

1 ENGROSSED SENATE
2 BILL NO. 406

By: Garvin of the Senate

3 and

4 McEntire of the House

5
6 An Act relating to the University Hospitals
7 Authority; amending 10 O.S. 2011, Section 175.12, as
8 amended by Section 32, Chapter 304, O.S.L. 2012 (10
9 O.S. Supp. 2020, Section 175.12), which relates to
10 Children's Hospital of Oklahoma; modifying name;
11 modifying purpose of hospital; deleting provisions
12 relating to payment; updating managing entity;
13 amending 10 O.S. 2011, Section 1150.3, which relates
14 to Child Death Review Board; modifying names of
15 certain facility and certain entity; amending 56 O.S.
16 2011, Section 300, which relates to Oklahoma Medical
17 Center; modifying name of certain facility; allowing
18 University Hospitals Authority to designate other
19 names; amending 57 O.S. 2011, Section 509.6, which
20 relates to special correctional unit for elderly,
21 disabled and sick inmates; modifying name of certain
22 facility; amending 63 O.S. 2011, Section 2654.2,
23 which relates to Oklahoma Poison Control Center;
24 deleting language relating to location, contracts and
implementation; amending 63 O.S. 2011, Section 3202,
as amended by Section 1, Chapter 495, O.S.L. 2019 (63
O.S. Supp. 2020, Section 3202), which relates to
definitions; modifying definitions; authorizing
Authority to assign certain facilities to certain
entities; prohibiting certain use of titles without
permission; amending 63 O.S. 2011, Section 3204, as
amended by Section 3, Chapter 495, O.S.L. 2019 (63
O.S. Supp. 2020, Section 3204), which relates to
transfer of property; modifying names of certain
facilities; amending 63 O.S. 2011, Section 3206,
which relates to Children's Hospital; modifying name;
broadening certain authority; amending 63 O.S. 2011,
Section 3224, as last amended by Section 8, Chapter
495, O.S.L. 2019 (63 O.S. Supp. 2020, Section 3224),
which relates to University Hospitals Trust;
clarifying name of certain facility; amending 68 O.S.
2011, Section 302-1, which relates to taxation of

1 cigarettes; updating certain fund; amending Section
2 3, Chapter 394, O.S.L. 2013, as last amended by
3 Section 1, Chapter 10, 2nd Extraordinary Session,
4 O.S.L. 2018 (70 O.S. Supp. 2020, Section 18-114.14),
5 which relates to salary of school employees;
6 clarifying location and managing entity of certain
7 facility; amending 70 O.S. 2011, Section 3307, which
8 relates to University Hospital Psychiatry and
9 Neurology Service; modifying definition; updating and
10 clarifying language; making language gender-neutral;
11 amending 72 O.S. 2011, Section 356, which relates to
12 cooperative program for referral and screening of
13 veterans; modifying names of certain facilities;
14 repealing 10 O.S. 2011, Section 175.13, which relates
15 to Oklahoma Medical Center Disbursing Fund; and
16 providing an effective date.

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

18 SECTION 1. AMENDATORY 10 O.S. 2011, Section 175.12, as
19 amended by Section 32, Chapter 304, O.S.L. 2012 (10 O.S. Supp. 2020,
20 Section 175.12), is amended to read as follows:

21 Section 175.12. ~~(a)~~ A. The Oklahoma Children's Hospital ~~of~~
22 ~~Oklahoma,~~ including its clinics and laboratories, is hereby
23 designated as a service institution for ~~the physically handicapped~~
24 ~~children of this state, which also serves~~ persons under twenty-one
(21) years of age and shall have the authority to extend services to
persons twenty-one (21) years or older. The Oklahoma Children's
Hospital shall also serve as a teaching and training hospital for
the School of Medicine of the University of Oklahoma. ~~Payment for~~
~~services by the Commission to the Children's Hospital of Oklahoma~~
~~shall be based on the actual per diem cost of patient care exclusive~~

1 ~~of professional instructional expense. In the event that the~~
2 ~~Commission and Board of Regents of the University of Oklahoma cannot~~
3 ~~agree on a per diem charge for patients of the Commission, the~~
4 ~~Director of the Office of Management and Enterprise Services, with~~
5 ~~the approval of the Governor, is hereby authorized to establish a~~
6 ~~rate of pay which shall prevail. The Children's Hospital of~~
7 ~~Oklahoma shall grant the Commission a priority in the assignment of~~
8 ~~hospital services, which are to be distributed as equitably as is~~
9 ~~possible among the counties of this state.~~

10 ~~(b) B.~~ The Commission University Hospitals Authority shall be
11 obligated, insofar as practicable, to use the available facilities
12 of the Oklahoma Children's Hospital of Oklahoma to a degree that
13 will enable the University of Oklahoma School of Medicine to
14 maintain its proper patient ratio for accreditation; ~~Provided~~
15 provided, that this provision shall not cause undue hardship to a
16 patient.

17 SECTION 2. AMENDATORY 10 O.S. 2011, Section 1150.3, is
18 amended to read as follows:

19 Section 1150.3. A. The Child Death Review Board shall be
20 composed of twenty-seven (27) members, or their designees, as
21 follows:

- 22 1. Fourteen of the members shall be:
- 23 a. the Chief Medical Examiner,
- 24

- 1 b. the Director of the Department of Human Services, or a
2 designee, provided the designee shall be a person
3 assigned to the Child Welfare Division of the
4 Department,
5 c. the State Commissioner of Health,
6 d. the Director of the Office of Child Abuse Prevention,
7 e. the Director of the Oklahoma Commission on Children
8 and Youth,
9 f. the Chief Child Abuse Medical Examiner,
10 g. the Chief of Maternal and Child Health Services of the
11 State Department of Health,
12 h. the Commissioner of Mental Health and Substance Abuse
13 Services,
14 i. the Chair of the Child Protection ~~Committee~~ Team of
15 the Oklahoma Children's Hospital ~~of Oklahoma~~,
16 j. the Director of the Office of Juvenile Affairs,
17 k. the Chief of Injury Prevention Services of the State
18 Department of Health,
19 l. the State Epidemiologist of the State Department of
20 Health,
21 m. the Director of the Oklahoma State Bureau of
22 Investigation, and
23 n. the Chief Executive Officer of the Oklahoma Health
24 Care Authority; and

1 2. Thirteen of the members shall be appointed by the Director
2 of the Oklahoma Commission on Children and Youth, shall serve for
3 terms of two (2) years, and shall be eligible for reappointment.

4 The members shall be persons having training and experience in
5 matters related to the abuse or neglect of a child. The appointed
6 members shall include:

- 7 a. a law enforcement officer selected from lists
8 submitted by the executive boards of organizations
9 representing sheriffs and peace officers in this
10 state,
- 11 b. an attorney licensed in this state who is in private
12 practice selected from a list submitted by the
13 executive board of the Oklahoma Bar Association,
- 14 c. a district attorney selected from a list submitted by
15 the District Attorney's Council,
- 16 d. a physician selected from lists submitted by statewide
17 organizations representing physicians in this state,
- 18 e. a physician selected from lists submitted by statewide
19 organizations representing osteopathic physicians in
20 this state,
- 21 f. a member of the State Post-Adjudication Review
22 Advisory Board,
- 23 g. a social worker selected from a list submitted by each
24 organization representing social workers,

- 1 h. an individual selected from lists submitted by
2 Oklahoma court-appointed special advocate
3 associations,
4 i. a psychologist selected from lists submitted by
5 Oklahoma psychological associations,
6 j. a member of a Native American Tribe involved in the
7 area of protection of Native American children
8 selected from a list submitted by the Oklahoma Indian
9 Affairs Commission,
10 k. an individual selected from lists submitted by
11 Oklahoma coalitions or associations against domestic
12 violence and sexual assault,
13 l. a pediatric physician selected from lists submitted by
14 organizations of pediatric physicians or osteopaths,
15 and
16 m. a member of an emergency medical technicians
17 association.

18 B. Every two (2) years the Board shall elect from among its
19 membership a chair and a vice-chair. The Board shall meet at least
20 quarterly and may meet more frequently as necessary as determined by
21 the chair. Members shall serve without compensation but may be
22 reimbursed for necessary travel out of funds available to the
23 Commission pursuant to the State Travel Reimbursement Act; provided,
24

1 that the reimbursement shall be paid in the case of state employee
2 members by the agency employing the member.

3 C. With funds appropriated or otherwise available for that
4 purpose, the Commission shall provide administrative assistance and
5 services to the Child Death Review Board.

6 SECTION 3. AMENDATORY 56 O.S. 2011, Section 300, is
7 amended to read as follows:

8 Section 300. The Oklahoma Medical Center shall include the
9 University Hospital, the Oklahoma Children's Hospital of Oklahoma,
10 the O'Donaghue Rehabilitation Institution, the Child Study Center,
11 and any other institutions operated by a private entity under a
12 joint operating agreement in which any of the state institutions
13 listed in this section are leased to a private entity pursuant to
14 the University Hospitals Authority Act. The University Hospitals
15 Authority may, at its discretion, designate other names under which
16 the Oklahoma Medical Center may operate.

17 SECTION 4. AMENDATORY 57 O.S. 2011, Section 509.6, is
18 amended to read as follows:

19 Section 509.6. The Department of Corrections is authorized,
20 pursuant to the Board of Corrections resolution on May 22, 1998 and
21 subject to legislative appropriation, to establish a special
22 correctional unit expansion at the Joseph Harp Correctional Center
23 in Lexington, Oklahoma, designed solely for the imprisonment of
24 elderly persons, physically disabled persons, persons in need of

1 infirmary care, and persons in need of specialized care or treatment
2 as an outpatient in the Oklahoma City Metropolitan area in the
3 custody of the Department. The Department shall consider the unique
4 needs of the elderly offender and the physically disabled offender
5 when designing the unit or renovating an existing unit for this
6 purpose and when implementing any program or service for such
7 persons.

8 Only the following offenders shall be eligible for placement in
9 the facility:

10 1. Persons age fifty-five (55) years or older who are deemed
11 not suitable for placement in the general population of another
12 facility;

13 2. Persons who are physically disabled upon reception into the
14 custody of the Department, or who become physically disabled during
15 the term of their incarceration within the custody of the
16 Department, and whose disability requires the continuous use of a
17 wheelchair or other special equipment, or whose disability requires
18 special assistance, services or accommodations which another
19 facility is not designed or equipped to meet;

20 3. Persons requiring an infirmary with twenty-four-hour nursing
21 care; and

22 4. Persons having appointments or other needs for medical
23 services which are provided at Griffin Memorial Hospital, ~~Oklahoma~~
24 ~~Memorial~~ University Hospital or other medical facilities in the

1 Oklahoma City metropolitan area and that are coming from and
2 returning to other Department correctional facilities.

3 SECTION 5. AMENDATORY 63 O.S. 2011, Section 2654.2, is
4 amended to read as follows:

5 Section 2654.2. There is hereby created the Oklahoma Poison
6 Control Center within ~~Children's Hospital of Oklahoma. The~~
7 ~~University Hospitals Authority shall contract with the University of~~
8 Oklahoma Health Sciences Center College of Pharmacy ~~for the~~
9 ~~implementation of this act.~~ The purpose of the center is to
10 implement a statewide emergency poison and drug information program
11 designed and structured to deliver reliable, accurate, qualified
12 professional judgments and responses to requests for emergency
13 poison and drug information data.

14 SECTION 6. AMENDATORY 63 O.S. 2011, Section 3202, as
15 amended by Section 1, Chapter 495, O.S.L. 2019 (63 O.S. Supp. 2020,
16 Section 3202), is amended to read as follows:

17 Section 3202. A. As used in the University Hospitals Authority
18 Act:

19 1. "University Hospitals" include ~~the Oklahoma Memorial~~
20 ~~Hospital, which shall be renamed University Hospital; the, Oklahoma~~
21 ~~Children's Hospital of Oklahoma; the Child Study Center; and the~~
22 ~~O'Donoghue Rehabilitation Institute~~ and any and all inpatient and
23 outpatient hospital and clinical facilities and office and research
24 buildings, facilities or property owned by or under the management

1 and control of the University Hospitals Authority or the University
2 Hospitals Trust;

3 2. "Authority" means the University Hospitals Authority;

4 3. "Department" means the Department of Human Services;

5 4. "Commission" means the Commission for Human Services or the
6 Oklahoma Public Welfare Commission;

7 5. "University Hospital" means ~~Everett Tower and the North~~
8 ~~Pavilion, which have been renamed as Children's Hospital at the~~
9 ~~University of Oklahoma Medical Center~~ the inpatient and outpatient
10 hospital and clinical facilities and office and research buildings,
11 facilities or property assigned for the use of University Hospital
12 by the University Hospitals Authority; and

13 6. "Oklahoma Children's Hospital of Oklahoma" means the
14 ~~Bielstein, Garrison, Nicholson and MRI towers which are no longer~~
15 ~~being used as hospitals~~ inpatient and outpatient hospital and
16 clinical facilities and office and research buildings, facilities or
17 property assigned for the use of Oklahoma Children's Hospital by the
18 University Hospitals Authority. Any statutory reference to
19 "Children's Hospital of Oklahoma" or "Children's Hospital" shall be
20 construed to refer to Oklahoma Children's Hospital as defined in
21 this section.

22 B. The University Hospitals Authority may assign any inpatient
23 and outpatient hospital and clinical facilities, research buildings,
24 facilities or property and any other buildings, facilities or

1 property under its ownership or management and control to University
2 Hospital, Oklahoma Children's Hospital or any other division or
3 entity which is part of University Hospitals.

4 C. No person or entity shall use the title "Oklahoma Children's
5 Hospital" or "Children's Hospital of Oklahoma" for any purpose
6 without the express permission of the University Hospitals Trust.
7 No person or entity shall use the title "Children's Hospital" with
8 respect to Children's Hospital of Oklahoma as defined in this
9 section without the express permission of the University Hospitals
10 Trust.

11 SECTION 7. AMENDATORY 63 O.S. 2011, Section 3204, as
12 amended by Section 3, Chapter 495, O.S.L. 2019 (63 O.S. Supp. 2020,
13 Section 3204), is amended to read as follows:

14 Section 3204. A. Until July 1, 1993, the University Hospitals
15 shall be under the jurisdiction, supervision, management and control
16 of the Department of Human Services and the Commission for Human
17 Services.

18 B. Effective July 1, 1993, the University Hospitals are hereby
19 transferred from the Department of Human Services and the Commission
20 for Human Services to the University Hospitals Authority.

21 C. The transfer shall include:

22 1. All powers, duties, responsibilities, properties, assets,
23 fund balances, encumbrances, obligations, records, personnel and
24 liabilities, including, but not limited to, liability for all

1 University Hospital employees' sick leave, annual leave, holidays,
2 unemployment benefits and workers' compensation benefits accruing to
3 employees prior to July 1, 1993, which are attributable to the
4 University Hospitals; provided, however, that any claims arising
5 under the Governmental Tort Claims Act and filed prior to July 1,
6 1993, and from any other actions filed prior to July 1, 1993, shall
7 remain the responsibility of the Department of Human Services and
8 the Commission for Human Services. All claims arising prior to July
9 1, 1993 and for which no action has been filed shall be paid by the
10 Risk Management Program;

11 2. Oklahoma Children's Hospital ~~of Oklahoma~~ and all buildings
12 and appurtenances located on land which is described as follows:
13 Blocks B, 3, 4, 12 and 13, and the North 30 feet of Block 14; and
14 Lots 6 through 15, Block 21, CULBERTSON HEIGHTS ADDITION less and
15 except the West 7 feet of Lot 5 and all of Lots 6 through 19, and
16 the East 5 feet of Lot 20 and the North 59.5 feet of Lots 21 through
17 26, and the North 59.5 feet of the West 49.5 feet of Lot 27, all in
18 Block 13, CULBERTSON HEIGHTS ADDITION to the City of Oklahoma City,
19 Oklahoma, and also less and except the West 106 feet of the vacated
20 Northeast 12th Street abutting said Block 13; and a part of Block
21 20, CULBERTSON HEIGHTS ADDITION and a part of the alleys adjacent
22 thereto, and a part of the SW 1/4, Section 26, T12N, R3W, I.M., and
23 a part of the SE 1/4, Sec. 27, T12N, R3W, I.M., Oklahoma County,
24 Oklahoma, and a part of vacated Kelley Avenue adjacent thereto, more

1 particularly described as follows: Commencing at the NE corner of
2 Block 20, CULBERTSON HEIGHTS ADDITION, Oklahoma City, Oklahoma,
3 thence S. 0 degrees 03' 34" E. and along the East line of said Block
4 20 and along the West Right-of-Way line of Stonewall Avenue a
5 distance of 10 ft. to the point or place of beginning; thence
6 continuing S. 0 degrees 03' 34" E. and along the East line of said
7 Block 20 and along the West Right-of-Way line of Stonewall Avenue a
8 distance of 341.27 ft., thence N. 89 degrees 54' 35" W. a distance
9 of 520.10 ft., thence N. 0 degrees 11' 08" E. a distance of 18.0
10 ft.; thence N. 89 degrees 48' 52" W. a distance of 12.0 ft.; thence
11 N. 0 degrees 11' 08" E. a distance of 6 ft.; thence N. 89 degrees
12 48' 52" W. a distance of 21.5 ft., thence N. 0 degrees 11' 08" E. a
13 distance of 22.5 ft., thence N. 89 degrees 48' 52" W. a distance of
14 286.5 ft., thence N. 89 degrees 48' 52" W. a distance of 27.00 feet;
15 thence N. 0 degrees 12' 03" E. a distance of 72.50 feet; thence N.
16 89 degrees 48' 51" W. a distance of 25.65 feet; thence N. 23 degrees
17 29' 12" W. a distance of 250.50 feet to a point on the South Right-
18 of-Way line of N.E. 13th Street; thence S. 89 degrees 48' 51" E. and
19 along the South Right-of-Way line of N.E. 13th Street a distance of
20 649.76 feet; to a point in the East line of said SE 1/4 of Section
21 27, T12N, R3W, thence S. 0 degrees 06' 23" W. along the East line of
22 said Section 27, a distance of 10.0 ft., thence N. 89 degrees 33'
23 42" E. and parallel to and 10 ft., South of the North line of said
24

1 Block 20 of said CULBERTSON HEIGHTS ADDITION a distance of 342.10
2 ft. to the point or place of beginning; and

3 3. a. ~~Oklahoma Memorial~~ University Hospital and all
4 buildings and appurtenances located on land which is
5 described as follows: A part of the South Half of the
6 Southeast Quarter of Section 27, T12N, R3W of the
7 Indian Meridian AND a part of the North Half of the
8 Northeast Quarter of Section 34, T12N, R3W, of the
9 Indian Meridian, all in Oklahoma County, Oklahoma,
10 more particularly described as follows: Beginning at
11 the Southwest corner of Block 13, HOWE'S CAPITOL
12 ADDITION; thence N. 0 degrees 10' 36" E. along the
13 East line of Phillips Avenue a distance of 674.64 feet
14 to a point on the South line of Northeast 13th Street;
15 thence S. 89 degrees 48' 51" E. along the South line
16 of said Northeast 13th Street a distance of 620.30
17 feet; thence S. 23 degrees 29' 12" E. a distance of
18 250.50 feet; thence S. 89 degrees 48' 51" E. a
19 distance of 25.65 feet; thence S. 0 degrees 12' 03" W.
20 a distance of 72.50 feet; thence S. 89 degrees 48' 51"
21 E. a distance of 27.00 feet; thence S. 00 degrees 12'
22 03" W. a distance of 443.57 feet; thence S. 89 degrees
23 43' 03" E. a distance of 32.95 feet; thence S. 00
24 degrees 14' 28" W. along the East line of a retaining

1 wall a distance of 733.66 feet to a point on the South
2 line of Block 1 of OAK PARK ADDITION; thence S. 89
3 degrees 52' 55" W. along the South line of Blocks 1
4 and 7 of OAK PARK ADDITION a distance of 810.11 feet
5 to the Southwest corner of said Block 7; thence N. 00
6 degrees 10' 36" E. along the West line of said Block
7 7, OAK PARK ADDITION a distance of 213.87 feet; thence
8 N. 89 degrees 49' 24" W. a distance of 3.40 feet;
9 thence N. 00 degrees 10' 36" E. along the West line of
10 Block 24, HOWE'S CAPITOL ADDITION a distance of 190.00
11 feet; thence S. 89 degrees 49' 24" E. a distance of
12 8.10 feet; thence N. 00 degrees 10' 36" E. along the
13 West line of Block 18, HOWE'S CAPITOL ADDITION a
14 distance of 405.00 feet to the Point of Beginning and
15 containing 1,146,572 Square Feet or 26.32 Acres more
16 or less;

- 17 b. That portion of the property described in subparagraph
18 a known as the Research Building shall be transferred
19 to the Authority, but shall be leased to the
20 University of Oklahoma for a term of not less than
21 forty (40) years from the date thereof; and
- 22 c. All of Blocks 1 and 2 of Culbertson Heights Addition,
23 and all of Block 3 and Lots 3 through 20 and the North
24 50 feet of Lots 21 through 38 of Block 12, Oak Park

1 Addition to the City of Oklahoma City, Oklahoma, ~~7~~
2 including the encompassed and abutting portions of the
3 vacated Northeast 11th Street, Park Place and
4 Northeast 10th Street, and the abutting portion of
5 Everest Avenue and the alley way in Block 12 of the
6 said Oak Park Addition.

7 D. Properties to be retained by the Department of Human
8 Services include:

9 1. The Service Center Building and land located on: The South
10 100 feet of Block 12 and all of Block 17, Oak Park Addition to the
11 City of Oklahoma City, Oklahoma, ~~7~~ including the encompassed or
12 abutting portions of vacated Everest Avenue and Northeast 9th
13 Street. (219,300 sq. ft., 5.03 acres); and

14 2. The Management Information Division Building and land
15 located on: The West 7 feet of Lot 5 and all of Lots 6 through 19,
16 and the East 5 feet of Lot 20 and the North 59.5 feet of Lots 21
17 through 26, and the North 59.5 feet of the West 49.5 feet of Lot 27,
18 all in Block 13, Culbertson Heights Addition to the City of Oklahoma
19 City, Oklahoma, and also including the West 106 feet of the vacated
20 Northeast 12th Street abutting said Block 13. (82,199 sq. ft., 1.89
21 acres).

22 E. Appropriate conveyances shall be executed to effectuate the
23 transfers specified by subsections B, C and D of this section.
24

1 SECTION 8. AMENDATORY 63 O.S. 2011, Section 3206, is
2 amended to read as follows:

3 Section 3206. Oklahoma Children's Hospital ~~of Oklahoma~~ shall
4 serve as a general hospital and service institution for persons
5 under twenty-one (21) years of age and shall have the authority to
6 extend ~~transplant~~ services to persons twenty-one (21) years or
7 older.

8 SECTION 9. AMENDATORY 63 O.S. 2011, Section 3224, as
9 last amended by Section 8, Chapter 495, O.S.L. 2019 (63 O.S. Supp.
10 2020, Section 3224), is amended to read as follows:

11 Section 3224. A. The State of Oklahoma expressly approves the
12 creation of a public trust to be denominated the "University
13 Hospitals Trust", of which the State of Oklahoma shall be the
14 beneficiary, provided such approval shall be contingent upon the
15 following conditions being satisfied:

- 16 1. Finalizing of the Declaration of Trust;
- 17 2. Adoption of the Declaration of Trust by an official action
18 of the trustees of the Trust;
- 19 3. Submission of the Trust for acceptance of the beneficial
20 interest and approval as required by Section 177 of Title 60 of the
21 Oklahoma Statutes; and
- 22 4. The approved Declaration of Trust shall:
 - 23 a. clearly state that the principal purpose of the
24 University Hospitals Trust is to effectuate the

- 1 purposes of the University Hospitals Authority as
2 established in the University Hospitals Authority Act,
3 b. except as otherwise provided by law, provide that the
4 fee simple title to real property held by the
5 University Hospitals Authority shall not be
6 transferred, conveyed, or assigned to the University
7 Hospitals Trust without the express consent of the
8 Legislature as the governing entity of the beneficiary
9 pursuant to Section 176 of Title 60 of the Oklahoma
10 Statutes,
11 c. provide that any indebtedness incurred by the
12 University Hospitals Trust or the trustees of the
13 Trust shall not be secured with or create a lien upon
14 real property to which title is held by the University
15 Hospitals Authority and shall not involve the bonding
16 capacity of the University Hospitals Authority,
17 d. provide that the trust estate of the University
18 Hospitals Trust shall not include fee simple title to
19 real property owned by the University Hospitals
20 Authority,
21 e. clearly state that the creation of the University
22 Hospitals Trust shall not in any way reduce, limit or
23 interfere with the power granted to the University
24

1 Hospitals Authority in the University Hospitals
2 Authority Act,

3 f. provide that any lease or contractual agreement
4 involving use of the real property to which title is
5 held by the University Hospitals Authority and any
6 improvements thereto shall contain a provision and
7 covenants requiring the proper maintenance and upkeep
8 of the real property and improvements,

9 g. provide that the trustees of the University Hospitals
10 Trust shall be the acting members of the University
11 Hospitals Authority as provided in the University
12 Hospitals Authority Act, and

13 h. provide that the trustees of the University Hospitals
14 Trust shall have the duty to submit an annual report
15 to the Governor, the President Pro Tempore of the
16 Senate and the Speaker of the House of
17 Representatives. The report shall be submitted by
18 January 1 of each year and shall include an account of
19 all operations, actions of the Trust, account of all
20 revenue received and disbursed by the Trust for the
21 previous fiscal year. The report shall also provide a
22 complete accounting of how the Trust meets its primary
23 function of effectuating the purposes of the
24

1 University Hospitals Authority, as established in the
2 University Hospitals Authority Act.

3 B. The University Hospitals Trust shall require any agreements
4 which it enters into with any entity pursuant to Section 3226 of
5 this title for the operations of facilities leased by the University
6 Hospitals Authority to the Trust to include, but not be limited to:

7 1. The inclusion of four of the five members of the Trust as
8 four of the five members representing the State of Oklahoma as state
9 appointees to the governing committee created pursuant to a proposed
10 agreement;

11 2. Binding arbitration shall not be involved in such agreements
12 for resolving issues under consideration by the governing committee;
13 and

14 3. Major decisions shall be resolved by the governing
15 committee, and approval of any major decision by the governing
16 committee must include the approval of a majority of the state
17 appointees and the approval of a majority of the members of the
18 private entity appointees to the governing committee. Major
19 decisions shall include:

- 20 a. approval of the annual operating and capital budgets,
- 21 b. sale or disposition of assets that individually have a
22 fair market value over Two Hundred Fifty Thousand
23 Dollars (\$250,000.00),

1 c. the termination or transfer or material addition or
2 material diminution of medical services at the
3 Oklahoma Medical Center related to and part of a
4 teaching program of the University of Oklahoma Health
5 Sciences Center, and

6 d. other major decisions as may be agreed upon by the
7 Trust and the private entity.

8 C. To the extent it is determined by legislative enactment that
9 the Trust has expended funds in contravention of its mission as set
10 forth in this section, the Trust shall remit, upon thirty (30) days'
11 written notice from the University Hospitals Authority, such sum or
12 sums to the University Hospitals Authority.

13 D. In the event the Trust enters into a joint venture or
14 acquires an interest in a not-for-profit entity to effectuate the
15 administration of the mission of the Trust, that entity shall not be
16 subject to the Oklahoma Open Meeting Act and the Oklahoma Open
17 Records Act. Any information submitted to or compiled by the Trust
18 with respect to marketing plans, financial statements, trade
19 secrets, research concepts, methods or products or any other
20 proprietary information submitted to or compiled by the Trust,
21 persons, firms, associations, partnerships, agencies, corporations,
22 institutions of higher education, nonprofit research institutions or
23 other entities shall be confidential, except to the extent that the
24 person or entity which provided such information or which is the

1 subject of such information consents to disclosure. Executive
2 sessions may be held to discuss such materials if deemed necessary
3 by the Trust. The provisions of this subsection shall not apply to
4 budgetary information related to appropriations or the
5 appropriations process.

6 E. In addition to the powers and exemptions granted to state
7 beneficiary public trusts organized under Section 176 et seq. of
8 Title 60 of the Oklahoma Statutes, the Trust shall possess all the
9 statutory powers and exemptions provided to the University Hospitals
10 Authority.

11 F. The Trust shall have the authority or may contract with a
12 joint operator or with a foundation supporting the programs of
13 Oklahoma Children's Hospital to sell naming rights to property owned
14 or leased by the Trust, provided proceeds from the sale of naming
15 rights are used to effectuate the purposes of the University
16 Hospitals Authority as established in the University Hospitals
17 Authority Act and are specifically approved by the Trust, which
18 shall have absolute discretion in granting or denying naming rights.
19 Naming rights shall not include any interest in the property by the
20 purchaser other than the naming rights.

21 SECTION 10. AMENDATORY 68 O.S. 2011, Section 302-1, is
22 amended to read as follows:

23 Section 302-1. ~~(a)~~ A. In addition to the tax levied in Section
24 302 of this title, there is hereby levied upon the sale, use, gift,

1 possession~~r~~ or consumption of cigarettes, as defined in Sections 301
2 through 325 of this title, within the State of Oklahoma a tax at the
3 rate of two and one-half (2 1/2) mills per cigarette. Such tax
4 shall be evidenced by tax stamps as now provided for by law for
5 other cigarette taxes, except that as to cigarette packages of less
6 than ten cigarettes for free distribution as samples, the tax levied
7 in this section shall be computed and paid as provided for other
8 cigarette taxes without affixing stamps on each such package.

9 ~~(b)~~ B. No part of the revenues resulting from the additional
10 tax levied in this section shall be used in determining the amount
11 of cigarette tax collections to be paid into the State of Oklahoma
12 Building Bonds of 1961 Sinking Fund pursuant to the provisions of
13 Sections 57.31 through 57.43 of Title 62 of the Oklahoma Statutes,
14 into the State of Oklahoma Building Bonds of 1965 Sinking Fund
15 pursuant to the provisions of Sections 57.51 through 57.60 of Title
16 62 of the Oklahoma Statutes, or into the State of Oklahoma
17 Institutional Building Bonds of 1965 Sinking Fund pursuant to the
18 provisions of Sections 57.61 through 57.73 of Title 62 of the
19 Oklahoma Statutes.

20 ~~(e)~~ C. The revenues resulting from the additional tax levied in
21 this section through June 30, 1968, shall be apportioned by the
22 Oklahoma Tax Commission and transmitted to the State Treasurer, who
23 shall deposit the same in the State Treasury in a fund to be known
24 as the "State of Oklahoma Building Bonds of 1968 Reserve Fund",

1 | which fund is hereby created. The Legislature shall appropriate
2 | monies from such fund or so much thereof as may be deemed necessary;
3 | first, for the payment of interest and principal upon any bonds
4 | issued for capital improvements pursuant to the provisions of
5 | Section 38 of Article X of the Oklahoma Constitution; second, for
6 | other capital improvements at state institutions; third, for
7 | operating expenses of such capital improvements; and fourth, for any
8 | other purposes of state government. From and after July 1, 1968,
9 | all revenues resulting from the additional tax levied in this
10 | section, except revenues dedicated to the retirement of the State of
11 | Oklahoma Building Bonds of 1968, Series A, B, C, D and E, or any
12 | refunding of any or all of such series, and except revenues required
13 | to be deposited in the ~~Oklahoma Memorial Hospital Fund~~ University
14 | Hospitals Authority Disbursing Fund, shall be apportioned by the
15 | Oklahoma Tax Commission and transmitted to the State Treasurer, who
16 | shall deposit the same in the General Revenue Fund.

17 | ~~(d)~~ D. The cigarette tax levied in this section shall be
18 | collected and administered in all respects not inconsistent with as
19 | now or hereafter provided for by law for other cigarette taxes now
20 | levied, collected and administered pursuant to the provisions of
21 | Sections 301 through 325 of this title.

22 | SECTION 11. AMENDATORY Section 3, Chapter 394, O.S.L.
23 | 2013, as last amended by Section 1, Chapter 10, 2nd Extraordinary
24 |

1 Session, O.S.L. 2018 (70 O.S. Supp. 2020, Section 18-114.14), is
2 amended to read as follows:

3 Section 18-114.14. A. Beginning with the 2018-2019 school
4 year, certified personnel, as defined in Section 26-103 of this
5 title, in the public schools of Oklahoma shall receive in salary
6 and/or fringe benefits not less than the amounts specified in the
7 following schedule:

8 MINIMUM SALARY SCHEDULE

9 National

10	Years of	Bachelor's	Board	Master's	Doctor's
11	Experience	Degree	Certification	Degree	Degree
12	0	\$36,601	\$37,759	\$37,991	\$39,381
13	1	\$37,035	\$38,193	\$38,425	\$39,815
14	2	\$37,469	\$38,628	\$38,859	\$40,249
15	3	\$37,904	\$39,062	\$39,294	\$40,684
16	4	\$38,338	\$39,496	\$39,728	\$41,118
17	5	\$38,810	\$39,968	\$40,200	\$41,590
18	6	\$39,273	\$40,432	\$40,663	\$42,054
19	7	\$39,737	\$40,895	\$41,127	\$42,517
20	8	\$40,200	\$41,358	\$41,590	\$42,980
21	9	\$40,663	\$41,822	\$42,054	\$43,444
22	10	\$41,684	\$42,844	\$43,568	\$45,945
23	11	\$42,177	\$43,336	\$44,061	\$46,438
24	12	\$42,670	\$43,829	\$44,554	\$46,931

1	13	\$43,162	\$44,322	\$45,047	\$47,424
2	14	\$43,655	\$44,815	\$45,539	\$47,916
3	15	\$44,167	\$45,327	\$46,052	\$48,430
4	16	\$44,660	\$45,820	\$46,545	\$48,923
5	17	\$45,153	\$46,313	\$47,038	\$49,416
6	18	\$45,646	\$46,806	\$47,531	\$49,909
7	19	\$46,139	\$47,299	\$48,024	\$50,402
8	20	\$46,652	\$47,813	\$48,538	\$50,917
9	21	\$47,145	\$48,306	\$49,031	\$51,410
10	22	\$47,639	\$48,799	\$49,524	\$51,903
11	23	\$48,132	\$49,292	\$50,018	\$52,397
12	24	\$48,625	\$49,785	\$50,511	\$52,890
13	25	\$50,049	\$51,232	\$51,971	\$54,395

14 Master's Degree +

15 Years of National Board

16 Experience Certification

17	0	\$39,149
18	1	\$39,583
19	2	\$40,018
20	3	\$40,452
21	4	\$40,886
22	5	\$41,358
23	6	\$41,822
24	7	\$42,285

1	8	\$42,749
2	9	\$43,212
3	10	\$44,728
4	11	\$45,221
5	12	\$45,713
6	13	\$46,206
7	14	\$46,699
8	15	\$47,212
9	16	\$47,705
10	17	\$48,198
11	18	\$48,691
12	19	\$49,184
13	20	\$49,698
14	21	\$50,192
15	22	\$50,685
16	23	\$51,178
17	24	\$51,671
18	25	\$53,153

19 B. 1. When determining the Minimum Salary Schedule, "fringe
20 benefits" shall mean all or part of retirement benefits, excluding
21 the contributions made pursuant to subsection A of Section 17-108.1
22 of this title and the flexible benefit allowance pursuant to Section
23 26-105 of this title from the flexible benefit allowance funds
24 disbursed by the State Board of Education and the State Board of

1 Career and Technology Education pursuant to Section 26-104 of this
2 title.

3 2. If a school district intends to provide retirement benefits
4 to a teacher such that the teacher's salary would be less than the
5 amounts set forth in the minimum salary schedule specified in
6 subsection A of this section, the district shall be required to
7 provide written notification to the teacher prior to his or her
8 employment or, if already employed by the district, no later than
9 thirty (30) days prior to the date the district elects to provide
10 retirement benefits such that the teacher's salary would be less
11 than the minimum salary schedule.

12 C. Any of the degrees referred to in this section shall be from
13 a college recognized by the State Board of Education. The Board
14 shall accept teaching experience from out-of-state school districts
15 that are accredited by the state board of education or appropriate
16 state accrediting agency for the districts. The Board shall accept
17 teaching experience from out-of-country schools that are accredited
18 or otherwise endorsed by the appropriate national or regional
19 accrediting or endorsement authority. Out-of-country certification
20 documentation in a language other than English shall be analyzed by
21 an educational credential evaluation service in accordance with
22 industry standards and guidelines and approved by the State
23 Department of Education. The person seeking to have credit granted
24 for out-of-country teaching experience shall be responsible for all

1 costs of the analysis by a credential evaluation service. The Board
2 shall accept teaching experience from primary and secondary schools
3 that are operated by the United States Department of Defense or are
4 affiliated with the United States Department of State.

5 D. For the purpose of state salary increments and retirement,
6 no teacher shall be granted credit for more than five (5) years of
7 active duty in the military service or out-of-state or out-of-
8 country teaching experience as a certified teacher or its
9 equivalent. Nothing in this section shall prohibit boards of
10 education from crediting more years of experience on district salary
11 schedules than those allowed for state purposes.

12 E. The State Board of Education shall recognize, for purposes
13 of certification and salary increments, all the years of experience
14 of a:

15 1. Certified teacher who teaches in the educational program of
16 the Department of Corrections, beginning with fiscal year 1981;

17 2. Vocational rehabilitation counselor under the Department of
18 Human Services if the counselor was employed as a certified teacher
19 by the State Department of Education when the Division of Vocational
20 Rehabilitation was transferred from the State Board of Career and
21 Technology Education or the State Board of Education to the Oklahoma
22 Public Welfare Commission on July 1, 1968;

23 3. Vocational rehabilitation counselor which were completed
24 while employed by the Department of Human Services if such counselor

1 was certified as a teacher or was eligible for certification as a
2 teacher in Oklahoma;

3 4. Certified teacher which were completed while employed by the
4 ~~Department of Human Services~~ Child Study Center located at
5 University Hospital, if the teacher was certified as a teacher in
6 Oklahoma; and

7 5. Certified school psychologist or psychometrist which were
8 completed while employed as a doctoral intern, psychological
9 assistant, or psychologist with any agency of the State of Oklahoma
10 if the experience primarily involved work with persons of school- or
11 preschool-age and if the person was, at the time the experience was
12 acquired, certified as, or eligible for certification as, a school
13 psychologist or psychometrist.

14 F. The provisions of this section shall not apply to teachers
15 who have entered into postretirement employment with a public school
16 in Oklahoma and are still receiving a monthly retirement benefit.

17 G. If a person employed as certified personnel, as defined in
18 Section 26-103 of this title, by a school district during the 2017-
19 2018 school year was receiving a salary above the step level
20 indicated by the State Minimum Salary Schedule for the 2017-2018
21 school year, the person shall receive a salary increase amount equal
22 to the amount indicated in subsection A for the step level indicated
23 for the person, provided they remain employed by the same district,

24

1 unless the hours or the duties of the certified personnel are
2 reduced proportionately.

3 SECTION 12. AMENDATORY 70 O.S. 2011, Section 3307, is
4 amended to read as follows:

5 Section 3307. A. It shall be the policy of the State and is
6 the intent of this section to provide the citizens of Oklahoma with
7 a diagnostic and remedial psychiatry and neurology service, to
8 provide the School of Medicine of the University of Oklahoma with a
9 means of furnishing professional education and research in
10 psychiatry and neurology, to provide for the administration and use
11 of the facilities, located in the University Hospital, for this
12 purpose.

13 ~~(a)~~ B. The following terms when used in this section shall mean
14 as herein defined:

15 ~~(1)~~ 1. "University Hospital Hospitals" shall ~~mean the Oklahoma~~
16 ~~Memorial Hospital of the Oklahoma Medical Center.~~ include University
17 Hospital, Oklahoma Children's Hospital and any and all inpatient and
18 outpatient hospital and clinical facilities and office and research
19 buildings, facilities or property owned by or under the management
20 and control of the University Hospitals Authority or the University
21 Hospitals Trust;

22 ~~(2)~~ 2. "Psychiatry and Neurology Service" shall mean the
23 diagnostic and therapeutic service for mental patients established
24

1 in the psychiatric and neurological facilities of the University
2 Hospital-;

3 ~~(3)~~ 3. "Psychiatric and neurological facilities" shall mean the
4 psychiatry and neurology unit of the University Hospital and such
5 ancillary facilities as may be necessary for its operation-;

6 ~~(4)~~ 4. "Chief" shall mean the Chief of the Psychiatry and
7 Neurology Service-;

8 ~~(5)~~ 5. "School of Medicine" shall mean the School of Medicine
9 of the University of Oklahoma Medical Center-; and

10 ~~(6)~~ 6. "Board" shall mean the Board of Regents of the
11 University of Oklahoma.

12 ~~(b)~~ C. The psychiatry and neurology unit (commonly called the
13 neuro-psychiatric unit) of the University Hospital shall be such
14 clinics and laboratories of the University Hospital as may be
15 required, together with the psychiatric and neurological facilities
16 of the School of Medicine and the University Hospital.

17 D. The Board shall establish a Psychiatry and Neurology Service
18 in the psychiatric and neurological facilities, to be used as a
19 training and research unit for the teaching of psychiatry and
20 neurology. The Service shall be established and operated under such
21 conditions and terms as may be instituted by the School of Medicine
22 and University Hospital with the approval of the Board and subject
23 to the provisions of this section.

24

1 ~~(e)~~ E. The Board shall appoint a full time Chief of Psychiatry
2 and Neurology Service. The Chief of Psychiatry and Neurology
3 Service shall be:

4 ~~(1)~~ ~~He shall be licensed~~ 1. Licensed to practice medicine in
5 this state and shall be qualified to supervise residency training
6 and shall meet the standards established by the American Board of
7 Psychiatry and Neurology or its successor~~;~~;

8 ~~(2)~~ ~~He shall be appointed~~ 2. Appointed as a member of the
9 faculty of the School of Medicine in the Department of Psychiatry
10 and Neurology~~;~~; and

11 ~~(3)~~ ~~He shall be in~~ 3. In charge of the Psychiatry and Neurology
12 Service, subject to the general policies and direction of the
13 University Hospital administration.

14 ~~(d)~~ F. The admission of patients to the University Hospital
15 Psychiatry and Neurology Service and the trial release of patients
16 shall be based on the following criteria~~;~~:

17 ~~(1)~~ 1. Admission shall be on the basis of the teaching needs,
18 and requirements of the School of Medicine, in accordance with
19 regulations approved by the Board~~;~~;

20 ~~(2)~~ 2. Admission shall be in conformity with the mental health
21 laws providing for the admission of mental patients to mental
22 hospitals~~;~~;

23 ~~(3)~~ 3. "Trial release" from inpatient to outpatient status is
24 authorized in conformity with the state mental health laws in

1 recognition of special therapeutic requirements of certain mental
2 patients as determined by the Chief. Such trial release ~~will~~ shall
3 be in the custody of the responsible relative or guardian; and

4 ~~(4)~~ 4. In case such custody is not assumed by the responsible
5 relative or guardian within one week after written notice from the
6 Chief, the patient may be committed or transferred by the Director
7 of the Department of Mental Health and Substance Abuse Services to
8 the appropriate state mental hospital.

9 ~~(e)~~ G. 1. Authority is hereby provided for the transfer of any
10 patient of the psychiatric and neurological facilities and services
11 of the University Hospital to a component facility of the Department
12 of Mental Health and Substance Abuse Services and for the transfer
13 of any patient of a component facility of that Department to the
14 University Hospital psychiatric and neurological facilities and
15 services under such procedures as the Department and the School of
16 Medicine may adopt, subject to the provisions of this section and
17 the mental health laws of this state.

18 ~~(1)~~ 2. The transfer of such patients shall be for the following
19 purposes:

- 20 a. to provide necessary patients for the teaching of
21 diagnosis and therapy of mental illness, according to
22 the needs of the School of Medicine,
- 23 b. to make special diagnostic and/or therapeutic measures
24 available to the patients, and

1 c. to maintain the Psychiatry and Neurology Service of
2 the University Hospital as a short term diagnostic and
3 therapeutic facility.

4 ~~(2)~~ 3. The procedure for transfer of patients provided for in
5 ~~Paragraph (d), subparagraph (4) and this paragraph~~ this subsection
6 and in paragraph 4 of subsection F of this section shall be
7 determined by a board of three (3) members, one each to be appointed
8 by the Director of the Department of Mental Health and Substance
9 Abuse Services, the Superintendent of the University Hospital, and
10 the State Commissioner of Health.

11 ~~(f)~~ H. The discharge of certified patients from the Psychiatry
12 and Neurology Service shall be determined by the consensus of a
13 board of three (3) members from the Department of Psychiatry and
14 Neurology, including the Chief. The Chief shall notify the court,
15 which certified the patient originally, that the Board has concluded
16 that the patient so certified is mentally well and is being
17 discharged.

18 SECTION 13. AMENDATORY 72 O.S. 2011, Section 356, is
19 amended to read as follows:

20 Section 356. A. The Department and the health science centers
21 and other medical facilities of the University of Oklahoma, Oklahoma
22 Children's Hospital of Oklahoma, Oklahoma Memorial Hospital,
23 University Hospital or the Oklahoma College of Osteopathic Medicine
24 shall institute a cooperative program to:

1 1. Refer veterans to appropriate state and federal agencies for
2 the purpose of filing claims to remedy medical and financial
3 problems caused by the veteran's exposure to chemical defoliants or
4 herbicides or other causative agents, including Agent Orange; and

5 2. Initiate an education program for health professionals on
6 the detection, diagnosis and treatment of the symptoms associated
7 with exposure to chemical defoliants or herbicides or other
8 causative agents, including Agent Orange.

9 B. The Commissioner shall adopt rules necessary to the
10 administration of the programs authorized by this section.

11 SECTION 14. REPEALER 10 O.S. 2011, Section 175.13, is
12 hereby repealed.

13 SECTION 15. This act shall become effective November 1, 2021.
14 Passed the Senate the 4th day of March, 2021.

15

16

Presiding Officer of the Senate

17

18 Passed the House of Representatives the ____ day of _____,
19 2021.

20

21

Presiding Officer of the House
of Representatives

22

23

24