STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

SENATE BILL 1547 By: Griffin

AS INTRODUCED

An Act relating to public health; amending Section 44, Chapter 229, O.S.L. 2013, as last amended by Section 1, Chapter 11, O.S.L. 2015 (63 O.S. Supp. 2015, Section 1-103a.1), which relates to Public Health Advisory Councils; expanding jurisdiction of certain Advisory Council to include certain cases; requiring Advisory Councils to submit certain recommendations to the Legislature; and providing an effective date.

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

SECTION 1. AMENDATORY Section 44, Chapter 229, O.S.L. 2013, as last amended by Section 1, Chapter 11, O.S.L. 2015 (63 O.S. Supp. 2015, Section 1-103a.1), is amended to read as follows:

Section 1-103a.1. A. To assist and advise the State Board of Health and the State Department of Health, there are hereby created:

1. The Consumer Protection Licensing Advisory Council;

2. The Trauma and Emergency Response Advisory Council;

3. The Infant and Children's Health Advisory Council;

4. The Advancement of Wellness Advisory Council; and

5. The Home Care, Hospice and Palliative Care Advisory Council.

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

2. The Home Care, Hospice and Palliative Care Advisory Council shall consist of nine (9) members. Two members shall be appointed by the Governor, three members shall be appointed by the Speaker of the House of Representatives, three members shall be appointed by the President Pro Tempore of the Senate and one member shall be appointed by the State Board of Health. Five members shall constitute a quorum.

3. Each Advisory Council shall meet at least twice a year, but no more than four times a year and shall elect a chair, a vice-chair and a secretary from among its members. Each Advisory Council shall only meet as required for election of officers, establishment of

meeting dates and times; rule development, review and recommendation; and adoption of nonbinding resolutions to the State Department of Health or the State Board of Health concerning matters brought before the Advisory Council. Special meetings may be called by the chair or by the concurrence of any three members.

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

a. the Governor shall appoint:

(1) one member who is a licensed radiologist assistant, and

(2) one member who is a licensed audiologist,

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

(1) one member who is a licensed radiologist, and

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

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

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

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

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

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

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

a. the Governor shall appoint:

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

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

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

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

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

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

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

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

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

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

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

a. the Governor shall appoint:

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

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

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

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

(2) one member licensed by the state as an optometrist who has knowledge of vision screening for children, and

(3) one member who is a licensed ophthalmologist in this state with the knowledge of treating visual deficiencies in children,

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

(1) one member who is licensed by the state as a physician and works as a pediatrician, and

(2) one member who is licensed by the state as a genetic counselor, and

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

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

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

a. the Governor shall appoint:

(1) one member who is knowledgeable about breast and cervical cancer issues, 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 mayor 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,

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

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

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

G. 1. All members of the Home Care, Hospice and Palliative Care Advisory Council shall be knowledgeable of issues that arise in the administration and practice of home care, hospice and palliative care services. The Home Care, Hospice and Palliative Care Advisory Council shall be composed as follows:

a. the Governor shall appoint:

(1) one member who is the owner or administrator of an entity licensed in accordance with the Oklahoma Hospice Licensing Act, and

(2) one member who is an owner or administrator of an entity licensed in accordance with the Oklahoma Home Care Act,

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

(1) one member who is an owner or administrator of an entity licensed in accordance with the Oklahoma Hospice Licensing Act,

(2) one member who is an owner or administrator of an entity licensed in accordance with the Oklahoma Home Care Act, and

(3) one member who is a member of the palliative care patient advocacy community,

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

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

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

(3) one member who is an allopathic or osteopathic physician or nurse certified in palliative care delivery in this state, and

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

2. The jurisdictional areas of the Home Care, Hospice and Palliative Care Advisory Council shall include all issues that arise in the areas of home care, hospice services and palliative care, including, but not limited to:

a. identifying methods that improve the quality and delivery of home care, hospice and palliative care,

b. reviewing best practices from home care, hospice and palliative care programs in the state,

c. developing information on home care, hospice and palliative care issues for the general public, ~~and~~

d. reviewing cases involving the death of a vulnerable adult resulting from systemic failures in the state's home care, hospice and palliative care industry, and

e. such other areas as designated by the State Board of Health.

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

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

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

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

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

a. pass nonbinding resolutions expressing the sense of the Advisory Council, and

b. make recommendations to the State Board of Health or the State Department of Health concerning the need and the desirability of conducting meetings, workshops and seminars; ~~and~~

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

6. Recommend to the Legislature changes in state law or administrative rules to improve the provision of services in this state. Such recommendations shall be submitted annually to the President Pro Tempore of the Senate and the Speaker of the House of Representatives on or before December 31st of each year.

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

J. Members of the Advisory Councils shall serve without compensation. The Advisory Councils are authorized to utilize the conference rooms of the State Department of Health and obtain administrative assistance from the State Department of Health, as required.

SECTION 2. This act shall become effective November 1, 2016.

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