

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 54th Legislature (2013)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 1467

By: Murphey

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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 Infant  
15                   and Children's Health Advisory Council; amending 47  
16                   O.S. 2011, Section 1135.3, which relates to special  
17                   license plates; requiring organ, eye and tissue  
18                   license plate to be designed in consultation with the  
19                   State Department of Health; amending 59 O.S. 2011,  
20                   Section 61.1, which relates to licensing barbers;  
21                   directing consideration of recommendations by the  
22                   Consumer Protection Licensing Advisory Council;  
23                   amending 59 O.S. 2011, Sections 1150.2, 1150.3,  
24                   1150.7, 1150.8 and 1150.9, which relate to the  
                 Oklahoma Sanitarian and Environmental Specialist  
                 Registration Act; modifying definition; directing  
                 consideration of recommendations by the Consumer  
                 Protection Licensing Advisory Council; granting State  
                 Department of Health authority to approve  
                 registration; mandating Department to conduct  
                 examinations biannually; modifying entity to certify  
                 applicants; amending 59 O.S. 2011, Sections 1902,  
                 1905 and 1919, which relate to the Licensed  
                 Professional Counselors Act; modifying definition;  
                 directing consideration of recommendations by the  
                 Counseling Advisory Council; amending 59 O.S. 2011,

1 Sections 1925.2, 1925.5 and 1925.18, which relate to  
2 the Oklahoma Licensed Marital and Family Therapist  
3 Advisory Board; modifying definition; directing  
4 consideration of recommendations by the Counseling  
5 Advisory Council; amending 59 O.S. 2011, Sections  
6 1931, 1934, 1946, as amended by Section 290, Chapter  
7 304, O.S.L. 2012 and 1947 (59 O.S. Supp. 2012,  
8 Section 1946), which relate to the Licensed  
9 Behavioral Practitioner Act; modifying definition;  
10 directing consideration of recommendations by the  
11 Counseling Advisory Council; designating certain fund  
12 to be created for the State Department of Health;  
13 amending 62 O.S. 2011, Section 155, as amended by  
14 Section 446, Chapter 304, O.S.L. 2012 (62 O.S. Supp.  
15 2012, Section 155), which relates to revolving funds;  
16 deleting revolving fund for the State Barber Advisory  
17 Board; creating the Oklahoma Public Health Advisory  
18 Council Modernization Act; establishing eight  
19 advisory councils to assist and advise the State  
20 Department of Health; providing for meetings;  
21 providing for appointments to each advisory council;  
22 providing for jurisdictional areas of each advisory  
23 council; providing for powers and duties of advisory  
24 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  
Poisoning Prevention Advisory Council; amending 63  
O.S. 2011, Sections 1-118, 1-119 and 1-120, which  
relate to the Division of Health Care Information  
within the State Department of Health; eliminating  
Health Care Information Advisory Committee; directing  
consideration of recommendations by the Health Care  
Advisory Council; amending 63 O.S. 2011, Sections 1-  
227.1, 1-227.2 and 1-227.4, which relate to the Child  
Abuse Prevention Act; deleting terms; directing  
consideration of recommendations by the Infant and  
Children's Health Advisory Council; eliminating the  
interagency child abuse prevention task force;  
transferring certain duty of task force to the State  
Department of Health; deleting certain requirement of  
Commissioner; amending 63 O.S. 2011, Sections 1-  
229.2, 1-229.5 and 1-229.6, which relate to the  
Oklahoma Tobacco Use Prevention and Cessation Act;

1 deleting and modifying terms; directing consideration  
2 of recommendations by the Advancement of Wellness  
3 Advisory Council; eliminating the Tobacco Use  
4 Prevention and Cessation Committee; transferring  
5 certain duties to the State Department of Health;  
6 deleting certain requirements of the state plan;  
7 deleting certain requirements concerning invitations  
8 to bid; amending 63 O.S. 2011, Section 1-260.2, which  
9 relates to the Osteoporosis Prevention and Treatment  
10 Education Act; directing consideration of  
11 recommendations by the Health Care Advisory Council;  
12 amending 63 O.S. 2011, Section 1-270, which relates  
13 to a system of care for stroke; deleting reference to  
14 Oklahoma Hospital Advisory Council; directing  
15 consideration of recommendations by the Hospital and  
16 Emergency Response Advisory Council; amending 63 O.S.  
17 2011, Sections 1-556 and 1-557, as amended by Section  
18 480, Chapter 304, O.S.L. 2012 (63 O.S. Supp. 2012,  
19 Section 1-557), which relate to breast cancer;  
20 eliminating the Oklahoma Breast and Cervical Cancer  
21 Prevention and Treatment Advisory Committee;  
22 transferring certain duties to the State Department  
23 of Health; amending 63 O.S. 2011, Sections 1-564, 1-  
24 567 and 1-569, which relate to genetic counselors;  
directing consideration of recommendations by the  
Counseling Advisory Council; deleting references to  
the Genetics Counseling Advisory Committee; providing  
that State Board of Health rules shall include  
requirements for maintaining and renewal of genetic  
counselor license; amending 63 O.S. 2011, Section 1-  
705, which relates to rules and standards for the  
construction and operation of hospitals; directing  
consideration of recommendations by the Hospital and  
Emergency Response Advisory Council; removing  
reference to the Oklahoma Hospital Advisory Council;  
amending 63 O.S. 2011, Section 1-706.12, which  
relates to the Emergency Medical Services for  
Children Resource Center; removing requirement that  
certain items be submitted to State Department of  
Health Emergency Medical Services Advisory Council  
prior to Department action; amending 63 O.S. 2011,  
Section 1-707, which relates to rules governing  
hospitals; directing consideration of recommendations  
by the Hospital and Emergency Response Advisory  
Council; eliminating the Oklahoma Hospital Advisory  
Council; amending 63 O.S. 2011, Sections 1-1108, 1-

1 1114, 1-1118 and 1-1134, which relate to the  
2 regulation of food by the State Board of Health;  
3 directing consideration of recommendations by the  
4 Food Service Advisory Council; amending 63 O.S. 2011,  
5 Sections 1-1453 and 1-1455, which relate to the  
6 Oklahoma Medical Micropigmentation Regulation Act;  
7 directing consideration of recommendations by the  
8 Consumer Protection Licensing Advisory Council;  
9 deleting reference to the Medical Micropigmentation  
10 Advisory Committee; amending 63 O.S. 2011, Section 1-  
11 1505, which relates to the Diagnostic X-Ray Facility  
12 Act; directing consideration of recommendations by  
13 the Consumer Protection Licensing Advisory Council;  
14 amending 63 O.S. 2011, Sections 1-2503, 1-2506, 1-  
15 2511, 1-2512, 1-2530.2, 1-2350.3, 1-2530.5 and 1-  
16 2530.8, which relate to the Oklahoma Emergency  
17 Response Systems Development Act and the Oklahoma  
18 Trauma Systems Improvement and Development Act;  
19 modifying definition; directing consideration of  
20 recommendations by the Hospital and Emergency  
21 Response Advisory Council; deleting references to the  
22 Oklahoma Emergency Response Systems Development  
23 Advisory Council; removing power of State  
24 Commissioner of Health to create Medical Direction  
Subcommittee; modifying term; 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  
Awareness Program Advisory Council; authorizing State  
Department of Health and State Department of  
Education to take certain actions regarding organ  
donations; amending 70 O.S. 2011, Section 1210.284,  
which relates to vision screening; eliminating  
advisory committee concerning vision screening;  
directing consideration of recommendation by the

1 Health Care Advisory Council; repealing 59 O.S. 2011,  
2 Section 61.4, which relates to the State Barber  
3 Advisory Board; repealing 59 O.S. 2011, Section  
4 1150.5, as amended by Section 277, Chapter 304,  
5 O.S.L. 2012 and 1150.6 (59 O.S. Supp. 2012, Section  
6 1150.5), which relate to the Sanitarian and  
7 Environmental Specialist Registration Advisory  
8 Council; repealing 59 O.S. 2011, Section 1904, which  
9 relates to the Oklahoma Licensed Professional  
10 Counselors Advisory Board; repealing 59 O.S. 2011,  
11 Section 1925.4, which relates to the Oklahoma  
12 Licensed Marital and Family Therapist Advisory Board;  
13 repealing 59 O.S. 2011, Section 1933, which relates  
14 to the Oklahoma Licensed Behavioral Practitioners  
15 Advisory Board; repealing 63 O.S. 2011, Section 1-  
16 106.3, which relates to the Oklahoma Food Service  
17 Advisory Board; repealing 63 O.S. 2011, Section 1-  
18 122, which relates to the Health Care Information  
19 Advisory Committee; repealing 63 O.S. 2011, Section  
20 1-227.9, which relates to the Child Abuse Prevention  
21 Fund; repealing 63 O.S. 2011, Section 1-229.4, which  
22 relates to the Tobacco Use Prevention and Cessation  
23 Advisory Committee; repealing 63 O.S. 2011, Section  
24 1-232.2, which relates to the Shaken Baby Prevention  
Education Initiative Task Force; repealing 63 O.S.  
2011, Section 1-260.4, which relates to the  
Interagency Council on Osteoporosis; repealing 63  
O.S. 2011, Section 1-155, which relates to the  
Oklahoma Breast and Cervical Cancer Prevention and  
Treatment Advisory Committee; repealing 63 O.S. 2011,  
Sections 1-860.13 and 1-860.14, which relate to the  
Hospice Advisory Board; repealing 63 O.S. 2011,  
Section 1-1456, which relates to the Medical  
Micropigmentation Advisory Committee; repealing 63  
O.S. 2011, Section 1-1504.1, which relates to the  
Radiation Advisory Committee; repealing 63 O.S. 2011,  
Section 1-1753, which relates to the Hearing Aid  
Advisory Council; repealing 63 O.S. 2011, Section 1-  
1923, which relates to the Long-Term Care Facility  
Advisory Board; repealing 63 O.S. 2011, Section 1-  
1970, which relates to the Home Health Advisory  
Board; repealing 63 O.S. 2011, Section 1-2516, as  
amended by Section 1, Chapter 74, O.S.L. 2012 (63  
O.S. Supp. 2012, Section 1-2516), which relates to  
the Oklahoma Emergency Response Systems Development  
Advisory Council; repealing 63 O.S. 2011, Sections 1-

1 2530.4, 1-2530.6 and 1-2530.7, which relate to the  
2 Oklahoma Trauma Systems Improvement and Development  
3 Advisory Council; providing for codification; and  
4 providing an effective date.

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

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

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

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

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

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

21 2. Police officers or other law enforcement agents with a role  
22 in, or experience or training in child abuse and neglect  
23 investigation;

1 3. Medical personnel with experience in child abuse and neglect  
2 identification;

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

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

7 6. The district attorney or assistant district attorney.

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

12 a. whenever feasible, law enforcement and child welfare  
13 staff shall conduct joint investigations in an effort  
14 to effectively respond to child abuse reports,

15 b. develop a written protocol for investigating child  
16 sexual abuse and child physical abuse or neglect cases  
17 and for interviewing child victims. The purpose of  
18 the protocol shall be to ensure coordination and  
19 cooperation between all agencies involved so as to  
20 increase the efficiency in handling such cases and to  
21 minimize the stress created for the allegedly abused  
22 child by the legal and investigatory process. In  
23 addition, each team shall develop confidentiality

1 statements and interagency agreements signed by member  
2 agencies that specify the cooperative effort of the  
3 member agencies to the team,

4 c. freestanding multidisciplinary child abuse teams shall  
5 be approved by the ~~Child Abuse Training and~~  
6 Coordination Infant and Children's Health Advisory  
7 Council. The Council shall conduct an annual review  
8 of freestanding multidisciplinary teams to ensure that  
9 the teams are functioning effectively. Teams not  
10 meeting the minimal standards as promulgated by the  
11 Council shall be removed from the list of functioning  
12 teams in the state,

13 d. increase communication and collaboration among the  
14 professionals responsible for the reporting,  
15 investigation, prosecution and treatment of child  
16 abuse and neglect cases,

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

19 f. identify gaps in service or all untapped resources  
20 within the community to improve the delivery of  
21 services to the victim and family,

22 g. encourage the development of expertise through  
23 training. Each team member and those conducting child  
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1 abuse investigations and interviews of child abuse  
2 victims shall be trained in the multidisciplinary team  
3 approach, conducting legally sound and age-appropriate  
4 interviews, effective investigation techniques and  
5 joint investigations as provided through the ~~Child~~  
6 ~~Abuse Training and Coordination~~ Infant and Children's  
7 Health Advisory Council or other resources,

- 8 h. formalize a case review process and provide data as  
9 requested to the ~~Child Abuse Training and Coordination~~  
10 Infant and Children's Health Advisory Council for  
11 freestanding teams, and
- 12 i. standardize investigative procedures for the handling  
13 of child abuse and neglect cases.

14 2. All investigations of child sexual abuse and child physical  
15 abuse or neglect and interviews of child abuse or neglect victims  
16 shall be carried out by appropriate personnel using the protocols  
17 and procedures specified in this section.

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

4 D. 1. A multidisciplinary child abuse team may enter into an  
5 agreement with the Child Death Review Board within the Oklahoma  
6 Commission on Children and Youth and, in accordance with rules  
7 promulgated by the Oklahoma Commission on Children and Youth,  
8 conduct case reviews of deaths and near deaths of children within  
9 the geographical area of that multidisciplinary child abuse team.

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

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

24

UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

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

- 3 a. nonurban centers in districts with child populations  
4 that are less than sixty thousand (60,000),
- 5 b. midlevel nonurban centers in districts with child  
6 populations equal to or greater than sixty thousand  
7 (60,000), but not including Oklahoma and Tulsa  
8 Counties, and
- 9 c. urban centers in Oklahoma and Tulsa Counties.

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

- 14 a. choose a lead agency for the team,
- 15 b. intervene in reports involving child sexual abuse and  
16 may intervene in child physical abuse or neglect,
- 17 c. promote the joint investigation of child abuse reports  
18 between law enforcement and child welfare staff, and
- 19 d. formalize standardized investigative procedures for  
20 the handling of child abuse and neglect cases.

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

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

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

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

15 Special license plates shall be renewed each year by the Tax  
16 Commission or a motor license agent. The Tax Commission shall  
17 annually notify by mail all persons issued special license plates.  
18 The notice shall contain all necessary information and shall contain  
19 instructions for the renewal procedure upon presentation to a motor  
20 license agent or the Tax Commission. The license plates shall be  
21 issued on a staggered system.

22 The Tax Commission is hereby directed to develop and implement a  
23 system whereby motor license agents are permitted to accept  
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UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

1 applications for special license plates authorized under this  
2 section. The motor license agent shall confirm the applicant's  
3 eligibility, if applicable, collect and deposit any amount  
4 specifically authorized by law, accept and process the necessary  
5 information directly into such system and generate a receipt  
6 accordingly. For performance of these duties, motor license agents  
7 shall retain the fee provided in Section 1141.1 of this title for  
8 registration of a motor vehicle. The motor license agent fees for  
9 acceptance of applications and renewals shall be paid out of the  
10 Oklahoma Tax Commission Reimbursement Fund.

11 If fewer than one hundred of any type of special license plates  
12 authorized prior to January 1, 2004, are issued prior to January 1,  
13 2006, the Tax Commission shall discontinue issuance and renewal of  
14 that type of special license plate. Any such authorized special  
15 license plate registrant shall be allowed to display the license  
16 plate upon the designated vehicle until the registration expiration  
17 date. After such time the expired special license plate shall be  
18 removed from the vehicle.

19 Except as otherwise provided in this section, for special  
20 license plates authorized on or after July 1, 2004, no special  
21 license plates shall be developed or issued by the Tax Commission  
22 until the Commission receives one hundred (100) prepaid applications  
23 therefor. The prepaid applications must be received by the Tax  
24

1 Commission within one hundred and eighty (180) days of the effective  
2 date of the authorization or the authority to issue shall be null  
3 and void. In the event one hundred (100) prepaid applications are  
4 not received by the Tax Commission within such prescribed time  
5 period any payment so received shall be refunded accordingly.

6 B. The special license plates provided by this section are as  
7 follows:

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

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

15 3. National Rifle Association License Plates - such plates  
16 shall be designed, subject to the criteria to be presented to the  
17 Tax Commission by the National Rifle Association, and issued to any  
18 person wishing to demonstrate support for the National Rifle  
19 Association;

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

7 5. Shriner's Hospitals for Burned and Crippled Children License  
8 Plates - such plates shall be designed to demonstrate support for  
9 Shriner's Hospitals for Burned and Crippled Children and shall be  
10 issued to any resident of this state who is a member of a Shriner's  
11 Temple in Oklahoma. The license plate shall be designed in  
12 consultation with the Shriner's Temples in Oklahoma and shall  
13 contain the Shriner's emblem;

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

17 7. Order of the Eastern Star License Plates - such plates shall  
18 be designed and issued to any resident of this state who is a member  
19 of an Order of the Eastern Star. Such persons may apply for an  
20 Order of the Eastern Star license plate for each vehicle with a  
21 rated carrying capacity of one (1) ton or less upon proof of an  
22 Order of the Eastern Star membership or upon the presentment of an  
23 application for an Order of the Eastern Star license plate

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1 authorized and approved by the organization. The license plate  
2 shall be designed in consultation with the Order of the Eastern Star  
3 and shall contain the Order of the Eastern Star emblem;

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

14 9. Jaycees License Plates - such plates shall be designed and  
15 issued to members of the Jaycees. Persons applying for such license  
16 plate must show proof of membership in the Jaycees. The license  
17 plates shall be designed in consultation with the Jaycees;

18 10. Ducks Unlimited License Plates - such plates shall be  
19 designed and issued to members of Ducks Unlimited. Persons applying  
20 for and renewing such license plates must show proof of tag  
21 membership in Ducks Unlimited. The license plates shall be designed  
22 in consultation with Ducks Unlimited;

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1        11. Kiwanis International License Plates - such plates shall be  
2 designed and issued to members of Kiwanis International. Persons  
3 applying for such license plate must show proof of membership in  
4 Kiwanis International. The license plates shall be designed in  
5 consultation with Kiwanis International;

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

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

17        14. Civilian Conservation Corps License Plates - such plates  
18 shall be designed, subject to criteria to be presented to the Tax  
19 Commission, by the Civilian Conservation Corps Association, and  
20 issued to any person wishing to demonstrate support of the Civilian  
21 Conservation Corps;

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

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

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

19 18. Oklahoma Mustang Club - such plates shall be designed,  
20 subject to criteria to be presented to the Tax Commission, by the  
21 Oklahoma Mustang Club, and issued to any resident of this state who  
22 is a member of the Oklahoma Mustang Club. Such persons may apply  
23 for an Oklahoma Mustang Club license plate upon presentment of proof  
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1 of membership in the Oklahoma Mustang Club. 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;

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

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

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

19 22. The Pride of Broken Arrow License Plates - such plates  
20 shall be designed and issued to any person wishing to demonstrate  
21 support for The Pride of Broken Arrow marching band. The plates  
22 shall be designed in consultation with the Broken Arrow Public  
23 School System;

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

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

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

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

19 27. Alpha Kappa Alpha License Plate - such plates shall be  
20 designed and issued to any person who is a member of Alpha Kappa  
21 Alpha Sorority. The license plates shall be designed in  
22 consultation with the Oklahoma Chapter of Alpha Kappa Alpha  
23 Sorority;

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

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

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

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

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

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

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

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

20 40. United States Air Force Academy License Plates - such  
21 plates shall be designed and issued to any person wishing to  
22 demonstrate support for the United States Air Force Academy;  
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1 41. In God We Trust License Plate - such plates shall be  
2 designed to include the motto, "In God We Trust", and shall be  
3 issued to any person wishing to demonstrate support for the motto;

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

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

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

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

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

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

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

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

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

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

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

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

19 54. Oklahoma City Thunder License Plate - such plates shall be  
20 designed and issued to any person wishing to demonstrate support for  
21 the Oklahoma City Thunder. The license plate shall be designed in  
22 consultation with the Oklahoma City Thunder organization;  
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UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

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

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

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

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

1 C. The fee for such plates shall be Fifteen Dollars (\$15.00)  
2 and shall be in addition to all other registration fees provided by  
3 the Oklahoma Vehicle License and Registration Act. Unless otherwise  
4 provided in this section, the fee shall be apportioned as follows:  
5 Eight Dollars (\$8.00) of the special license plate fee shall be  
6 deposited in the Oklahoma Tax Commission Reimbursement Fund to be  
7 used for the administration of the Oklahoma Vehicle License and  
8 Registration Act and the remaining Seven Dollars (\$7.00) of the  
9 special license plate fee shall be apportioned as provided in  
10 Section 1104 of this title.

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

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

3 B. ~~Except as provided in subsection B of Section 61.4 of this~~  
4 ~~title, the~~ The State Department of Health shall have the power and  
5 duty to implement the rules of the State Board of Health, to issue  
6 and renew annual barber, barber apprentice, barber instructor and  
7 barber college licenses, to inspect barber licenses, and to inspect  
8 the sanitary operating practices of barbers and the sanitary  
9 condition of barber shops and barber colleges.

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

13 1. Unsanitary operating practices or unsanitary conditions of  
14 barber shops or barber colleges;

15 2. Unsanitary practices of barbers, apprentice barbers, or  
16 barber instructors;

17 3. Making a material misstatement in the application for a  
18 license, in the renewal of a license, or in the records which are  
19 maintained by barber instructors or colleges to comply with Sections  
20 61.1 through 61.6 of this title or the regulations promulgated  
21 pursuant thereto; or

22 4. Employment of an unlicensed person as a barber, barber  
23 apprentice, or barber instructor.

24

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

3 Section 1150.2 For the purposes of the Oklahoma Sanitarian and  
4 Environmental Specialist Registration Act:

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

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

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

12 4. "Executive Director" means the Executive Director of the  
13 Department of Environmental Quality;

14 5. "Person" means individuals;

15 6. "Registration" means a certificate issued pursuant to the  
16 Oklahoma Sanitarian and Environmental Specialist Registration Act;  
17 and

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

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

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

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

18 Section 1150.7 A. Applicants for certificate of registration  
19 as a sanitarian or environmental specialist shall be approved for  
20 registration by the ~~Council~~ State Department of Health upon  
21 compliance with the following:

- 22 1. Have two (2) years of postgraduate, full-time experience  
23 working in the fields of public health or environmental protection;

24

1           2. Have a four-year baccalaureate degree with a major in public  
2 health, environmental health, environmental science, physical  
3 science, natural science, biological science, agricultural science,  
4 or equivalent, from an accredited college or university with at  
5 least thirty (30) semester hours of work in physical, natural and  
6 biological sciences, public health and/or environmental health or  
7 environmental protection or both environmental health and  
8 environmental protection;

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

12           4. Pay applicable examination and registration fees.

13           B. Upon compliance with subsection A of this section, the  
14 Commissioner shall issue a certificate of registration as a  
15 registered professional sanitarian or registered professional  
16 environmental specialist. The area of specialization, if any, shall  
17 be designated on the certificate.

18           C. Applicants who, except for the experience requirement, meet  
19 all qualifications for registration as required in this section may  
20 be granted a certificate as a sanitarian- or environmental\_  
21 specialist-in-training, which certificate shall remain in effect,  
22 unless revoked by the Commissioner, for a period not to exceed  
23 thirty (30) months after date of issue.

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

3 Section 1150.8 A. Examinations shall be uniform and practical  
4 in nature and shall be sufficiently strict to test the  
5 qualifications and fitness of the applicants for registration.  
6 Examinations shall be in whole or in part in writing. The ~~Council~~  
7 State Department of Health shall conduct examinations twice a year  
8 and at such other times as it deems necessary. Examinations may be  
9 general or specific to an area of specialization.

10 B. Any applicant initially failing to pass the examination  
11 shall not be permitted to take another examination for a period of  
12 thirty (30) days. Any applicant subsequently failing to pass the  
13 examination shall not be permitted to take another examination for a  
14 period of ninety (90) days.

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

17 Section 1150.9 A. The Commissioner shall issue a certificate  
18 of registration as a sanitarian or environmental specialist to any  
19 person who:

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

3 2. Has paid the registration fee and otherwise complied with  
4 the provisions of the Oklahoma Sanitarian and Environmental  
5 Specialist Registration Act.

6 B. No registration shall be issued unless the holder of a  
7 registration pursuant to the Oklahoma Sanitarian and Environmental  
8 Specialist Registration Act would be issued a similar registration  
9 by such other body under substantially the same conditions.

10 C. All registrations shall be nontransferable. It shall be a  
11 misdemeanor for any person registered pursuant to the provisions of  
12 the Oklahoma Sanitarian and Environmental Specialist Registration  
13 Act to loan or allow the use of such registration by any other  
14 person.

15 ~~D. Until January 1, 1994, the Council shall, upon proper~~  
16 ~~application, issue registrations without examinations and without~~  
17 ~~payment of additional fees to persons who prior to October 1, 1993,~~  
18 ~~hold unexpired registrations as sanitarians issued by the~~  
19 ~~Commissioner, and who have otherwise complied with the requirements~~  
20 ~~of the Oklahoma Sanitarian Registration Act as of October 1, 1993.~~  
21 ~~This registration must be produced as a prerequisite to obtaining a~~  
22 ~~registration pursuant to the Oklahoma Sanitarian and Environmental~~  
23 ~~Specialist Registration Act.~~

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

3 Section 1902. For the purpose of the Licensed Professional  
4 Counselors Act:

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

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

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

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

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

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

18 a. facilitate human development and adjustment throughout  
19 the life span,

20 b. prevent, diagnose or treat mental, emotional or  
21 behavioral disorders or associated distress which  
22 interfere with mental health,

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

5 7. "Counseling treatment interventions" means the application  
6 of cognitive, affective, behavioral and systemic counseling  
7 strategies which include principles of development, wellness, and  
8 pathology that reflect a pluralistic society. Such interventions  
9 are specifically implemented in the context of a professional  
10 counseling relationship;

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

14 9. "Referral activities" means the evaluating of data to  
15 identify problems and to determine the advisability of referral to  
16 other specialists;

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

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

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

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

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

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

13 1. Prescribe, adopt and promulgate rules to implement and  
14 enforce the provisions of the Licensed Professional Counselors Act;

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

16 3. Set license and examination fees as required by the Licensed  
17 Professional Counselors Act.

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

20 1. Seek injunctive relief;

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

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1           3. Receive fees and deposit said fees into the Licensed  
2 Professional Counselors Revolving Fund as required by the Licensed  
3 Professional Counselors Act;

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

7           5. Examine all qualified applicants for licenses to practice  
8 professional counseling;

9           6. Investigate complaints and possible violations of the  
10 Licensed Professional Counselors Act;

11           7. Accept grants and gifts from various foundations and  
12 institutions; and

13           8. Make such expenditures and employ such personnel as the  
14 Commissioner may deem necessary for the administration of the  
15 Licensed Professional Counselors Act.

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

18           Section 1919. A. The licensing fee and the annual renewal fee  
19 shall be amounts fixed by the ~~State Board of Health upon~~  
20 ~~recommendations of the Oklahoma Licensed Professional Counselors~~  
21 ~~Advisory Board.~~

22           B. The Board shall fix the amount of the fees so that the total  
23 fees collected will be sufficient to meet the expenses of  
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1 administering the provisions of the Licensed Professional Counselors  
2 Act and so that there are no unnecessary surpluses in the Licensed  
3 Professional Counselors Revolving Fund.

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

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

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

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

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

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

19 Section 1925.2 For purposes of the Marital and Family Therapist  
20 Licensure Act:

21 1. "Advertise" means, but is not limited to, the issuing or  
22 causing to be distributed any card, sign, or device to any person;  
23 or the causing, permitting or allowing any sign or marking on or in  
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1 any building or structure, or in any newspaper or magazine or in any  
2 directory, or on radio or television, or by advertising by any other  
3 means designed to secure public attention;

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

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

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

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

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

13 7. "Marital and family therapy" means the assessment, diagnosis  
14 and treatment of disorders, whether cognitive, affective, or  
15 behavioral, within the context of marital and family systems.

16 Marital and family therapy involves the professional application of  
17 family systems theories and techniques in the delivery of services  
18 to individuals, marital pairs, and families for the purpose of  
19 treating such disorders;

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

22 9. "Practice of marital and family therapy" means the rendering  
23 of professional marital and family therapy services to individuals,  
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1 family groups and marital pairs, singly or in groups, whether such  
2 services are offered directly to the general public or through  
3 organizations either public or private, for a fee, monetary or  
4 otherwise;

5 10. "Recognized educational institution" means a regionally  
6 accredited college or university recognized by the United States  
7 Department of Education;

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

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

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

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

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

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

6 3. Adopt and establish rules of professional conduct.

7 B. The Department shall have the authority to:

8 1. Seek injunctive relief;

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

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

15 4. Examine all qualified applicants for licenses to practice  
16 marital and family therapy;

17 5. Accept grants and gifts from various foundations and  
18 institutions;

19 6. Make such expenditures and employ such personnel as the  
20 Commissioner may deem necessary for the administration of the  
21 Marital and Family Therapist Licensure Act;

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1       7. Request the district attorney to bring an action to enforce  
2 the provisions of the Marital and Family Therapist Licensure Act;  
3 and

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

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

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

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

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

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

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UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

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

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

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

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

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

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

- 17 a. facilitate human development and adjustment throughout  
18 the life span,
- 19 b. prevent, diagnose, or treat mental, emotional, or  
20 behavioral disorders or associated distress which  
21 interfere with mental health,
- 22 c. conduct assessments or diagnoses for the purpose of  
23 establishing treatment goals and objectives, and  
24

1 d. plan, implement, or evaluate treatment plans using  
2 behavioral treatment interventions;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 2. Adopt and establish rules of professional conduct; and  
23  
24

1           3. Set license and examination fees as required by the Licensed  
2 Behavioral Practitioner Act.

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

5           1. Seek injunctive relief;

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

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

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

14          5. Examine all qualified applicants for licenses to practice  
15 behavioral health;

16          6. Investigate complaints and possible violations of the  
17 Licensed Behavioral Practitioner Act;

18          7. Accept grants and gifts from various foundations and  
19 institutions; and

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

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1 SECTION 17. AMENDATORY 59 O.S. 2011, Section 1946, as  
2 amended by Section 290, Chapter 304, O.S.L. 2012 (59 O.S. Supp.  
3 2012, Section 1946), is amended to read as follows:

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

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

20 Section 1947. A. Licensing fees and annual renewal fees shall  
21 be amounts fixed by the ~~State Board of Health upon recommendations~~  
22 ~~of the Oklahoma Licensed Behavioral Practitioners Advisory Board~~.  
23 The Board shall fix the amount of the fees so that the total fees  
24

1 collected will be sufficient to meet the expenses of administering  
2 the provisions of the Licensed Behavioral Practitioner Act and so  
3 that excess funds do not accumulate from year to year in the  
4 Licensed Behavioral Practitioners Revolving Fund.

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

8 2. The fee for the issuance of a license to replace a license  
9 which was lost, destroyed, or mutilated shall be Twenty-five Dollars  
10 (\$25.00).

11 3. The fee shall accompany the application for a replacement  
12 license.

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

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

18 SECTION 19. AMENDATORY 62 O.S. 2011, Section 155, as  
19 amended by Section 446, Chapter 304, O.S.L. 2012 (62 O.S. Supp.  
20 2012, Section 155), is amended to read as follows:

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

24

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

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

4 ~~3.~~ Oklahoma Funeral Board;

5 ~~4.~~ 3. Board of Podiatric Medical Examiners;

6 ~~5.~~ 4. Board of Chiropractic Examiners;

7 ~~6.~~ 5. State Board of Registration for Foresters;

8 ~~7.~~ 6. State Board of Medical Licensure and Supervision;

9 ~~8.~~ 7. Oklahoma Board of Nursing;

10 ~~9.~~ 8. State Board of Osteopathic Examiners;

11 ~~10.~~ 9. State Board of Pharmacy;

12 ~~11.~~ 10. State Board of Licensed Social Workers;

13 ~~12.~~ 11. Oklahoma Motor Vehicle Commission;

14 ~~13.~~ 12. Oklahoma Peanut Commission;

15 ~~14.~~ 13. Oklahoma Real Estate Commission;

16 ~~15.~~ 14. Santa Claus Commission; and

17 ~~16.~~ 15. Wheat Utilization, Research and Market Development  
18 Commission.

19 B. Each revolving fund shall consist of all monies received by  
20 the boards, commissions and departments, pursuant to statutory  
21 authority, but not including appropriated funds. These revolving  
22 funds shall be continuing funds, not subject to fiscal year  
23 limitations and shall be under the control and management of the  
24

1 administrative authorities of the respective boards, commissions or  
2 departments.

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

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

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

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

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

- 21 1. The Consumer Protection Licensing Advisory Council;
- 22 2. The Food Service Advisory Council;
- 23 3. The Counseling Advisory Council;

24

- 1 4. The Hospital and Emergency Response Advisory Council;
- 2 5. The Health Care Advisory Council;
- 3 6. The Infant and Children's Health Advisory Council; and
- 4 7. The Advancement of Wellness Advisory Council.

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

17 2. Each Advisory Council shall meet at least twice a year, but  
18 no more than four times a year and shall elect a chair, a vice-chair  
19 and a secretary from among its members. Each Advisory Council shall  
20 only meet as required for election of officers, establishment of  
21 meeting dates and times; rule development, review and  
22 recommendation; and adoption of nonbinding resolutions to the State  
23 Department of Health or the State Board of Health concerning matters  
24

1 brought before the Advisory Council. Special meetings may be called  
2 by the chair or by the concurrence of any three members.

3 C. 1. All members of the Consumer Protection Licensing  
4 Advisory Council shall be knowledgeable of certain consumer issues  
5 as specified below. The Consumer Protection Licensing Advisory  
6 Council shall be composed as follows:

7 a. the Governor shall appoint:

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

10 (2) one member who is a registered environmental  
11 specialist,

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

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

14 (2) one member representing the hearing aid fitting  
15 industry,

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

18 (1) one member representing the medical  
19 micropigmentation industry, and

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

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

23

24

1           2. The jurisdiction areas of the Consumer Protection Licensing  
2 Advisory Council shall include the barber industry, the hearing aid  
3 fitting industry, the medical micropigmentation industry,  
4 sanitarians and environmental specialists, the radiation industry  
5 and such other areas as designated by the State Board of Health.

6           D. 1. All members of the Food Service Advisory Council shall  
7 be knowledgeable of food preparation, food service and handling  
8 and/or the restaurant business. The Food Service Advisory Council  
9 shall be composed as follows:

- 10           a. the Governor shall appoint:
  - 11                 (1) one member representing the restaurant industry,
  - 12                 and
  - 13                 (2) one member who is employed by a county health
  - 14                 department who has inspected restaurants,
- 15           b. the President Pro Tempore of the Senate shall appoint:
  - 16                 (1) one member who owns or operates a restaurant, and
  - 17                 (2) one member from an organization representing
  - 18                 hotels and motels,
- 19           c. the Speaker of the House of Representatives shall
- 20                 appoint:
  - 21                     (1) one member who shall be an independent food
  - 22                     service operator, and

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UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

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

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

5 2. The jurisdictional areas of the Food Service Advisory  
6 Council shall cover all aspects of food preparation and food service  
7 to the public, and such other areas as designated by the State Board  
8 of Health.

9 E. 1. All members of the Counseling Advisory Council shall be  
10 knowledgeable of counseling issues. The Counseling Advisory Council  
11 shall be composed as follows:

12 a. the Governor shall appoint two members who are  
13 licensed behavioral practitioners,

14 b. the President Pro Tempore of the Senate shall appoint  
15 two members who are licensed professional counselors,

16 c. the Speaker of the House of Representatives shall  
17 appoint two members who are licensed family and  
18 marital therapists, and

19 d. the State Board of Health shall appoint one member who  
20 is a licensed genetic counselor.

21 2. The jurisdictional areas of the Counseling Advisory Council  
22 shall include professional counseling licensing and practice issues,  
23 marital and family therapist licensing and practice issues, genetic  
24

1 counseling licensing and practice issues, behavioral practitioner  
2 licensing and practice issues, and such other areas as designated by  
3 the State Board of Health.

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

9 a. the Governor shall appoint:

10 (1) one member who is a physician licensed by the  
11 state, and

12 (2) one member who is an EMT licensed by the state,

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

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

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

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

18 (1) one member representing the trauma registrar of a  
19 licensed hospital that is classified as providing

20 trauma and emergency operative services, and

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

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

24

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

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

8 The Council shall be composed as follows:

9           a. the Governor shall appoint:

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

12                   (2) one member who is an optometrist licensed by the  
13                                 state,

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

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

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

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

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

24

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 H. 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 I. 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:

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

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

- (1) one member who is major of a city or town that has been designated a certified healthy community in an urban setting, and
- (2) one member who is the president or chief operating officer of a business that has been designated a certified healthy business in a rural setting,

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

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

1           d.    the State Board of Health shall appoint one member who  
2                    is the Executive Director of the Tobacco Settlement  
3                    Endowment Trust.

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

11           J.    In addition to other powers and duties assigned to each  
12   Advisory Council pursuant to this section, each Advisory Council  
13   shall, within its jurisdictional area:

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

21           2.    Before recommending any permanent rules to the State Board  
22   of Health, give public notice, offer an opportunity for public  
23  
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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 of  
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 K. 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 L. 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 22. 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 21 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

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

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

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

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

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

22 B. The Division shall:  
23  
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UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

- 1           1. Collect from providers health care information for which the  
2 Division has established a defined purpose and a demonstrated  
3 utility that is consistent with the intent of the provisions of  
4 Section 1-117 et seq. of this title;
- 5           2. Establish and maintain a uniform health care information  
6 system;
- 7           3. Analyze health care data submitted including, but not  
8 limited to, geographic mapping of disease entities;
- 9           4. Provide for dissemination of health care data to users and  
10 consumers;
- 11           5. Provide for the training and education of information  
12 providers regarding processing and maintenance and methods of  
13 reporting required information;
- 14           6. Be authorized to access all state agency health-related data  
15 sets and shall develop mechanisms for the receipt of health care  
16 data to the Division or its agent; provided, however, all provisions  
17 for confidentiality shall remain in place;
- 18           7. Provide for the exchange of information with other agencies  
19 or political subdivisions of this state, the federal government or  
20 other states, or agencies thereof. The Division shall collaborate  
21 with county health departments, including the Oklahoma City-County  
22 Health Department and the Tulsa City-County Health Department, in  
23 developing city-county-based health data sets;

24

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

4 9. Build and maintain the data base.

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

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

- 11 a. adequate measures to provide system security for all  
12 data and information acquired pursuant to the Oklahoma  
13 Health Care Information System Act,
- 14 b. adequate procedures to ensure confidentiality of  
15 patient records,
- 16 c. charges for users for the cost of data preparation for  
17 information that is beyond the routine data  
18 disseminated by the office, and
- 19 d. time limits for the submission of data by information  
20 providers.

21 D. The Division shall adopt standard nationally recognized  
22 coding systems to ensure quality in receiving and processing data.  
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1 E. The Division shall implement mechanisms to encrypt all  
2 personal identifiers contained in any health care data upon  
3 transmission to the State Department of Health, and all such data  
4 shall remain encrypted while maintained in the Department's database  
5 or while used by a contractor.

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

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

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

20 H. The Division may accept grants or charitable contributions  
21 for use in carrying out the functions set forth in the Oklahoma  
22 Health Care Information System Act from any source. These funds  
23  
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1 shall be deposited in the Oklahoma Health Care Information System  
2 Revolving Fund.

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

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

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

- 12 a. financial information including, but not limited to,  
13 consumption of resources to provide services,  
14 reimbursement, costs of operation, revenues, assets,  
15 liabilities, fund balances, other income, rates,  
16 charges, units of service, wage and salary data,
- 17 b. service information including, but not limited to,  
18 occupancy, capacity, and special and ancillary  
19 services,
- 20 c. physician profiles in the aggregate by clinical  
21 specialties and nursing services,
- 22 d. discharge data including, but not limited to,  
23 completed discharge data sets or comparable

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1 information for each patient discharged from the  
2 facility after the effective date of this act, and  
3 e. ambulatory care data including, but not limited to,  
4 provider-specific and encounter data.

5 3. The Division shall implement a demonstration project for the  
6 voluntary submission of ambulatory care data, including, but not  
7 limited to, submissions from federally qualified health centers,  
8 migrant health programs and rural health clinics as defined in Title  
9 3 of the Federal Public Health Service Act (PL 104-299), and the  
10 Oklahoma Health Care Authority. The Division shall complete the  
11 demonstration project by January 1, 2002.

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

19 5. Except as provided by Section 1-120 of this title and as  
20 otherwise authorized by the provisions of the Oklahoma Health Care  
21 Information System Act, the provisions of the Oklahoma Health Care  
22 Information System Act shall not be construed to lessen or reduce  
23 the responsibility of the information provider with regard to:  
24

- 1 a. the accuracy of the data or information submitted,  
2 b. liability for release of the data or information to  
3 the Division, data processor or as otherwise  
4 authorized by this section, or  
5 c. the preservation of confidentiality of such data or  
6 information until submitted to the Division.

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

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

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

3 B. After approval by the State Department of Health, the  
4 compilations prepared for release or dissemination from the data  
5 collected, except for a report prepared at the request of an  
6 individual data provider containing information concerning only its  
7 transactions, shall be public records. ~~The Division shall establish~~  
8 ~~a Health Care Information Advisory Committee as provided in Section~~  
9 ~~1-122 of this title, to assist with determinations related to data~~  
10 ~~collection, and information to be released and disseminated to the~~  
11 ~~public.~~

12 C. The confidentiality of identifying information is to be  
13 protected and the pertinent statutes, rules and regulations of the  
14 State of Oklahoma and of the federal government relative to  
15 confidentiality shall apply.

16 D. Identifying information shall not be disclosed, and shall  
17 not be used for any purpose except for the creation and maintenance  
18 of anonymous medical case histories for statistical reporting and  
19 data analysis.

20 E. The Division or other state agency receiving information  
21 pursuant to the Oklahoma Health Care Information System Act shall be  
22 subject to the same confidentiality restrictions imposed by state or  
23 federal law as the public or private agency providing the

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1 information and is prohibited from taking any administrative,  
2 investigative or other action with respect to any individual on the  
3 basis of the identifying information. The Division data analyzer or  
4 other state agency receiving information pursuant to the Oklahoma  
5 Health Care Information System Act is further prohibited from  
6 identifying, directly or indirectly, any individual in any report of  
7 scientific research or long-term evaluation, or otherwise disclosing  
8 identities in any manner.

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

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1 necessary, shall impose appropriate safeguards against unauthorized  
2 disclosure.

3 G. Any person who submits or receives data as required or  
4 authorized by the Oklahoma Health Care Information System Act shall  
5 be immune from liability in any civil action for any action taken as  
6 required by the provisions of the Oklahoma Health Care Information  
7 System Act. This immunity is in addition to any other immunity for  
8 the same or similar acts to which the person is otherwise entitled.

9 H. Any person who violates the confidentiality provisions of  
10 this section shall be punishable by a fine of Five Thousand Dollars  
11 (\$5,000.00).

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

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

15 1. "Child abuse prevention" means services and programs  
16 designed to prevent the occurrence or recurrence of child abuse and  
17 neglect as defined in Section ~~7102~~ 1-1-105 of Title ~~40~~ 10A of the  
18 Oklahoma Statutes but as limited by Section 844 of Title 21 of the  
19 Oklahoma Statutes. Except for the purpose of planning and  
20 coordination pursuant to the provisions of the Child Abuse  
21 Prevention Act, the services and programs of the Department of Human  
22 Services which are mandated by state law or which are a requirement  
23 for the receipt of federal funds with regard to deprived, destitute

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1 or homeless children shall not be subject to the provisions of the  
2 Child Abuse Prevention Act;

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

6 ~~3.~~ 3. "Primary prevention" means programs and services designed to  
7 promote the general welfare of children and families;

8 ~~4.~~ 3. "Secondary prevention" means the identification of  
9 children who are in circumstances where there is a high risk that  
10 abuse will occur and assistance, as necessary and appropriate, to  
11 prevent abuse or neglect from occurring;

12 ~~5.~~ 4. "Tertiary prevention" means those services provided after  
13 abuse or neglect has occurred which are designed to prevent the  
14 recurrence of abuse or neglect;

15 ~~6.~~ 5. "Department" means the State Department of Health;

16 ~~7.~~ 6. "Director" means the Director of the Office of Child  
17 Abuse Prevention;

18 ~~8.~~ 7. "Office" means the Office of Child Abuse Prevention;

19 ~~9.~~ ~~"Interagency child abuse prevention task force" means the~~  
20 ~~state child abuse prevention planning and coordinating body~~  
21 ~~established pursuant to the provisions of Section 1-227.4 of this~~  
22 ~~title;~~

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1       ~~10.~~ 8. "Commission" means the Oklahoma Commission on Children  
2 and Youth; and

3       ~~11.~~ 9. "Child Abuse Prevention Fund" means the revolving fund  
4 established pursuant to Section 1-227.8 of this title.

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

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

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

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

20 The report shall include:

21       a. activities of the Office,

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1           b. a summary detailing the demographic characteristics of  
2 families served including, but not limited to, the  
3 following:

4           (1) age and marital status of parent(s),

5           (2) number and age of children living in the  
6 household,

7           (3) household composition of families served,

8           (4) number of families accepted into the program by  
9 grantee site and average length of time enrolled,

10           (5) number of families not accepted into the program  
11 and the reason therefor, and

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

14           c. recommendations for the further development and  
15 improvement of services and programs for the  
16 prevention of child abuse and neglect, and

17           d. budget and program needs; and

18           3. Conduct or otherwise provide for or make available  
19 continuing professional education and training in the area of child  
20 abuse prevention.

21           B. For the purpose of implementing the provisions of the Child  
22 Abuse Prevention Act, the State Department of Health is authorized  
23 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 21 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 28. 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;~~

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

7 ~~11. One representative of the Oklahoma Partnership for School~~  
8 ~~Readiness Board;~~

9 ~~12. Three parents participating in a child abuse prevention~~  
10 ~~program; and~~

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

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

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

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

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

19        3. The Commissioner shall authorize the Office of Child Abuse  
20 Prevention to use the Child Abuse Prevention Fund to fund such  
21 grants or contracts for child abuse prevention programs and services  
22 which are approved by the Commissioner.

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

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

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

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

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

21 2. "Contractor" means any public entity, private entity, or  
22 private nonprofit entity to which the State Department of Health,  
23 after recommendation by the ~~Tobacco Use Prevention and Cessation~~  
24

1 Advancement of Wellness Advisory ~~Committee~~ Council as established by  
2 Section 21 of this act, has awarded monies from the Fund for  
3 qualified tobacco use prevention or cessation programs;

4 ~~3.~~ 2. "Department" means the State Department of Health;

5 ~~4.~~ 3. "Fund" means the Tobacco Use Reduction Fund established  
6 pursuant to Section ~~3~~ 1-229.3 of this ~~act~~ title;

7 ~~5.~~ 4. "Qualified tobacco use prevention or cessation program"  
8 means a program for the prevention or cessation of tobacco use that  
9 meets the criteria set forth in the State Plan for Tobacco Use  
10 Prevention and Cessation;

11 ~~6.~~ 5. "State Plan" means the State Plan for Tobacco Use  
12 Prevention and Cessation adopted pursuant to Section ~~5~~ 1-229.5 of  
13 this ~~act~~ title; and

14 ~~7.~~ 6. "Tobacco use" means the consumption of tobacco products  
15 by burning, chewing, inhalation or other forms of ingestion.

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

18 Section 1-229.5 A. On or before January 1, 2002, the ~~Tobacco~~  
19 ~~Use Prevention and Cessation~~ Department, giving consideration to the  
20 recommendations of the Advancement of Wellness Advisory ~~Committee~~  
21 Council as established by Section 21 of this act, shall review and  
22 recommend a State Plan for Tobacco Use Prevention and Cessation that  
23 is in compliance with nationally recognized guidelines or scientific  
24

1 evidence of effectiveness. On or before January 1 of each  
2 ~~subsequent~~ year, the Committee Department may propose amendments to  
3 the plan. The ~~Committee~~ Department shall submit its proposed State  
4 Plan or any proposed amendments thereto to the Governor, the Speaker  
5 of the House of Representatives, the President Pro Tempore of the  
6 Senate, and the Attorney General. The Governor, members of the  
7 Legislature, and the Attorney General ~~may submit comments to the~~  
8 ~~Committee on the State Plan on or before March 1, 2002,~~ and may  
9 submit comments to the Committee Department on its proposed  
10 amendments to the State Plan on or before March 1 of each ~~subsequent~~  
11 year. ~~On or before May 1, 2002, the Committee shall adopt a final~~  
12 ~~State Plan and shall submit such plan to the State Department of~~  
13 ~~Health.~~ On or before May 1 of each ~~subsequent~~ year, the Committee  
14 Department shall ~~recommend any amendments to the State Plan to the~~  
15 ~~Department and shall~~ make such amended State Plan public.

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

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- 1           1. Media campaigns directed to youth to prevent underage  
2 tobacco use;
- 3           2. School-based education programs to prevent youth tobacco  
4 use;
- 5           3. Community-based youth programs involving tobacco use  
6 prevention through general youth development;
- 7           4. Enforcement and administration of the Prevention of Youth  
8 Access to Tobacco Act, and related retailer education and compliance  
9 efforts;
- 10          5. Cessation programs for youth; and
- 11          6. Prevention or cessation programs for adults.

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

16          D. The State Plan shall provide for the evaluation of all  
17 funded programs to determine their overall effectiveness in  
18 preventing or reducing tobacco use according to the program's stated  
19 goals.

20          An annual evaluation shall be provided by an independent  
21 contractor to determine the effectiveness of the programs by  
22 measuring the following:

- 23           1. Tobacco consumption;
- 24

1 2. Smoking rates among the population targeted by the programs;  
2 and

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

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

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

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

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

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

18 ~~F. The State Plan shall provide that no more than five percent~~  
19 ~~(5%) of the Fund shall be expended on the administrative costs of~~  
20 ~~the Committee.~~

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

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

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

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

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

21 D. ~~In the case of proposed contracts between the Department and~~  
22 ~~other government agencies, the Advisory Committee shall make final~~  
23 ~~recommendations to the Department for award. No recommendations may~~  
24

UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

1 ~~be forwarded to the Department without the approval of a majority of~~  
2 ~~the Committee.~~

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

15 ~~F.~~ C. In developing the State Plan and approving Invitations To  
16 Bid and reviewing intergovernmental contracts the ~~Committee~~  
17 Department shall consider:

18 1. In the case of applications or Invitations To Bid to fund  
19 media campaigns directed to youth to prevent underage tobacco use,  
20 whether the campaign provides for sound management and periodic  
21 evaluation of the campaign's relevance to the intended audience,  
22 including audience awareness of the campaign and recollection of the  
23 main message;

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

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

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

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

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

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

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

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

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

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

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

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

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

24

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

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

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

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

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

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

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

17 10. To adequately fund these programs; and

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

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

24

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

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

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

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

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

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

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

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

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

UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

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

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

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

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

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

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

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

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

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

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

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

24

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

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

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

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

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

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

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

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

21 SECTION 35. AMENDATORY 63 O.S. 2011, Section 1-557, as  
22 amended by Section 480, Chapter 304, O.S.L. 2012 (63 O.S. Supp.  
23 2012, Section 1-557), is amended to read as follows:

24

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

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

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

17 4. 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 B. 1. ~~All proposals to expend monies from the Breast Cancer~~  
22 ~~Act Revolving Fund shall have been reviewed by the Oklahoma Breast~~  
23 ~~and Cervical Cancer Prevention and Treatment Advisory Committee, and~~  
24

1 ~~the Advisory Committee shall advise the Commissioner on the proposed~~  
2 ~~use of monies from the fund.~~

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

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

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

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

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

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

21 3. Provide satisfactory evidence of having earned:

22 a. a master's degree from a genetic counseling training  
23 program that is accredited by the American Board of  
24

1 Genetic Counseling or an equivalent entity as  
2 determined by the ABGC, or

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

7 4. Meet the examination requirement for certification as:

- 8 a. a genetic counselor by the ABGC or the ABMG, or  
9 b. a medical geneticist by the ABMG.

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

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

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

21 B. A licensee shall be responsible for maintaining competent  
22 records of completed qualified professional education for a period  
23 of four (4) years after close of the two-year period to which the  
24

1 records pertain. It shall be the responsibility of the licensee to  
2 maintain such information with respect to qualified professional  
3 education to demonstrate that it meets the requirements under this  
4 section.

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

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

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

- 20 1. Policy and budgetary matters related to licensure;
- 21 2. Applicant screening, licensing, renewal licensing, license  
22 reinstatement and relicensure;

23  
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- 1           3. Standards for supervision of students or persons training to  
2 become qualified to obtain a license in genetic counseling; ~~and~~  
3           4. Requirements for maintaining and renewal of a license; and  
4           5. Procedures for reviewing cases of individuals found to be in  
5 violation of the provisions of the Genetic Counseling Licensure Act,  
6 including disciplinary actions when necessary.

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

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

19           B. Every hospital shall be periodically inspected by an  
20 authorized representative of the Commissioner. Reports of such  
21 inspections shall be on forms prescribed by the Commissioner, who  
22 shall, after receipt of such reports, take such action as deemed  
23 necessary by the Commission to have corrected any deficiencies or  
24

1 violations of the rules and standards of the Board shown in such  
2 reports.

3 C. Hospitals licensed pursuant to the provisions of this  
4 article shall not be exempt from being inspected or licensed under  
5 laws relating to hotels, restaurants, lodging houses, boarding  
6 houses and places of refreshment.

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

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

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

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

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

23

24

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

5           3. Develop guidelines for equipment and its use for prehospital  
6 and hospital pediatric emergency care;

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

11          5. Provide initial and continuing professional education  
12 programs and guidelines on pediatric emergency medical care for  
13 emergency medical services personnel and other health care  
14 providers;

15          6. Conduct public education concerning pediatric emergency  
16 medical services including, but not limited to, prevention and  
17 access to pediatric emergency services;

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

21          8. Consult with and advise public and private organizations,  
22 including the Emergency Medical Services Division and the Trauma  
23 Systems Development Section of the Injury Prevention Service within  
24

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

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

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

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

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

17 Section 1-707. A. The State Board of Health, upon the  
18 recommendation of the State Commissioner of Health and ~~with the~~  
19 advice giving consideration to the recommendations of the ~~Oklahoma~~  
20 Hospital and Emergency Response Advisory Council established by  
21 Section 21 of this act, shall promulgate rules and standards as it  
22 deems to be in the public interest for hospitals, on the following:  
23  
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1           1. Construction plans and location, including fees not to  
2 exceed Two Thousand Dollars (\$2,000.00) for submission or  
3 resubmission of architectural and building plans, and procedures to  
4 ensure the timely review of such plans by the State Department of  
5 Health. Said assessed fee shall be used solely for the purposes of  
6 processing approval of construction plans and location by the State  
7 Department of Health;

8           2. Physical plant and facilities;

9           3. Fire protection and safety;

10          4. Food service;

11          5. Reports and records;

12          6. Staffing and personal service;

13          7. Surgical facilities and equipment;

14          8. Maternity facilities and equipment;

15          9. Control of communicable disease;

16          10. Sanitation;

17          11. Laboratory services;

18          12. Nursing facilities and equipment; and

19          13. Other items as may be deemed necessary to carry out the  
20 purposes of this article.

21          B. 1. The State Board of Health, upon the recommendation of  
22 the State Commissioner of Health and ~~with the advice~~ giving  
23 consideration to the recommendations of the ~~Oklahoma~~ Hospital and  
24

1 Emergency Response Advisory Council established by Section 21 of  
2 this act, and the State Board of Pharmacy, shall promulgate rules  
3 and standards as it deems to be in the public interest with respect  
4 to the storage and dispensing of drugs and medications for hospital  
5 patients.

6 2. The State Board of Pharmacy shall be empowered to inspect  
7 drug facilities in licensed hospitals and shall report violations of  
8 applicable statutes and rules to the State Department of Health for  
9 action and reply.

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

14 ~~2. The Advisory Council shall have the duty and authority to:~~  
15 a. ~~review and approve in its advisory capacity rules and~~  
16 ~~standards for hospital licensure,~~  
17 b. ~~evaluate, review and make recommendations regarding~~  
18 ~~Department licensure activities, provided however, the~~  
19 ~~Advisory Council shall not make recommendations~~  
20 ~~regarding scope of practice for any health care~~  
21 ~~providers or practitioners regulated pursuant to Title~~  
22 ~~59 of the Oklahoma Statutes, and~~  
23 c. ~~recommend and approve:~~

- 1           ~~(1) quality indicators and data submission~~  
2           ~~requirements for hospitals, to include:~~
- 3           ~~(a) Agency for Healthcare Research and Quality~~  
4           ~~(AHRQ) Patient Safety Indicators Available~~  
5           ~~as part of the standard inpatient discharge~~  
6           ~~data set, and~~
- 7           ~~(b) for acute care intensive care unit patients,~~  
8           ~~ventilator-associated pneumonia and device-~~  
9           ~~related blood stream infections, and~~
- 10          ~~(2) the indicators and data to be used by the~~  
11          ~~Department to monitor compliance with licensure~~  
12          ~~requirements, and~~
- 13          ~~d. to publish an annual report of hospital performance to~~  
14          ~~include the facility specific quality indicators~~  
15          ~~required by this section.~~

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

- 20                 ~~a. two members shall be hospital administrators of~~  
21                 ~~licensed hospitals,~~

1           ~~b. two members shall be licensed physicians or~~  
2           ~~practitioners who have current privileges to provide~~  
3           ~~services in hospitals,~~

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

5           ~~d. three members shall be citizens representing the~~  
6           ~~public who:~~

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

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

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

10         ~~2. a. Advisory Council members shall be appointed for three-~~  
11         ~~year terms except the initial terms after November 1,~~  
12         ~~1999, of one hospital administrator, one licensed~~  
13         ~~physician or practitioner, one hospital employee, and~~  
14         ~~one public member shall be one (1) year. The initial~~  
15         ~~terms after the effective date of this act of one~~  
16         ~~hospital administrator, one licensed physician or~~  
17         ~~practitioner, one hospital employee, and one public~~  
18         ~~member shall be two (2) years. The initial terms of~~  
19         ~~all other members shall be three (3) years. After~~  
20         ~~initial appointments to the Council, members shall be~~  
21         ~~appointed to three-year terms.~~

22         ~~b. Members of the Advisory Council may be removed by the~~  
23         ~~Commissioner for cause.~~

24

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

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

8       Section 1-1108. Whenever in the judgment of the State Board of  
9 Health such action will promote honesty and fair dealing in the  
10 interest of consumers, the Board shall promulgate reasonable rules  
11 and regulations, giving consideration to the recommendations of the  
12 Food Service Advisory Council established by Section 21 of this act,  
13 fixing and establishing for any food or class of food a reasonable  
14 definition and standard of identity, and/or reasonable standard of  
15 quality and/or fill of container. In prescribing a definition and  
16 standard of identity for any food or class of food in which optional  
17 ingredients are permitted the Board shall, for the purpose of  
18 promoting honesty and fair dealing in the interest of consumers,  
19 designate the optional ingredients which shall be named on the  
20 label. The definitions and standards so promulgated shall conform  
21 so far as practicable to the definitions and standards promulgated  
22 under authority of the Federal Act.

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

3 Section 1-1114. (a) The authority to promulgate reasonable  
4 rules and regulations for the efficient enforcement of this article  
5 is hereby vested in the State Board of Health. The Board is hereby  
6 authorized to make the reasonable rules and regulations, giving  
7 consideration to the recommendations of the Food Service Advisory  
8 Council established by Section 21 of this act, promulgated under  
9 this article conform, insofar as practicable, with those promulgated  
10 under the Federal Act.

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

14 (c) Before promulgating any reasonable rules and regulations  
15 contemplated by ~~Section 1108, Section 1110(j), or Section 1111~~ 1-  
16 1108, paragraph (j) of Section 1-1110, or Section 1-1111 of this  
17 article title, the Board shall give appropriate notice of the  
18 proposal and of the time and place for a hearing. The reasonable  
19 rules and regulations so promulgated shall become effective on a  
20 date fixed by the Board (which date shall not be prior to thirty  
21 (30) days after its promulgation). Such reasonable rules and  
22 regulations may be amended or repealed in the same manner as is  
23 provided for their adoption, except that in the case of reasonable  
24

1 rules and regulations amending or repealing any such reasonable  
2 rules and regulations the Board, to such an extent as it deems  
3 necessary in order to prevent undue hardship, may disregard the  
4 foregoing provisions regarding notice, hearing, or effective date.

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

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

12 B. Unless otherwise provided by rule by the State Board of  
13 Health, each such license shall expire on the 30th day of June  
14 following its issuance. The Commissioner shall charge and collect  
15 for each such license an annual fee to be fixed by the State Board  
16 of Health. A license shall not be required of a nonprofit civic,  
17 charitable or religious organization, using nonpaid persons to  
18 prepare or serve food on its behalf, for occasional fund-raising  
19 events sponsored and conducted by the organization. The  
20 Commissioner shall provide guidelines for safeguarding the health of  
21 customers of such events. The Board may by rule provide that a  
22 license which is fee-exempt under rules adopted by the Board  
23 pursuant to subsection D of Section 1-106.1 of this title shall not  
24

1 expire but shall remain in full force and effect until affirmatively  
2 revoked, suspended, annulled or withdrawn by the Commissioner in  
3 accordance with applicable law. The Board may by rule also provide  
4 that licenses for establishments serving events of limited duration  
5 or operating on a seasonal basis shall extend only for the term of  
6 the event or season, and may by rule adjust the fees for such  
7 licenses accordingly.

8 C. The State Board of Health shall promulgate reasonable  
9 standards and rules, giving consideration to the recommendations of  
10 the Food Service Advisory Council established by Section 21 of this  
11 act, for sanitation of establishments required to be licensed, which  
12 shall include the following: buildings, vehicles, and appurtenances  
13 thereto, including plumbing, ventilation and lighting; construction,  
14 cleanliness and bactericidal treatment of equipment and utensils;  
15 cleanliness, wholesomeness, storage and refrigeration of food and  
16 drink sold or served; cleanliness and hygiene of personnel; toilet  
17 facilities; disposal of waste; water supply; and other items deemed  
18 necessary to safeguard the health, comfort, and safety of customers.

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

23  
24

1 E. Nursing facilities and specialized facilities, as defined in  
2 and licensed pursuant to the provisions of the Nursing Home Care Act  
3 and residential care homes as defined by the Residential Care Act  
4 shall not be deemed to be food service establishments.

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

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

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

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

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

21 2. Unless otherwise authorized to perform medical  
22 micropigmentation pursuant to the Oklahoma Medical Micropigmentation  
23 Regulation Act.

24

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

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

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

18 Section 1-1455. A. The State Board of Health, ~~in cooperation~~  
19 ~~with the Medical Micropigmentation Advisory Committee~~ giving  
20 consideration to the recommendations of the Consumer Protection  
21 Licensing Advisory Council established by Section 21 of this act,  
22 and in cooperation with the Oklahoma Department of Career and  
23 Technology Education, may adopt a curriculum of required courses and  
24

1 establish by rule the types of courses to be offered. The complete  
2 program of instruction approved by the State Board of Health in  
3 theory and clinical training shall consist of at least three hundred  
4 (300) hours or the equivalent of competency-based instruction.

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

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

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

22 C. The Oklahoma Department of Career and Technology Education  
23 may provide training and shall provide testing programs required by  
24

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

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

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

- 17 1. Has qualifications and training comparable to those required  
18 under the Oklahoma Medical Micropigmentation Regulation Act;
- 19 2. Provides documentation verifying two (2) years of experience  
20 and a minimum of two hundred (200) procedures; and
- 21 3. Has successfully completed the Oklahoma certification  
22 examination.

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1 SECTION 48. 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 21 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 49. 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:

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

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

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

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

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

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

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

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

24

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

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

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

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

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

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

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

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

24

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

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

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

1 protocols approved by the regional medical director,  
2 and

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

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

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

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

1 ambulance service districts, or counties with populations in excess  
2 of 300,000 people. Notwithstanding the provisions of this  
3 paragraph, stretcher aid van transports may be made to and from any  
4 federal or state veterans facility;

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

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

- 18 a. nonemergency, routine transport shall be to the  
19 facility of the patient's choice,
- 20 b. urgent or emergency transport not involving life-  
21 threatening medical illness or injury shall be to the  
22 nearest facility, or, subject to transport

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1 availability and system area coverage, to the facility  
2 of the patient's choice, and

3 c. life-threatening medical illness or injury shall  
4 require transport to the nearest health care facility  
5 appropriate to the needs of the patient as established  
6 by regional or state guidelines.

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

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

1 meet such requirements as prescribed through rules adopted by the  
2 Board.

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

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

8 1. Administer and coordinate all federal and state programs,  
9 not specifically assigned by state law to other state agencies,  
10 which include provisions of the Federal Emergency Medical Services  
11 Systems Act and other federal laws and programs relating to the  
12 development of emergency medical services in this state. The  
13 administration and coordination of federal and state laws and  
14 programs relating to the development, planning, prevention,  
15 improvement and management of emergency medical services, ~~including~~  
16 ~~but not limited to the staffing of the Oklahoma Emergency Response~~  
17 ~~Systems Development Advisory Council,~~ shall be conducted by the  
18 Division of Emergency Medical Services, as prescribed by Section 1-  
19 2510 of this title;

20 2. Assist private and public organizations, emergency medical  
21 and health care providers, ambulance authorities, district boards  
22 and other interested persons or groups in improving emergency  
23 medical services at the local, municipal, district or state levels.

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1 This assistance shall be through professional advice and technical  
2 assistance;

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

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

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1 5. Maintain a comprehensive registry of all ambulance services  
2 operating within the state, to be published annually. All ambulance  
3 service providers shall register annually with the Commissioner on  
4 forms supplied by the State Department of Health, containing such  
5 requests for information as may be deemed necessary by the  
6 Commissioner;

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

16 7. Evaluate and certify all emergency medical services training  
17 programs and emergency medical technician training courses and  
18 operational services in accordance with specifications and  
19 procedures approved by the Board;

20 8. Provide an emergency medical technicians' and ambulance  
21 service licensure program;

22 ~~9. Create a standing Medical Direction Subcommittee of the~~  
23 ~~Advisory Council to be composed entirely of physicians who are or~~  
24

1 ~~who have been medical directors or regional medical directors.~~

2 ~~Members of the Subcommittee shall be appointed by and shall serve at~~

3 ~~the pleasure of the Commissioner. The Subcommittee shall advise the~~

4 ~~Commissioner or the Commissioner's designee on the following:~~

5 a. ~~the design of all medical aspects and components of~~  
6 ~~emergency medical services systems,~~

7 b. ~~the appropriateness of all standards for medical and~~  
8 ~~patient care operations or services, treatment~~  
9 ~~procedures and protocols,~~

10 c. ~~the implementation and facilitation of regional EMS~~  
11 ~~Systems, and~~

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

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

17 ~~11.~~ 10. Apply for and accept public and private gifts, grants,  
18 donations and other forms of financial assistance designed for the  
19 support of emergency medical services;

20 ~~12.~~ 11. Develop a classification system for all hospitals that  
21 treat emergency patients. The classification system shall:

22 a. identify stabilizing and definitive emergency services  
23 provided by each hospital,

1           b.     requires each hospital to notify the regional  
2                    emergency medical services system control when  
3                    treatment services are at maximum capacity and that  
4                    emergency patients should be diverted to another  
5                    hospital; and

6       ~~13.~~ 12.   Develop and monitor a statewide emergency medical  
7 services and trauma analysis system designed to:

- 8           a.     identify emergency patients and severely injured  
9                    trauma patients treated in Oklahoma,  
10          b.     identify the total amount of uncompensated emergency  
11                    care provided each fiscal year by each hospital and  
12                    ambulance service in Oklahoma, and  
13          c.     monitor emergency patient care provided by emergency  
14                    medical service and hospitals.

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

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

22       B.   Such rules shall specify which vehicles of licensed  
23 ambulance service providers shall be considered authorized emergency  
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1 vehicles pursuant to the provisions of Section 1-103 of Title 47 of  
2 the Oklahoma Statutes. The rules shall provide that vehicles  
3 transporting licensed ambulance service personnel or life saving  
4 equipment that meet all other specifications required by the Board  
5 shall be considered authorized emergency vehicles.

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

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

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

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

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

18 4. "Classification" means an inclusive standardized  
19 identification of stabilizing and definitive emergency services  
20 provided by each hospital that treats emergency patients;

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

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UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

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

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

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

- 10 a. a patient's health being placed in serious jeopardy,  
11 b. serious impairment to bodily functions, or  
12 c. serious dysfunction of any bodily organ or part;

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

16 10. "Regional trauma care system" means an arrangement of  
17 available resources that are coordinated for the effective delivery  
18 of emergency trauma services within a geographic region consistent  
19 with an established plan;

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

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

3 a. evaluated by a physician, a registered nurse, or  
4 emergency medical services personnel, and

5 b. found to require medical care in a hospital classified  
6 as a trauma and emergency operative services facility;  
7 and

8 13. "Trauma services" includes services provided to a severely  
9 or seriously injured patient.

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

12 Section 1-2530.3 A. The State Board of Health, giving  
13 consideration to the recommendations of the Hospital and Emergency  
14 Response Advisory Council established by Section 21 of this act,  
15 shall promulgate rules establishing minimum standards and objectives  
16 to implement the development, regulation and improvement of trauma  
17 systems on a statewide basis. Rules shall provide for the  
18 classification of trauma and emergency care provided by all  
19 hospitals based on the level of service provided and for triage,  
20 transport and transfer guidelines. The Board shall consider  
21 guidelines developed by the American College of Surgeons in  
22 promulgating rules under this section.

1 B. The rules shall provide specific requirements for the  
2 distribution of trauma patients, ensure that trauma care is fully  
3 coordinated with all hospitals and emergency medical services in a  
4 regional area, and reflect the geographic areas of the state,  
5 considering time and distance.

6 C. The rules shall include:

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

9 2. Establishment of referral patterns of trauma patients and  
10 geographic boundaries regarding trauma patients;

11 3. Requirements for licensed hospitals providing trauma and  
12 emergency operative services to provide quality care to trauma  
13 patients referred to these facilities;

14 4. Minimum requirements for resources and equipment needed by a  
15 trauma and emergency operative services facility to treat trauma  
16 patients;

17 5. Minimum standards for the availability and qualifications of  
18 health care personnel, including physicians and surgeons, treating  
19 trauma patients within a hospital;

20 6. Minimum requirements for data collection including, but not  
21 limited to, trauma incidence reporting, system operation and patient  
22 outcome, and continuous quality improvement activities;

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1 7. Minimum requirements for periodic performance evaluation of  
2 the system and its components through continuous quality improvement  
3 activities;

4 8. Minimum requirements for reviews of trauma patient transfers  
5 ~~by a medical audit committee appointed by the State Commissioner of~~  
6 ~~Health;~~

7 9. Requirements that hospitals with the capacity and capability  
8 to provide care not refuse to accept the transfer of a trauma  
9 patient from another facility solely because of the person's  
10 inability to pay for services or because of the person's age, sex,  
11 race, religion or national origin; and

12 10. Requirements for transferring hospitals to enter into  
13 reciprocal agreements with receiving hospitals that specify that the  
14 transferring hospital will accept the return transfer of trauma  
15 patients at such time as the hospital has the capability and  
16 capacity to provide care; provided, however, such reciprocal  
17 agreements shall not incorporate financial provisions for transfers.

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

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

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

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

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

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

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

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

17 D. The Board, giving consideration to the recommendations of  
18 the Hospital and Emergency Response Advisory Council established by  
19 Section 21 of this act, shall promulgate rules requiring emergency  
20 medical services providers to contact the appropriate regional  
21 trauma transfer and referral center while transporting injured  
22 patients into or within that region in order to ensure that patients  
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1 are directed to the appropriate hospital based on the regional plan  
2 and the current capability and capacity of hospitals in the system.

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

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

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

10 B. The State Department of Health shall establish and maintain  
11 a program for the voluntary certification of communities that  
12 promote wellness, encourage the adoption of healthy behaviors, and  
13 establish safe and supportive environments.

14 C. ~~There is hereby created the Oklahoma Healthy Communities~~  
15 ~~Advisory Committee. The advisory committee shall consist of members~~  
16 ~~as follows:~~

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

21 2. ~~A representative from a statewide nonprofit and nonpartisan~~  
22 ~~organization that seeks to foster collaboration and encourage~~

23  
24

UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

1 ~~community and legislative action in prohealth initiatives, to be~~  
2 ~~appointed by the President 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; and~~

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

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

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

13 ~~F. The Committee shall select from among its membership a chair~~  
14 ~~and cochair.~~

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

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

23  
24

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

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

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

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

10 4. The development of parks and recreation areas;

11 5. The establishment of community gardens;

12 6. Incentives and support for farmers' markets;

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

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

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

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

- 1 1. Basic certification;
- 2 2. Merit certification; and
- 3 3. Excellence certification.

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

8 ~~L. The Committee shall terminate by operation of law on October~~  
9 ~~31, 2015.~~

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

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

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

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

21 ~~1. A representative from a statewide nonprofit and nonpartisan~~  
22 ~~organization that seeks to foster collaboration and encourage~~  
23  
24

1 ~~prohealth initiatives in schools, to be appointed by the Speaker of~~  
2 ~~the Oklahoma House of Representatives;~~

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

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

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

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

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

18 7. ~~A registered dietician, to be appointed by the President Pro~~  
19 ~~Tempore of the State Senate; and~~

20 8. ~~A school nutritionist, to be appointed by the Governor.~~

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

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

3 ~~F. The Committee shall select from among its membership a chair~~  
4 ~~and cochair.~~

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

8 ~~H. Travel reimbursement for members of the Committee who are~~  
9 ~~legislators shall be made pursuant to Section 456 of Title 74 of the~~  
10 ~~Oklahoma Statutes. Travel reimbursement for other members of the~~  
11 ~~Committee shall be made by the respective appointing authorities~~  
12 ~~pursuant to the State Travel Reimbursement Act.~~

13 ~~I.~~ The program shall recognize three levels of certification as  
14 follows:

- 15 1. Basic certification;
- 16 2. Merit certification; and
- 17 3. Excellence certification.

18 ~~J. D.~~ The Department, ~~in collaboration with the Committee,~~  
19 shall develop criteria for certification, which, at a minimum, may  
20 include the following for each level of certification:

- 21 1. Basic certification: The school shall meet at least two  
22 criteria in each of the components of the Center for Disease Control  
23 and Prevention's Coordinated School Health Program model;

1        2. Merit certification: The school shall meet at least three  
2 criteria in each of the components of the Center for Disease Control  
3 and Prevention's Coordinated School Health Program model; and

4        3. Excellence certification: The school shall meet at least  
5 four criteria in each of the components of the Center for Disease  
6 Control and Prevention's Coordinated School Health Program model.

7        ~~K.~~ E. Subject to available funding specifically appropriated  
8 for this purpose, the Department may provide a monetary reward to  
9 schools that earn certification as follows:

10        1. Basic certification: Two Thousand Five Hundred Dollars  
11 (\$2,500.00);

12        2. Merit certification: Five Thousand Dollars (\$5,000.00); and

13        3. Excellence certification: Ten Thousand Dollars  
14 (\$10,000.00).

15        ~~H.~~ F. Schools that obtain a reward pursuant to subsection ~~N~~ H  
16 of this section shall use the funds for the enhancement of wellness  
17 activities and the promotion of healthy environments. Such  
18 activities may include, but are not limited to:

- 19        1. Improving playgrounds;
- 20        2. Purchasing sports equipment; and
- 21        3. Equipping school kitchens for healthy cooking.

22        ~~M.~~ G. The Department shall develop an online application form  
23 for schools seeking to become an Oklahoma Certified Healthy School.

UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

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

5        ~~Ø. I.~~ The Committee shall terminate by operation of law on  
6 October 31, 2015.

7        SECTION 59.        AMENDATORY        63 O.S. 2011, Section 2220.2, is  
8 amended to read as follows:

9        Section 2220.2 A. ~~There is hereby established within the State~~  
10 ~~Department of Health the Organ Donor Education and Awareness Program~~  
11 ~~Advisory Council which shall consist of the following members~~  
12 ~~appointed by the Governor, with the advice and consent of the~~  
13 ~~Senate:~~

14        1. ~~One representative from an organ procurement organization in~~  
15 ~~this state that is certified by the United States Department of~~  
16 ~~Health and Human Services;~~

17        2. ~~One representative from a tissue procurement organization in~~  
18 ~~this state that is certified by a national association of tissue~~  
19 ~~banks;~~

20        3. ~~One representative from an Oklahoma eye bank that is~~  
21 ~~certified by a national eye bank enucleation organization;~~

22        4. ~~Four members representing organ, tissue and eye recipients~~  
23 ~~and their relatives, or donors and relatives of donors who are~~  
24

1 ~~residents of this state; provided, however, such appointments shall~~  
2 ~~be geographically representative of the four regions of the state;~~

3 ~~5. One representative from an Oklahoma transplant center that~~  
4 ~~is a member of a national organ procurement network; and~~

5 ~~6. Three at-large members who have demonstrated an interest in~~  
6 ~~organ donor education and awareness and who are residents of this~~  
7 ~~state.~~

8 ~~B. 1. Of the initial appointments made to the Oklahoma Organ~~  
9 ~~Donor Education and Awareness Program Advisory Council pursuant to~~  
10 ~~the provisions of subsection A of this section, the Governor shall~~  
11 ~~designate four members to serve terms of four (4) years, four~~  
12 ~~members to serve terms of three (3) years, and three members to~~  
13 ~~serve terms of two (2) years. After the initial appointments,~~  
14 ~~members appointed to the Advisory Council shall serve terms of four~~  
15 ~~(4) years. Members shall serve until successors are appointed and~~  
16 ~~qualified. A member may be removed by the Governor for cause.~~  
17 ~~Members may serve no more than two full terms consecutively. A~~  
18 ~~vacancy on the Advisory Council shall be filled in the same manner~~  
19 ~~as the original appointment, for the unexpired portion of the term.~~

20 ~~2. The Advisory Council shall elect from among its membership a~~  
21 ~~chair and a vice chair and shall adopt procedures for the governance~~  
22 ~~of its operations. The Advisory Council shall meet at least~~  
23  
24

1 ~~semiannually. Six members shall constitute a quorum for the~~  
2 ~~transaction of business.~~

3 ~~3. Members of the Advisory Council shall receive no~~  
4 ~~compensation for their services but may be reimbursed for reasonable~~  
5 ~~and necessary expenses incurred in the performance of their duties~~  
6 ~~by the State Department of Health pursuant to the provisions of the~~  
7 ~~State Travel Reimbursement Act.~~

8 ~~4. The State Commissioner of Health may employ such staff as~~  
9 ~~necessary to carry out the provisions of this act; provided,~~  
10 ~~however, the cost of administration of this act shall not exceed~~  
11 ~~twenty percent (20%) of the total funds credited to the Organ Donor~~  
12 ~~Education and Awareness Program Fund created in Section 3 of this~~  
13 ~~act, including administrative fees paid to the Oklahoma Tax~~  
14 ~~Commission and the Commissioner for Public Safety pursuant to the~~  
15 ~~provisions of Sections 4 and 5 of this act.~~

16 ~~C. The Oklahoma Organ Donor Education and Awareness Program~~  
17 ~~Advisory Council shall assist the State Department of Health and the~~  
18 ~~State Department of Education in the development of shall develop~~  
19 ~~organ donor education awareness programs to educate the general~~  
20 ~~public on the importance of organ donation and shall recommend~~  
21 ~~priorities in the expenditures from the Oklahoma Organ Donor~~  
22 ~~Education and Awareness Program Fund.~~

23  
24

1 ~~D.~~ B. In administering this act, the ~~Advisory Council is~~ State  
2 Department of Health and the State Department of Education are  
3 authorized, but not limited to:

4 1. Develop and implement educational programs and campaigns to  
5 increase organ donation in Oklahoma;

6 2. Make policy recommendations for the promotion of organ  
7 donation in Oklahoma;

8 3. Recommend priorities in the expenditures from the Oklahoma  
9 Organ Donor Education Program Fund;

10 4. Accept and hold property; and

11 5. Utilize local resources including volunteers when  
12 appropriate.

13 ~~E.~~ C. The ~~Advisory Council~~ State Department of Health and the  
14 State Department of Education shall annually submit to the Governor  
15 and the Legislature a report detailing its expenditures of fund  
16 monies, its activities, the status of organ donation in the state,  
17 and any recommendations for legislative changes by the first day of  
18 December beginning December 1, 2002.

19 SECTION 60. AMENDATORY 63 O.S. 2011, Section 2220.3, as  
20 amended by Section 511, Chapter 304, O.S.L. 2012 (63 O.S. Supp.  
21 2012, Section 2220.3), is amended to read as follows:

22 Section 2220.3 A. There is hereby created in the State  
23 Treasury a revolving fund for the State Department of Health, to be  
24

1 designated the "Oklahoma Organ Donor Education and Awareness Program  
2 Revolving Fund". The fund shall be a continuing fund, not subject  
3 to fiscal year limitations, and shall consist of all monies received  
4 by the State Department of Health from:

5 1. Any state monies appropriated for the purpose of  
6 implementing the provisions of the Oklahoma Organ Donor Education  
7 and Awareness Program Act; and

8 2. Any monies collected pursuant to this section or any other  
9 monies available to the State Department of Health to implement the  
10 provisions of the Oklahoma Organ Donor Education and Awareness  
11 Program Act.

12 B. All monies accruing to the credit of the fund are hereby  
13 appropriated and shall be budgeted and expended to promote and  
14 encourage organ donor education and awareness.

15 C. Monies credited to the fund, excluding administrative fees  
16 paid to the Oklahoma Tax Commission, may be used for, but are not  
17 limited to:

18 1. Administration of the Act, ~~including, but not limited to,~~  
19 ~~personnel and Advisory Council expenses;~~

20 2. Development and promotion of organ donor public education  
21 and awareness programs in cooperation with the Oklahoma Organ  
22 Sharing Network including, but not limited to, the American Red  
23 Cross and the Oklahoma Lions Eye Bank;

24

1           3. To assist in the publication of information pamphlets or  
2 booklets by the State Department of Health and the State  
3 Superintendent of Public Instruction regarding organ donation and  
4 donations to the Oklahoma Organ Donor Education and Awareness  
5 Program Fund. The State Department of Health shall distribute such  
6 informational pamphlets or booklets to the Department of Public  
7 Safety for distribution to applicants for original, renewal, or  
8 replacement driver licenses and identification cards when making a  
9 voluntary contribution pursuant to Section 2220.5 of this title and  
10 to the Oklahoma Tax Commission for distribution to individuals when  
11 making a voluntary contribution pursuant to the state income tax  
12 check off provided for in Section 2220.4 of this title;

13           4. Implementation of organ donor education and awareness  
14 programs in the elementary and secondary schools of this state by  
15 the State Department of Education ~~in cooperation with the Oklahoma~~  
16 ~~Organ Donor Education and Awareness Program Advisory Council;~~

17           5. Grants by the State Department of Health to certified organ  
18 procurement organizations for the development and implementation of  
19 organ donor education and awareness programs in this state;

20           6. Encouraging the incorporation of organ donor information  
21 into the medical and nursing school curriculums of the state's  
22 medical and nursing schools. If funds are provided to a university  
23 for this educational purpose, the university shall annually evaluate  
24

1 the extent to which the curriculum has affected the attitudes of its  
2 students and graduates with regard to organ donation and shall  
3 forward the evaluation results to the ~~Advisory Council~~ State  
4 Department of Health; and

5 7. A reserve fund in an interest-bearing account with five  
6 percent (5%) of the monies received by the fund annually to be  
7 placed in this account. No funds may be expended from the reserve  
8 fund account until the required balance has reached One Hundred  
9 Thousand Dollars (\$100,000.00) and then these funds may only be used  
10 in years when donations do not meet the average normal operating fee  
11 incurred by the fund, and funds are expended to meet expenses. Once  
12 the balance in the reserve fund account reaches One Hundred Thousand  
13 Dollars (\$100,000.00), excess funds earned by interest, and yearly  
14 allocations may be used at the discretion of the Advisory Council to  
15 cover operating costs and to provide additional funds.

16 D. The fund may accept bequests and grants from individuals,  
17 corporations, organizations, associations, and any other source.  
18 The fund supplements and augments services provided by state  
19 agencies and does not take the place of such services.

20 E. Expenditures from the fund shall be made upon warrants  
21 issued by the State Treasurer against claims filed as prescribed by  
22 law with the Director of the Office of Management and Enterprise  
23 Services for approval and payment.

24

1 SECTION 61. AMENDATORY 63 O.S. 2011, Section 2220.5, is  
2 amended to read as follows:

3 Section 2220.5 A. 1. An applicant for an original or  
4 replacement driver license or identification card shall be given an  
5 opportunity to make a voluntary contribution of One Dollar (\$1.00)  
6 to be credited to the Oklahoma Organ Donor Education and Awareness  
7 Program Revolving Fund established in Section 2220.3 of this title.  
8 Any voluntary contribution shall be added to the driver license or  
9 identification card fee and then be referred to the State Treasurer  
10 and credited to the Oklahoma Organ Donor Education and Awareness  
11 Program Revolving Fund as provided in Section 2220.3 of this title.

12 2. An applicant for a vehicle title or transfer of title or for  
13 a vehicle license plate shall be given an opportunity to make a  
14 minimum voluntary contribution of One Dollar (\$1.00) to be credited  
15 to the Oklahoma Organ Donor Education and Awareness Program  
16 Revolving Fund established in Section 2220.3 of this title. Any  
17 voluntary contribution shall be added to the title or license plate  
18 fee and then be referred to the State Treasurer and credited to the  
19 Oklahoma Organ Donor Education and Awareness Program Revolving Fund  
20 as provided in Section 2220.3 of this title.

21 3. The contribution prescribed in this section is voluntary and  
22 may be refused by the applicant. The Department of Public Safety  
23 and the Oklahoma Tax Commission shall make available an information  
24

1 booklet or other informational sources on the importance of organ  
2 donation to applicants for licensure, as designed and provided by  
3 the State Department of Health and the State Superintendent of  
4 Public Instruction ~~with the assistance of the Oklahoma Organ Donor~~  
5 ~~Education and Awareness Program Advisory Council established in~~  
6 ~~Section 2220.2 of this title.~~

7 B. The Department of Public Safety and motor license agents  
8 shall inquire of each applicant at the time of presentation of a  
9 completed application for an original driver license or  
10 identification card whether the applicant is interested in making  
11 the One Dollar (\$1.00) contribution prescribed in subsection A of  
12 this section and whether the applicant is interested in being an  
13 organ and tissue donor. The Department of Public Safety or motor  
14 license agents shall also specifically inform the applicant of the  
15 ability to make an organ and tissue donation. The Department of  
16 Public Safety shall notify the State Commissioner of Health the  
17 name, address, date of birth, and driver license number or  
18 identification card number of applicants who indicate that they are  
19 interested in being an organ donor.

20 C. The incremental cost of administration of contributions to  
21 the fund, not to exceed one percent (1%) of the monies received  
22 pursuant to the provisions of this section, shall be paid by the  
23 fund to the Department of Public Safety or the Oklahoma Tax  
24

1 Commission, as applicable, from amounts received pursuant to the  
2 provisions of this section before funds are expended for the  
3 purposes of the fund.

4 SECTION 62. AMENDATORY 63 O.S. 2011, Section 2220.6, is  
5 amended to read as follows:

6 Section 2220.6 The State Superintendent of Public Instruction  
7 shall develop and implement in conjunction with the State Department  
8 of Health ~~and the Oklahoma Organ Donor Education and Awareness~~  
9 ~~Program Advisory Council within the State Department of Health an~~  
10 organ donor education and awareness curriculum for use in the  
11 elementary and secondary schools of this state. The State Board of  
12 Education shall promulgate rules to enact the provisions of this  
13 section not later than the 2001-2002 school year.

14 SECTION 63. AMENDATORY 70 O.S. 2011, Section 1210.284,  
15 is amended to read as follows:

16 Section 1210.284 A. 1. The parent or guardian of each student  
17 enrolled in kindergarten at a public school in this state shall  
18 provide certification to school personnel that the student passed a  
19 vision screening within the previous twelve (12) months or during  
20 the school year. Such screening shall be conducted by personnel  
21 listed on the statewide registry as maintained by the State  
22 Department of Health.

23  
24

1           2. The parent or guardian of each student enrolled in first or  
2 third grade at a public school in this state shall provide within  
3 thirty (30) days of the beginning of the school year certification  
4 to school personnel that the student passed a vision screening  
5 within the previous twelve (12) months. Such screening shall be  
6 conducted by personnel listed on the statewide registry as  
7 maintained by the State Department of Health.

8           3. The parent or guardian of each student who receives a vision  
9 screening as required by this section shall receive notification  
10 that a vision screening is not the equivalent of a comprehensive eye  
11 exam.

12           B. 1. ~~The State Department of Health shall form an advisory~~  
13 ~~committee comprised of:~~

14           a. ~~one licensed Oklahoma optometrist,~~

15           b. ~~one licensed Oklahoma ophthalmologist,~~

16           c. ~~the State Commissioner of Health, or designee,~~

17           d. ~~the State Superintendent of Public Instruction, or~~

18           ~~designee, and~~

19           e. ~~one representative of a statewide organization for the~~  
20           ~~prevention of blindness.~~

21           ~~2.~~ The advisory committee Health Care Advisory Council  
22 established by Section 21 of this act shall make recommendations to  
23 the State Board of Health on:

- 1 a. standards for vision screening and referral,  
2 b. qualifications for initial recognition and renewal of  
3 recognition of vision screeners,  
4 c. qualifications for initial recognition and renewal of  
5 recognition of vision screener trainers,  
6 d. qualifications for initial recognition and renewal of  
7 recognition of trainers of vision screener trainers,  
8 and  
9 e. grounds for denial, refusal, suspension or revocation  
10 of recognition of vision screeners, vision screener  
11 trainers and trainers of vision screener trainers.

12 ~~3. The advisory committee shall provide to the Department a~~  
13 ~~list of:~~

- 14 ~~a. qualified vision screeners,~~  
15 ~~b. qualified vision screener trainers, and~~  
16 ~~c. qualified trainers of vision screener trainers which~~  
17 ~~are recognized by another state or national entity~~  
18 ~~involved with vision screening with substantially~~  
19 ~~similar published standards and qualifications.~~

20 ~~4.~~ 2. The Department shall:

- 21 a. establish and thereafter maintain a statewide  
22 registry, available via the Internet, which shall  
23 contain a list of approved vision screeners,  
24

- 1           b.    maintain a list of approved vision screener trainers  
2                   and trainers of vision screener trainers, and  
3           c.    maintain the standards for vision screening and  
4                   referral.

5       ~~5.~~ 3. After notice and hearing, the Department may deny,  
6 refuse, suspend or revoke approval to an applicant which has a  
7 history of:

- 8           a.    noncompliance or incomplete or partial compliance with  
9                   the provisions of this section or the rules adopted by  
10                  the Board to implement the provisions of this section,  
11           b.    referring persons to a business in which the applicant  
12                  has a financial interest or a business which is owned  
13                  or operated by someone within the third degree of  
14                  consanguinity or affinity of the applicant, or  
15           c.    conduct which demonstrates that the applicant is  
16                  providing services in a manner which does not warrant  
17                  public trust.

18       ~~6. The advisory committee may make recommendations to the Board  
19 for establishing a requirement for background checks and provide a  
20 listing of offenses that disqualify a vision screener, vision  
21 screener trainer or trainer of vision screener trainers for  
22 recognition pursuant to this section.~~

1       ~~7. The advisory committee may also serve as a sports eye safety~~  
2 ~~resource for Oklahoma K-12 public school districts and nonprofit~~  
3 ~~community sports organizations by developing and providing~~  
4 ~~educational materials to the school districts and organizations~~  
5 ~~which detail the risk of eye injuries associated with different~~  
6 ~~types of sports and the availability of protective eyewear that~~  
7 ~~reduces the risk of eye injuries due to sports.~~

8       ~~8.~~ 4. The Board, giving consideration to the recommendations of  
9 the Health Care Advisory Council established by Section 21 of this  
10 act, shall promulgate rules to implement the provisions of this  
11 section.

12       C. 1. The parent or guardian of each student who fails the  
13 vision screening required in subsection A of this section shall  
14 receive a recommendation to undergo a comprehensive eye examination  
15 performed by an ophthalmologist or optometrist.

16       2. The ophthalmologist or optometrist shall forward a written  
17 report of the results of the comprehensive eye examination to the  
18 student's school, parent or guardian, and primary health care  
19 provider designated by the parent or guardian. The report shall  
20 include, but not be limited to:

- 21           a. date of report,
- 22           b. name, address and date of birth of the student,
- 23           c. name of the student's school,

- 1           d.    type of examination,
- 2           e.    a summary of significant findings, including
- 3                 diagnoses, medication used, duration of action of
- 4                 medication, treatment, prognosis, whether or not a
- 5                 return visit is recommended and, if so when,
- 6           f.    recommended educational adjustments for the child, if
- 7                 any, which may include: preferential seating in the
- 8                 classroom, eyeglasses for full-time use in school,
- 9                 eyeglasses for part-time use in school, sight-saving
- 10                eyeglasses, and any other recommendations, and
- 11           g.    name, address and signature of the examiner;

12           D.  No student shall be prohibited from attending school for a

13           parent's or guardian's failure to furnish a report of the student's

14           vision screening or an examiner's failure to furnish the results of

15           a student's comprehensive eye examination required by this section.

16           E.  School districts shall notify parents or guardians of

17           students who enroll in kindergarten, first, or third grade for the

18           2007-08 school year and each year thereafter of the requirements of

19           this section.

20           F.  The State Board of Education shall adopt rules for the

21           implementation of this section except as provided in subsection B of

22           this section.  The State Department of Education shall issue a

23           report annually on the impact and effectiveness of this section.

1 SECTION 64. REPEALER 59 O.S. 2011, Sections 61.4,  
2 1150.5, as amended by Section 277, Chapter 304, O.S.L. 2012, 1150.6,  
3 1904, 1925.4 and 1933 (59 O.S. Supp. 2012, Section 1150.5), and 63  
4 O.S. 2011, Sections 1-106.3, 1-122, 1-227.9, 1-229.4, 1-232.2, 1-  
5 260.4, 1-555, 1-860.13, 1-860.14, 1-1456, 1-1504.1, 1-1753, 1-1923,  
6 1-1970, 1-2516, as amended by Section 1, Chapter 74, O.S.L. 2012, 1-  
7 2530.4, 1-2530.6 and 1-2530.7 (63 O.S. Supp. 2012, Section 1-2516),  
8 are hereby repealed.

9 SECTION 65. This act shall become effective November 1, 2013.

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11 COMMITTEE REPORT BY: COMMITTEE ON GOVERNMENT MODERNIZATION, dated  
12 03/04/2013 - DO PASS, As Amended.

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