8 the system and its components through continuous quality improvement
9 activities;

10 8. Minimum requirements for reviews of trauma patient transfers
11 ~~by a medical audit committee appointed by the State Commissioner of~~
12 ~~Health;~~

13 9. Requirements that hospitals with the capacity and capability
14 to provide care not refuse to accept the transfer of a trauma
15 patient from another facility solely because of the person's
16 inability to pay for services or because of the person's age, sex,
17 race, religion or national origin; and

18 10. Requirements for transferring hospitals to enter into
19 reciprocal agreements with receiving hospitals that specify that the
20 transferring hospital will accept the return transfer of trauma
21 patients at such time as the hospital has the capability and
22 capacity to provide care; provided, however, such reciprocal
23 agreements shall not incorporate financial provisions for transfers.

24

1 SECTION 73. AMENDATORY 63 O.S. 2011, Section 1-2530.5,
2 is amended to read as follows:

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

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

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

23 SECTION 74. AMENDATORY 63 O.S. 2011, Section 1-2530.8,
24 is amended to read as follows:

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

8 B. The State Board of Health, giving consideration to the
9 recommendations of the Trauma and Emergency Response Advisory
10 Council established by Section 45 of this act, shall promulgate
11 rules establishing minimum certification standards for such centers
12 which shall include, but not be limited to, staff certification,
13 data management and communications equipment, medical control and
14 oversight, record keeping, quality improvement activities, and such
15 other issues as the State Commissioner of Health deems appropriate.

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

21 D. The Board, giving consideration to the recommendations of
22 the Trauma and Emergency Response Advisory Council established by
23 Section 45 of this act, shall promulgate rules requiring emergency
24 medical services providers to contact the appropriate regional

1 trauma transfer and referral center while transporting injured
2 patients into or within that region in order to ensure that patients
3 are directed to the appropriate hospital based on the regional plan
4 and the current capability and capacity of hospitals in the system.

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

8 SECTION 75. AMENDATORY 63 O.S. 2011, Section 1-122, is
9 amended to read as follows:

10 Section 1-122. A. The State Commissioner of Health shall
11 appoint a Health Care Information Advisory Committee to advise and
12 assist the Division of Health Care Information with determinations
13 related to data elements to be collected, reporting requirements,
14 and the release and dissemination of information to the public.

15 B. The membership of the Health Care Information Advisory
16 Committee shall include, but not be limited to, the Administrator of
17 the Oklahoma Health Care Authority, or a designee and the presidents
18 of the following organizations, or their designees:

- 19 1. The Oklahoma State Chamber of Commerce;
- 20 2. The Oklahoma Hospital Association;
- 21 3. The Oklahoma State Medical Association;
- 22 4. The Oklahoma Osteopathic Association;
- 23 5. The Oklahoma AFL-CIO;
- 24 6. A statewide health care consumer coalition;

- 1 7. The Association of Oklahoma Life Insurance Companies;
- 2 8. The Oklahoma Health Care Association;
- 3 9. The Oklahoma Pharmaceutical Association;
- 4 10. The Oklahoma Dental Association;
- 5 11. The Oklahoma State Chiropractic Association;
- 6 12. The Oklahoma Optometric Association;
- 7 13. The Oklahoma Physical Therapy Association;
- 8 14. The Oklahoma Podiatric Medical Association;
- 9 15. The Oklahoma Psychological Association; and
- 10 16. The Oklahoma Association of Home Care.

11 C. For voting purposes, a majority of the members in attendance
12 at a meeting shall be able to take action on behalf of the Advisory
13 Committee.

14 D. The Division, with the approval of the Commissioner, may
15 appoint health care data technical advisory committees as needed and
16 appropriate to assist in the development of implementation methods
17 and in the interpretation and evaluation of the data received
18 pursuant to the Oklahoma Health Care Information System Act.

19 E. The Health Care Information Advisory Committee and any
20 technical advisory committees established pursuant to this section
21 shall provide information and assistance to any legislative
22 committee or task force requesting such information or assistance.

23 F. Upon the effective date of this act all powers, duties, and
24 responsibilities of the Health Care Information Advisory Committee

1 as defined in Section 1-122 of this title shall be transferred to
2 the Hospital Advisory Council, established at Section 1-707 et seq.
3 of this title.

4 SECTION 76. AMENDATORY 63 O.S. 2011, Section 2060, is
5 amended to read as follows:

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

8 B. The State Department of Health shall establish and maintain
9 a program for the voluntary certification of communities that
10 promote wellness, encourage the adoption of healthy behaviors, and
11 establish safe and supportive environments.

12 C. ~~There is hereby created the Oklahoma Healthy Communities~~
13 ~~Advisory Committee. The advisory committee shall consist of members~~
14 ~~as follows:~~

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

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

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

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

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

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

11 ~~F. The Committee shall select from among its membership a chair~~
12 ~~and cochair.~~

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

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

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

- 1 1. The development and publication of educational materials
- 2 that promote health;
- 3 2. The development, implementation, and enforcement of local
- 4 social host policies;
- 5 3. The implementation of local ordinances that promote the
- 6 establishment of sidewalks, walking trails, and bicycle lanes;
- 7 4. The development of parks and recreation areas;
- 8 5. The establishment of community gardens;
- 9 6. Incentives and support for farmers' markets;
- 10 7. Incentives and support for community health services, such
- 11 as free clinics;
- 12 8. Incentives and support for community mental health services;
- 13 and
- 14 9. Incentives and support for improved housing, including
- 15 energy efficiency.

16 ~~J. D.~~ The Department, ~~in collaboration with the Committee,~~

17 shall develop an online scoring system based on the criteria

18 developed pursuant to subsection ~~±~~ C of this section. The program

19 shall recognize three levels of certification based on the online

20 scoring system as follows:

- 21 1. Basic certification;
- 22 2. Merit certification; and
- 23 3. Excellence certification.

24

1 ~~K. E.~~ The State Board of Health, giving consideration to the
2 recommendations of the Advancement of Wellness Advisory Council
3 established by Section 45 of this act, may promulgate rules as
4 necessary to implement the provisions of this section.

5 ~~L. The Committee shall terminate by operation of law on October~~
6 ~~31, 2015.~~

7 SECTION 77. AMENDATORY 63 O.S. 2011, Section 2061, is
8 amended to read as follows:

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

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

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

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

22 ~~2. A representative from a statewide nonprofit and nonpartisan~~
23 ~~organization that seeks to foster collaboration and encourage~~
24

1 ~~prohealth initiatives in schools, to be appointed by the President~~
2 ~~Pro Tempore of the State Senate;~~

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

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

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

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

14 ~~7. A registered dietician, to be appointed by the President Pro~~
15 ~~Tempore of the State Senate; and~~

16 ~~8. A school nutritionist, to be appointed by the Governor.~~

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

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

22 ~~F. The Committee shall select from among its membership a chair~~
23 ~~and cochair.~~

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

4 ~~H. Travel reimbursement for members of the Committee who are~~
5 ~~legislators shall be made pursuant to Section 456 of Title 74 of the~~
6 ~~Oklahoma Statutes. Travel reimbursement for other members of the~~
7 ~~Committee shall be made by the respective appointing authorities~~
8 ~~pursuant to the State Travel Reimbursement Act.~~

9 ~~I.~~ The program shall recognize three levels of certification as
10 follows:

- 11 1. Basic certification;
- 12 2. Merit certification; and
- 13 3. Excellence certification.

14 ~~J. D.~~ The Department, ~~in collaboration with the Committee,~~
15 shall develop criteria for certification, which, at a minimum, may
16 include the following for each level of certification:

- 17 1. Basic certification: The school shall meet at least two
18 criteria in each of the components of the Center for Disease Control
19 and Prevention's Coordinated School Health Program model;
- 20 2. Merit certification: The school shall meet at least three
21 criteria in each of the components of the Center for Disease Control
22 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~~ E
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 45 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 78. 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~~
6 ~~State Department of Health the Organ Donor Education and Awareness~~
7 ~~Program Advisory Council which shall consist of the following~~
8 ~~members appointed by the Governor, with the advice and consent of~~
9 ~~the 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, giving~~
14 ~~consideration to the recommendations of the Advancement of Wellness~~
15 ~~Advisory Council established by Section 45 of this act, shall~~
16 ~~develop organ donor education awareness programs to educate the~~
17 ~~general public on the importance of organ donation and shall~~
18 ~~recommend priorities in the expenditures from the Oklahoma Organ~~
19 ~~Donor Education and Awareness Program Fund.~~

20 ~~D. B. In administering this act, the Advisory Council is State~~
21 ~~Department of Health and the State Department of Education are~~
22 ~~authorized, but not limited to:~~

23 ~~1. Develop and implement educational programs and campaigns to~~
24 ~~increase organ donation in Oklahoma;~~

1 2. Make policy recommendations for the promotion of organ
2 donation in Oklahoma;

3 3. Recommend priorities in the expenditures from the Oklahoma
4 Organ Donor Education Program Fund;

5 4. Accept and hold property; and

6 5. Utilize local resources including volunteers when
7 appropriate.

8 ~~E. C.~~ The Advisory Council State Department of Health and the
9 State Department of Education shall annually submit to the Governor
10 and the Legislature a report detailing its expenditures of fund
11 monies, its activities, the status of organ donation in the state,
12 and any recommendations for legislative changes by the first day of
13 December beginning December 1, 2002.

14 SECTION 79. AMENDATORY 63 O.S. 2011, Section 2220.3, as
15 amended by Section 511, Chapter 304, O.S.L. 2012 (63 O.S. Supp.
16 2012, Section 2220.3), is amended to read as follows:

17 Section 2220.3. A. There is hereby created in the State
18 Treasury a revolving fund for the State Department of Health, to be
19 designated the "Oklahoma Organ Donor Education and Awareness Program
20 Revolving Fund". The fund shall be a continuing fund, not subject
21 to fiscal year limitations, and shall consist of all monies received
22 by the State Department of Health from:

23

24

1 1. Any state monies appropriated for the purpose of
2 implementing the provisions of the Oklahoma Organ Donor Education
3 and Awareness Program Act; and

4 2. Any monies collected pursuant to this section or any other
5 monies available to the State Department of Health to implement the
6 provisions of the Oklahoma Organ Donor Education and Awareness
7 Program Act.

8 B. All monies accruing to the credit of the fund are hereby
9 appropriated and shall be budgeted and expended to promote and
10 encourage organ donor education and awareness.

11 C. Monies credited to the fund, excluding administrative fees
12 paid to the Oklahoma Tax Commission, may be used for, but are not
13 limited to:

14 1. Administration of the Oklahoma Organ Donor Education and
15 Awareness Program Act, ~~including, but not limited to, personnel and~~
16 ~~Advisory Council expenses;~~

17 2. Development and promotion of organ donor public education
18 and awareness programs in cooperation with the Oklahoma Organ
19 Sharing Network including, but not limited to, the American Red
20 Cross and the Oklahoma Lions Eye Bank;

21 3. To assist in the publication of information pamphlets or
22 booklets by the State Department of Health and the State
23 Superintendent of Public Instruction regarding organ donation and
24 donations to the Oklahoma Organ Donor Education and Awareness

1 Program Fund. The State Department of Health shall distribute such
2 informational pamphlets or booklets to the Department of Public
3 Safety for distribution to applicants for original, renewal, or
4 replacement driver licenses and identification cards when making a
5 voluntary contribution pursuant to Section 2220.5 of this title and
6 to the Oklahoma Tax Commission for distribution to individuals when
7 making a voluntary contribution pursuant to the state income tax
8 check off provided for in Section 2220.4 of this title;

9 4. Implementation of organ donor education and awareness
10 programs in the elementary and secondary schools of this state by
11 the State Department of Education ~~in cooperation with the Oklahoma~~
12 ~~Organ Donor Education and Awareness Program Advisory Council;~~

13 5. Grants by the State Department of Health to certified organ
14 procurement organizations for the development and implementation of
15 organ donor education and awareness programs in this state;

16 6. Encouraging the incorporation of organ donor information
17 into the medical and nursing school curriculums of the state's
18 medical and nursing schools. If funds are provided to a university
19 for this educational purpose, the university shall annually evaluate
20 the extent to which the curriculum has affected the attitudes of its
21 students and graduates with regard to organ donation and shall
22 forward the evaluation results to the ~~Advisory Council~~ State
23 Department of Health; and

24

1 7. A reserve fund in an interest-bearing account with five
2 percent (5%) of the monies received by the fund annually to be
3 placed in this account. No funds may be expended from the reserve
4 fund account until the required balance has reached One Hundred
5 Thousand Dollars (\$100,000.00) and then these funds may only be used
6 in years when donations do not meet the average normal operating fee
7 incurred by the fund, and funds are expended to meet expenses. Once
8 the balance in the reserve fund account reaches One Hundred Thousand
9 Dollars (\$100,000.00), excess funds earned by interest, and yearly
10 allocations may be used at the discretion of the ~~Advisory Council~~
11 State Department of Health to cover operating costs and to provide
12 additional funds.

13 D. The fund may accept bequests and grants from individuals,
14 corporations, organizations, associations, and any other source.
15 The fund supplements and augments services provided by state
16 agencies and does not take the place of such services.

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

21 SECTION 80. AMENDATORY 63 O.S. 2011, Section 2220.5, is
22 amended to read as follows:

23 Section 2220.5. A. 1. An applicant for an original or
24 replacement driver license or identification card shall be given an

1 opportunity to make a voluntary contribution of One Dollar (\$1.00)
2 to be credited to the Oklahoma Organ Donor Education and Awareness
3 Program Revolving Fund established in Section 2220.3 of this title.
4 Any voluntary contribution shall be added to the driver license or
5 identification card fee and then be referred to the State Treasurer
6 and credited to the Oklahoma Organ Donor Education and Awareness
7 Program Revolving Fund as provided in Section 2220.3 of this title.

8 2. An applicant for a vehicle title or transfer of title or for
9 a vehicle license plate shall be given an opportunity to make a
10 minimum voluntary contribution of One Dollar (\$1.00) to be credited
11 to the Oklahoma Organ Donor Education and Awareness Program
12 Revolving Fund established in Section 2220.3 of this title. Any
13 voluntary contribution shall be added to the title or license plate
14 fee and then be referred to the State Treasurer and credited to the
15 Oklahoma Organ Donor Education and Awareness Program Revolving Fund
16 as provided in Section 2220.3 of this title.

17 3. The contribution prescribed in this section is voluntary and
18 may be refused by the applicant. The Department of Public Safety
19 and the Oklahoma Tax Commission shall make available an information
20 booklet or other informational sources on the importance of organ
21 donation to applicants for licensure, as designed and provided by
22 the State Department of Health and the State Superintendent of
23 Public Instruction ~~with the assistance of the Oklahoma Organ Donor~~
24

1 ~~Education and Awareness Program Advisory Council established in~~
2 ~~Section 2220.2 of this title.~~

3 B. The Department of Public Safety and motor license agents
4 shall inquire of each applicant at the time of presentation of a
5 completed application for an original driver license or
6 identification card whether the applicant is interested in making
7 the One Dollar (\$1.00) contribution prescribed in subsection A of
8 this section and whether the applicant is interested in being an
9 organ and tissue donor. The Department of Public Safety or motor
10 license agents shall also specifically inform the applicant of the
11 ability to make an organ and tissue donation. The Department of
12 Public Safety shall notify the State Commissioner of Health of the
13 name, address, date of birth, and driver license number or
14 identification card number of applicants who indicate that they are
15 interested in being an organ donor.

16 C. The incremental cost of administration of contributions to
17 the fund, not to exceed one percent (1%) of the monies received
18 pursuant to the provisions of this section, shall be paid by the
19 fund to the Department of Public Safety or the Oklahoma Tax
20 Commission, as applicable, from amounts received pursuant to the
21 provisions of this section before funds are expended for the
22 purposes of the fund.

23 SECTION 81. AMENDATORY 63 O.S. 2011, Section 2220.6, is
24 amended to read as follows:

1 Section 2220.6. The State Superintendent of Public Instruction
2 shall develop and implement in conjunction with the State Department
3 of Health ~~and the Oklahoma Organ Donor Education and Awareness~~
4 ~~Program Advisory Council within the State Department of Health an~~
5 organ donor education and awareness curriculum for use in the
6 elementary and secondary schools of this state. The State Board of
7 Education shall promulgate rules to enact the provisions of this
8 section not later than the 2001-2002 school year.

9 SECTION 82. AMENDATORY 70 O.S. 2011, Section 1210.284,
10 is amended to read as follows:

11 Section 1210.284. A. 1. The parent or guardian of each
12 student enrolled in kindergarten at a public school in this state
13 shall provide certification to school personnel that the student
14 passed a vision screening within the previous twelve (12) months or
15 during the school year. Such screening shall be conducted by
16 personnel listed on the statewide registry as maintained by the
17 State Department of Health.

18 2. The parent or guardian of each student enrolled in first or
19 third grade at a public school in this state shall provide within
20 thirty (30) days of the beginning of the school year certification
21 to school personnel that the student passed a vision screening
22 within the previous twelve (12) months. Such screening shall be
23 conducted by personnel listed on the statewide registry as
24 maintained by the State Department of Health.

1 3. The parent or guardian of each student who receives a vision
2 screening as required by this section shall receive notification
3 that a vision screening is not the equivalent of a comprehensive eye
4 exam.

5 B. 1. ~~The State Department of Health shall form an advisory~~
6 ~~committee comprised of:~~

- 7 a. ~~one licensed Oklahoma optometrist,~~
- 8 b. ~~one licensed Oklahoma ophthalmologist,~~
- 9 c. ~~the State Commissioner of Health, or designee,~~
- 10 d. ~~the State Superintendent of Public Instruction, or~~
11 ~~designee, and~~
- 12 e. ~~one representative of a statewide organization for the~~
13 ~~prevention of blindness.~~

14 2. ~~The advisory committee~~ Infant and Children's Health Advisory
15 Council established by Section 45 of this act shall make
16 recommendations to the State Board of Health on:

- 17 a. standards for vision screening and referral,
- 18 b. qualifications for initial recognition and renewal of
19 recognition of vision screeners,
- 20 c. qualifications for initial recognition and renewal of
21 recognition of vision screener trainers,
- 22 d. qualifications for initial recognition and renewal of
23 recognition of trainers of vision screener trainers,
24 and

1 e. grounds for denial, refusal, suspension or revocation
2 of recognition of vision screeners, vision screener
3 trainers and trainers of vision screener trainers.

4 ~~3. The advisory committee shall provide to the Department a~~
5 ~~list of:~~

- 6 a. ~~qualified vision screeners,~~
7 b. ~~qualified vision screener trainers, and~~
8 c. ~~qualified trainers of vision screener trainers which~~
9 ~~are recognized by another state or national entity~~
10 ~~involved with vision screening with substantially~~
11 ~~similar published standards and qualifications.~~

12 ~~4.~~ 2. The Department shall:

- 13 a. establish and thereafter maintain a statewide
14 registry, available via the Internet, which shall
15 contain a list of approved vision screeners,
16 b. maintain a list of approved vision screener trainers
17 and trainers of vision screener trainers, and
18 c. maintain the standards for vision screening and
19 referral.

20 ~~5.~~ 3. After notice and hearing, the Department may deny,
21 refuse, suspend or revoke approval to an applicant which has a
22 history of:

- 1 a. noncompliance or incomplete or partial compliance with
2 the provisions of this section or the rules adopted by
3 the Board to implement the provisions of this section,
4 b. referring persons to a business in which the applicant
5 has a financial interest or a business which is owned
6 or operated by someone within the third degree of
7 consanguinity or affinity of the applicant, or
8 c. conduct which demonstrates that the applicant is
9 providing services in a manner which does not warrant
10 public trust.

11 ~~6. The advisory committee may make recommendations to the Board
12 for establishing a requirement for background checks and provide a
13 listing of offenses that disqualify a vision screener, vision
14 screener trainer or trainer of vision screener trainers for
15 recognition pursuant to this section.~~

16 ~~7. The advisory committee may also serve as a sports eye safety
17 resource for Oklahoma K-12 public school districts and nonprofit
18 community sports organizations by developing and providing
19 educational materials to the school districts and organizations
20 which detail the risk of eye injuries associated with different
21 types of sports and the availability of protective eyewear that
22 reduces the risk of eye injuries due to sports.~~

23 ~~8.~~ 4. The Board, giving consideration to the recommendations of
24 the Infant and Children's Health Advisory Council established by

1 Section 45 of this act, shall promulgate rules to implement the
2 provisions of this section.

3 C. 1. The parent or guardian of each student who fails the
4 vision screening required in subsection A of this section shall
5 receive a recommendation to undergo a comprehensive eye examination
6 performed by an ophthalmologist or optometrist.

7 2. The ophthalmologist or optometrist shall forward a written
8 report of the results of the comprehensive eye examination to the
9 student's school, parent or guardian, and primary health care
10 provider designated by the parent or guardian. The report shall
11 include, but not be limited to:

- 12 a. date of report,
- 13 b. name, address and date of birth of the student,
- 14 c. name of the student's school,
- 15 d. type of examination,
- 16 e. a summary of significant findings, including
17 diagnoses, medication used, duration of action of
18 medication, treatment, prognosis, whether or not a
19 return visit is recommended and, if so when,
- 20 f. recommended educational adjustments for the child, if
21 any, which may include: preferential seating in the
22 classroom, eyeglasses for full-time use in school,
23 eyeglasses for part-time use in school, sight-saving
24 eyeglasses, and any other recommendations, and

1 g. name, address and signature of the examiner;

2 D. No student shall be prohibited from attending school for a
3 parent's or guardian's failure to furnish a report of the student's
4 vision screening or an examiner's failure to furnish the results of
5 a student's comprehensive eye examination required by this section.

6 E. School districts shall notify parents or guardians of
7 students who enroll in kindergarten, first, or third grade for the
8 2007-08 school year and each year thereafter of the requirements of
9 this section.

10 F. The State Board of Education shall adopt rules for the
11 implementation of this section except as provided in subsection B of
12 this section. The State Department of Education shall issue a
13 report annually on the impact and effectiveness of this section.

14 SECTION 83. REPEALER 59 O.S. 2011, Sections 61.4, 1904,
15 1925.4 and 1933, and 63 O.S. 2011, Sections 1-229.4, 1-232.2, 1-
16 1456, 1-1504.1, 1-1753, 1-2516, as amended by Section 1, Chapter 74,
17 O.S.L. 2012, 1-2530.4, 1-2530.6 and 1-2530.7 (63 O.S. Supp. 2012,
18 Section 1-2516), are hereby repealed.

19 SECTION 84. This act shall become effective November 1, 2013.

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