

1 ENGROSSED HOUSE
2 BILL NO. 3386

By: Meredith, McEntire, Brewer,
Sneed, West (Josh) and
Johns of the House

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4 and

Pemberton of the Senate

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7 An Act relating to insurance; amending 63 O.S. 2011,
8 Section 1-713.1, which relates to Federally Qualified
9 Health Centers; providing legislative finding;
10 eliminating Oklahoma Open Meeting Act requirements;
11 modifying reimbursement; requiring the Oklahoma
12 Health Care Authority to ensure reimbursement rates
13 pursuant to the cost-based prospective payment
14 system; amending 25 O.S. 2011, Section 304, as
15 amended by Section 3, Chapter 81, O.S.L. 2019 (25
16 O.S. Supp. 2019, Section 304), which relates to the
17 Oklahoma Open Meeting Act; modifying definition of
18 public body; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2011, Section 1-713.1, is
amended to read as follows:

Section 1-713.1 A. The Legislature finds that:

1. As providers of health care to medically underserved
populations, Federally Qualified Health Centers are extremely
beneficial to the citizens of Oklahoma;

1 2. Federally Qualified Health Centers are essential community
2 health care providers, providing high-quality, cost-effective, and
3 comprehensive integrated primary care services to underserved
4 communities;

5 3. The primary source of funding for Federally Qualified Health
6 Centers is through grants of funds by the Bureau of Primary Health
7 Care (BPHC) under Section 330 of the Public Health Service Act as
8 amended by the Health Centers Consolidation Act of 1996;

9 ~~3.~~ 4. The receipt of federal grants is dependent upon
10 compliance with federal statutes, regulations and policies regarding
11 the mission, programs, governance, management and financial
12 responsibilities of such entities; and

13 ~~4.~~ 5. In addition to federal grant monies, Federally Qualified
14 Health Centers in Oklahoma receive additional monies through the
15 appropriation of state funds.

16 B. In an effort to maintain the presence of Federally Qualified
17 Health Centers in Oklahoma and minimize the possibility of
18 jeopardizing federal funding for such entities, all Federally
19 Qualified Health Centers in Oklahoma that receive grants under
20 Section 330 of the Public Health Service Act shall:

21 1. Remain in compliance at all times with the federal statutes,
22 regulations and ~~policies~~ policies governing their existence at 42
23 U.S.C., 254b, 42 CFR, 51c.303, 51c.304 and 51c.305, and BPHC Policy
24 Information Notice 98-23; and

1 2. Adhere to bylaws adopted in compliance with the federal
2 statutes, regulations and ~~polices~~ policies including, but not
3 limited to, provisions regarding the composition, functions and
4 responsibilities of boards of directors of Federally Qualified
5 Health Centers.

6 C. ~~Further, the board of directors of a Federally Qualified~~
7 ~~Health Center shall be considered a public body for purposes of the~~
8 ~~Oklahoma Open Meeting Act and shall be subject to the provisions of~~
9 ~~that act, including criminal penalties provided therein for~~
10 ~~violations of that act.~~

11 ~~D.~~ Any Federally Qualified Health Center in Oklahoma that fails
12 to comply with federal statutes, regulations and policies governing
13 its existence shall be ineligible for state reimbursement for
14 uncompensated care. Further, the entity shall be ineligible to
15 receive such state reimbursement if the board of directors fails to
16 remove, for cause, any board member ~~convicted of a misdemeanor for~~
17 ~~violating the provisions of the Oklahoma Open Meeting Act, or any~~
18 ~~board member~~ against whom a civil judgment is rendered relating to
19 that member's service on the board.

20 ~~E.~~ D. The State Department of Health shall investigate reported
21 violations of this act and, notwithstanding any other provision,
22 shall enforce this act by not contracting to reimburse the
23 uncompensated care costs of any Federally Qualified Health Center
24 found to be in violation of the provisions of this act. The

1 Department shall further report any violations of federal statutes,
2 regulations and policies related to this act to the Bureau of
3 Primary Health Care or other appropriate federal funding agency, ~~and~~
4 ~~shall report violations of the Oklahoma Open Meeting Act to the~~
5 ~~district attorney in the jurisdiction where the entity is located.~~

6 F. E. The Oklahoma Health Care Authority shall, at all times,
7 ensure that Federally Qualified Health Centers receive at minimum
8 their cost-based prospective payment system per visit rates
9 calculated in accordance with 42 U.S.C., Section 1396a(bb).

10 F. In order to ensure that Federally Qualified Health Centers
11 in Oklahoma remain eligible to receive state reimbursement for
12 uncompensated care under the provisions of this act, the State Board
13 of Health shall adopt rules, as it deems necessary and appropriate,
14 requiring board members of such entities to receive board member
15 training and establishing certification for entities to provide such
16 training.

17 SECTION 2. AMENDATORY 25 O.S. 2011, Section 304, as
18 amended by Section 3, Chapter 81, O.S.L. 2019 (25 O.S. Supp. 2019,
19 Section 304), is amended to read as follows:

20 Section 304. As used in the Oklahoma Open Meeting Act:

21 1. "Public body" means the governing bodies of all
22 municipalities located within this state, boards of county
23 commissioners of the counties in this state, boards of public and
24 higher education in this state and all boards, bureaus, commissions,

1 agencies, trusteeships, authorities, councils, committees, public
2 trusts or any entity created by a public trust, including any
3 committee or subcommittee composed of any of the members of a public
4 trust or other legal entity receiving funds from the Rural Economic
5 Action Plan Fund as authorized by Section 2007 of Title 62 of the
6 Oklahoma Statutes, task forces or study groups in this state
7 supported in whole or in part by public funds or entrusted with the
8 expending of public funds, or administering public property, and
9 shall include all committees or subcommittees of any public body.
10 Public body shall not include the state judiciary, the Council on
11 Judicial Complaints when conducting, discussing, or deliberating any
12 matter relating to a complaint received or filed with the Council,
13 the Legislature, or administrative staffs of public bodies,
14 including, but not limited to, faculty meetings and athletic staff
15 meetings of institutions of higher education when those staffs are
16 not meeting with the public body, or entry-year assistance
17 committees. Furthermore, public body shall not include the
18 multidisciplinary teams provided for in Section 1-9-102 of Title 10A
19 of the Oklahoma Statutes and subsection C of Section 1-502.2 of
20 Title 63 of the Oklahoma Statutes or any school board meeting for
21 the sole purpose of considering recommendations of a
22 multidisciplinary team and deciding the placement of any child who
23 is the subject of the recommendations. Furthermore, public body
24 shall not include meetings conducted by stewards designated by the

1 Oklahoma Horse Racing Commission pursuant to Section 203.4 of Title
2 3A of the Oklahoma Statutes when the stewards are officiating at
3 races or otherwise enforcing rules of the Commission. Furthermore,
4 public body shall not include the board of directors of a Federally
5 Qualified Health Center;

6 2. "Meeting" means the conduct of business of a public body by
7 a majority of its members being personally together or, as
8 authorized by Section 307.1 of this title, together pursuant to a
9 videoconference. Meeting shall not include informal gatherings of a
10 majority of the members of the public body when no business of the
11 public body is discussed;

12 3. "Regularly scheduled meeting" means a meeting at which the
13 regular business of the public body is conducted;

14 4. "Special meeting" means any meeting of a public body other
15 than a regularly scheduled meeting or emergency meeting;

16 5. "Emergency meeting" means any meeting called for the purpose
17 of dealing with an emergency. For purposes of the Oklahoma Open
18 Meeting Act, an emergency is defined as a situation involving injury
19 to persons or injury and damage to public or personal property or
20 immediate financial loss when the time requirements for public
21 notice of a special meeting would make such procedure impractical
22 and increase the likelihood of injury or damage or immediate
23 financial loss;

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1 6. "Continued or reconvened meeting" means a meeting which is
2 assembled for the purpose of finishing business appearing on an
3 agenda of a previous meeting. For the purposes of the Oklahoma Open
4 Meeting Act, only matters on the agenda of the previous meeting at
5 which the announcement of the continuance is made may be discussed
6 at a continued or reconvened meeting; and

7 7. "Videoconference" means a conference among members of a
8 public body remote from one another who are linked by interactive
9 telecommunication devices permitting both visual and auditory
10 communication between and among members of the public body and
11 members of the public. During any videoconference, both the visual
12 and auditory communications functions of the device shall be
13 utilized. Whenever the term "teleconference" appears in any law in
14 relation to a meeting of a public body, it shall be deemed to mean a
15 videoconference as defined in this paragraph.

16 SECTION 3. This act shall become effective November 1, 2020.

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1 Passed the House of Representatives the 10th day of March, 2020.

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3 _____
4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2020.

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9 Presiding Officer of the Senate