

1 ENGROSSED SENATE
2 BILL NO. 127

By: David of the Senate

3 and

4 Newell of the House

5
6 An Act relating to the Oklahoma Health Care
7 Authority; amending 63 O.S. 2011, Section 5007, which
8 relates to the Oklahoma Health Care Authority Board;
9 removing certain powers and duties of Board; stating
10 that the Governor shall have the power and duty to
11 appoint a Director to oversee the Oklahoma Health
12 Care Authority; providing criteria for appointment;
13 stating that the Director shall serve at the pleasure
14 of the Governor; stating that the appointment is
15 subject to Senate confirmation; stating that the
16 Director's salary shall be set by the Governor;
17 specifying duties of Director; requiring certain
18 cooperation with other agencies; requiring
19 compilation and presentation of certain annual
20 report; specifying contents of report; providing for
21 codification; providing an effective date; and
22 declaring an emergency.

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

24 SECTION 1. AMENDATORY 63 O.S. 2011, Section 5007, is
25 amended to read as follows:

26 Section 5007. A. There is hereby created the Oklahoma Health
27 Care Authority Board. On and after July 1, 1994, as the terms of
28 the initially appointed members expire, the Board shall be composed
29 of seven appointed members who shall serve for terms of four (4)
30 years and shall be appointed as follows:

1 1. Two members shall be appointed by the President Pro Tempore
2 of the Senate;

3 2. Two members shall be appointed by the Speaker of the House
4 of Representatives; and

5 3. Three members shall be appointed by the Governor. Two of
6 the members appointed by the Governor shall be consumers.

7 B. Members appointed pursuant to this paragraph, with the
8 exception of the consumer members, shall include persons having
9 experience in medical care, health care services, health care
10 delivery, health care finance, health insurance and managed health
11 care. Consumer members shall have no financial or professional
12 interest in medical care, health care services, health care
13 delivery, health finance, health insurance or managed care. In
14 making the appointments, the appointing authority shall also give
15 consideration to urban, rural, gender and minority representation.

16 C. 1. As the terms of office of members appointed before July
17 1, 1995, expire, appointments made on or after July 1, 1995, shall
18 be subject to the following requirements:

19 a. One member appointed by the Governor shall be a
20 resident of the First Congressional District. The
21 term of office of the member appointed by the Governor
22 and serving as of ~~the effective date of this act~~ July
23 1, 1998, shall expire on September 1, 2003;

- 1 b. One member appointed by the President Pro Tempore of
2 the Senate shall be a resident of the Second
3 Congressional District and a consumer. The term of
4 office of the member appointed by the President Pro
5 Tempore of the Senate and serving as of ~~the effective~~
6 ~~date of this act~~ July 1, 1998, shall expire on
7 September 1, 1999;
- 8 c. One member appointed by the President Pro Tempore of
9 the Senate shall be a resident of the Third
10 Congressional District. The term of office of the
11 member appointed by the President Pro Tempore of the
12 Senate and serving as of ~~the effective date of this~~
13 ~~act~~ July 1, 1998, shall expire on September 1, 2004;
- 14 d. One member appointed by the Speaker of the House of
15 Representatives shall be a resident of the Fourth
16 Congressional District. The term of office of the
17 member appointed by the Speaker of the House of
18 Representatives and serving as of ~~the effective date~~
19 ~~of this act~~ July 1, 1998, shall expire on September 1,
20 2001;
- 21 e. One member appointed by the Speaker of the House of
22 Representatives shall be a resident of the Fifth
23 Congressional District and a consumer. The term of
24 office of the member appointed by the Speaker of the

1 House of Representatives and serving as of ~~the~~
2 ~~effective date of this act~~ July 1, 1998, shall expire
3 on September 1, 1998;

4 f. One member appointed by the Governor shall be a
5 resident of the Sixth Congressional District and a
6 consumer. The term of office of the member appointed
7 by the Governor and serving as of ~~the effective date~~
8 ~~of this act~~ July 1, 1998, shall expire on September 1,
9 2000; and

10 g. The second consumer member appointed by the Governor
11 shall be appointed at large. The term of office of
12 the member appointed by the Governor and serving as of
13 ~~the effective date of this act~~ July 1, 1998, shall
14 expire on September 1, 2002.

15 2. Appointments made subsequent to ~~the effective date of this~~
16 ~~act~~ November 1, 2002, shall not be restricted to any particular
17 congressional district. Appointments made after July 1 of the year
18 in which a redrawing of a congressional district becomes effective
19 shall be from the state at large. However, no appointments may be
20 made after July 1 of the year in which such modification becomes
21 effective if such appointment would result in more than two members
22 serving from the same modified district.

23 D. The terms of the members serving on the Board as of ~~the~~
24 ~~effective date of this act~~ July 1, 1998, shall expire on September 1

1 of the year in which the respective terms expire. Thereafter, as
2 new terms begin, members shall be appointed to four-year staggered
3 terms which shall expire on September 1. Should a member serve less
4 than a four-year term, the term of office of the member subsequently
5 appointed shall be for the remainder of the four-year term.

6 E. ~~On and after July 1, 1994, any subsequently appointed~~
7 ~~administrator of the Authority shall be appointed by the Board. The~~
8 ~~administrator shall have the training and experience necessary for~~
9 ~~the administration of the Authority, as determined by the Board,~~
10 ~~including, but not limited to, prior experience in the~~
11 ~~administration of managed health care. The administrator shall~~
12 ~~serve at the pleasure of the Board.~~

13 ~~F.~~ The Board shall have the power and duty to:

14 1. Establish the policies of the Oklahoma Health Care
15 Authority;

16 2. ~~Appoint the Administrator of the Authority;~~

17 3. Adopt and promulgate rules as necessary and appropriate to
18 carry out the duties and responsibilities of the Authority. The
19 Board shall be the rulemaking body for the Authority; and

20 4. 3. Adopt, publish and submit by January 1 of each year to
21 the Governor, the President Pro Tempore of the Senate, and the
22 Speaker of the House of Representatives appropriate administrative
23 policies and the business plan for that year. All actions governed
24

1 by said administrative policies and annual business plan shall be
2 examined annually in an independent audit.

3 ~~G.~~ F. 1. A vacancy in a position shall be filled in the same
4 manner as provided in subsection A of this section.

5 2. A majority of the members of the Board shall constitute a
6 quorum for the transaction of business and for taking any official
7 action. Official action of the Board must have a favorable vote by
8 a majority of the members present.

9 3. Members appointed pursuant to subsection A of this section
10 shall serve without compensation but shall be reimbursed for
11 expenses incurred in the performance of their duties in accordance
12 with the State Travel Reimbursement Act.

13 ~~H.~~ G. The Board and the Authority shall act in accordance with
14 the provisions of the Oklahoma Open Meeting Act, the Oklahoma Open
15 Records Act and the Administrative Procedures Act.

16 SECTION 2. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 5028 of Title 63, unless there
18 is created a duplication in numbering, reads as follows:

19 A. The Governor shall have the power and duty to appoint a
20 Director who shall serve as executive and administrative officer of
21 the Oklahoma Health Care Authority. The Director shall be appointed
22 wholly on the basis of ability, training and experience qualifying
23 him or her for health care administration. The Director shall
24 serve, subject to the confirmation of the Senate, at the pleasure of

1 the Governor. The salary of the Director shall be fixed by the
2 Governor.

3 B. The Director shall cooperate with the federal Department of
4 Health and Human Services, or other similar agencies created by
5 Congress, in any reasonable manner as may be necessary to qualify
6 for federal aid to states in providing assistance to needy persons
7 in conformity with the provisions of the laws of this state,
8 including the making of reports in the form and containing
9 information as a federal agency may from time to time require, and
10 comply with any other similar federal agency requirements necessary
11 to ensure the correctness and verification of the reports.

12 C. The Director shall compile an annual report, not later than
13 four (4) months after the close of each fiscal year. The report
14 shall be presented to the Governor, the President Pro Tempore of the
15 Senate and the Speaker of the House of Representatives. Annual
16 reports shall provide information about the operations and programs
17 administered by the Authority and shall include, but shall not be
18 limited to:

19 1. Statistical information regarding services provided and the
20 number of persons served by Authority programs;

21 2. Financial data, including a reasonable amount of detailed
22 information regarding revenues and expenditures, and a breakdown and
23 comparison of the Authority budget with actual expenditures;

24 3. Status of the workforce and productivity of the Authority;

4. Information about Authority efforts to ensure program accountability and service delivery quality and integrity;

5. Demographic data and trends and their anticipated impact on demand for services; and

6. Information regarding public and private institution-based services.

SECTION 3. This act shall become effective July 1, 2015.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 10th day of March, 2015.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2015.

Presiding Officer of the House
of Representatives