

1 ENGROSSED SENATE
2 BILL NO. 1349

By: Kidd of the Senate

3 and

4 Roe of the House

5
6 An Act relating to the State Department of Health;
7 amending Section 44, Chapter 229, O.S.L. 2013, as
8 last amended by Section 1, Chapter 11, O.S.L. 2015
9 (63 O.S. Supp. 2019, Section 1-103a.1), which relates
10 to Public Health Advisory Councils; updating
11 statutory term; clarifying language; and providing an
12 effective date.

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

14 SECTION 1. AMENDATORY Section 44, Chapter 229, O.S.L.
15 2013, as last amended by Section 1, Chapter 11, O.S.L. 2015 (63 O.S.
16 Supp. 2019, Section 1-103a.1), is amended to read as follows:

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

- 20 1. The Consumer Protection Licensing Advisory Council;
- 21 2. The Trauma and Emergency Response Advisory Council;
- 22 3. The Infant and Children's Health Advisory Council;
- 23 4. The Advancement of Wellness Advisory Council; and
- 24 5. The Home Care, Hospice and Palliative Care Advisory Council.

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

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

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

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

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

11 a. the Governor shall appoint:

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

14 (2) one member who is a licensed audiologist,

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

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

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

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

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

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

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

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

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

12 a. the Governor shall appoint:

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

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

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

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

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

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

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

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

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

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

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

17 a. the Governor shall appoint:

18 (1) one member who works for the state or for a
19 political subdivision on child abuse issues, and
20 (2) one member who is knowledgeable about childhood
21 immunizations,

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

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

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

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

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

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

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

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

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

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

1 a. the Governor shall appoint:

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

4 (2) one member who is knowledgeable about organ donor
5 issues,

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

7 (1) one member who is mayor of a city or town that
8 has been designated a certified healthy community
9 in an urban setting, and

10 (2) one member who is the president or chief
11 operating officer of a business that has been
12 designated a certified healthy business,

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

15 (1) one member who is the mayor of a city or town
16 that has been designated a certified healthy
17 community in a rural setting, and

18 (2) one member who is the president or chief
19 operating officer of a business that has been
20 designated a certified healthy business in an
21 urban setting, and

22 d. the ~~State Board of Health~~ Commissioner shall appoint
23 one member who is the Executive Director of the
24 Tobacco Settlement Endowment Trust.

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

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

13 a. the Governor shall appoint:

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

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

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

21 (1) one member who is an owner or administrator of an
22 entity licensed in accordance with the Oklahoma
23 Hospice Licensing Act,
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1 (2) one member who is an owner or administrator of an
2 entity licensed in accordance with the Oklahoma
3 Home Care Act, and

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

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

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

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

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

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

20 2. The jurisdictional areas of the Home Care, Hospice and
21 Palliative Care Advisory Council shall include all issues that arise
22 in the areas of home care, hospice services and palliative care,
23 including, but not limited to:
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- 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. such other areas as designated by the ~~State Board of Health~~ Commissioner.

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 Commissioner~~ rules on behalf of the ~~State Department of Health Department~~. The ~~State Department of Health~~ Department shall not have standing to recommend to the ~~State Board of Health~~ Commissioner 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~~ Commissioner, 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~~ Commissioner or

1 to the ~~State Department of Health~~ Department which have been
2 concurred upon by at least a majority of the membership of the
3 Advisory Council;

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

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

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

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

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

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

6 SECTION 2. This act shall become effective November 1, 2020.

7 Passed the Senate the 4th day of March, 2020.

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9 _____
10 Presiding Officer of the Senate

11 Passed the House of Representatives the ____ day of _____,
12 2020.

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15 Presiding Officer of the House
16 of Representatives
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