

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 SENATE BILL 686

By: David

6 AS INTRODUCED

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

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

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

21 Section 5007. A. There is hereby created the Oklahoma Health
22 Care Authority Board. On and after July 1, 1994, as the terms of
23 the initially appointed members expire, the Board shall be composed

1 of seven appointed members who shall serve for terms of four (4)
2 years and shall be appointed as follows:

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

5 2. Two members shall be appointed by the Speaker of the House
6 of Representatives; and

7 3. Three members shall be appointed by the Governor. Two of
8 the members appointed by the Governor shall be consumers.

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

18 C. ~~1. As the terms of office of members appointed before July~~
19 ~~1, 1995, expire, appointments made on or after July 1, 1995, shall~~
20 ~~be subject to the following requirements:~~

21 ~~a. One member appointed by the Governor shall be a~~
22 ~~resident of the First Congressional District. The~~
23 ~~term of office of the member appointed by the Governor~~

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1 ~~and serving as of the effective date of this act shall~~
2 ~~expire on September 1, 2003;~~

3 ~~b. One member appointed by the President Pro Tempore of~~
4 ~~the Senate shall be a resident of the Second~~
5 ~~Congressional District and a consumer. The term of~~
6 ~~office of the member appointed by the President Pro~~
7 ~~Tempore of the Senate and serving as of the effective~~
8 ~~date of this act shall expire on September 1, 1999;~~

9 ~~c. One member appointed by the President Pro Tempore of~~
10 ~~the Senate shall be a resident of the Third~~
11 ~~Congressional District. The term of office of the~~
12 ~~member appointed by the President Pro Tempore of the~~
13 ~~Senate and serving as of the effective date of this~~
14 ~~act shall expire on September 1, 2004;~~

15 ~~d. One member appointed by the Speaker of the House of~~
16 ~~Representatives shall be a resident of the Fourth~~
17 ~~Congressional District. The term of office of the~~
18 ~~member appointed by the Speaker of the House of~~
19 ~~Representatives and serving as of the effective date~~
20 ~~of this act shall expire on September 1, 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 shall expire on September~~
3 ~~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 shall expire on September 1, 2000; and~~

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

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

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

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

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

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

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

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

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

19 ~~4.~~ 3. Adopt, publish and submit by January 1 of each year to
20 the Governor, the President Pro Tempore of the Senate, and the
21 Speaker of the House of Representatives appropriate administrative
22 policies and the business plan for that year. All actions governed
23 by said administrative policies and annual business plan shall be
24 examined annually in an independent audit.

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

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

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

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

14 SECTION 2. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 5031 of Title 63, unless there
16 is created a duplication in numbering, reads as follows:

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

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

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

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

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

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

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

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

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

5 SECTION 3. This act shall become effective July 1, 2017.

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

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