

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               2nd Session of the 57th Legislature (2020)

4   HOUSE BILL 3297

                              By: Newton

7                               AS INTRODUCED

8           An Act relating to public health and safety; amending  
9           63 O.S. 2011, Section 1-713.1, which relates to  
10          Federally Qualified Health Centers; removing the  
11          requirement that the board of directors be considered  
12          a public body and subject to the Oklahoma Open  
13          Meeting Act; removing penalties and reporting  
14          requirements for failure to comply with the Oklahoma  
15          Open Meeting Act; amending 25 O.S. 2011, Section 304,  
16          as amended by Section 3, Chapter 81, O.S.L. 2019 (25  
17          O.S. Supp. 2019, Section 304), which relates to the  
18          Oklahoma Open Meeting Act; modifying definition of  
19          public body; and providing an effective date.

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

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

23           Section 1-713.1   A.   The Legislature finds that:

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

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

5        3. The receipt of federal grants is dependent upon compliance  
6 with federal statutes, regulations and policies regarding the  
7 mission, programs, governance, management and financial  
8 responsibilities of such entities; and

9        4. In addition to federal grant monies, Federally Qualified  
10 Health Centers in Oklahoma receive additional monies through the  
11 appropriation of state funds.

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

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

21        2. Adhere to bylaws adopted in compliance with the federal  
22 statutes, regulations and ~~policies~~ policies including, but not  
23 limited to, provisions regarding the composition, functions and  
24

1 responsibilities of boards of directors of Federally Qualified  
2 Health Centers.

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

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

17 ~~E.~~ D. The State Department of Health shall investigate reported  
18 violations of this act and, notwithstanding any other provision,  
19 shall enforce this act by not contracting to reimburse the  
20 uncompensated care costs of any Federally Qualified Health Center  
21 found to be in violation of the provisions of this act. The  
22 Department shall further report any violations of federal statutes,  
23 regulations and policies related to this act to the Bureau of  
24 Primary Health Care or other appropriate federal funding agency, ~~and~~

1 ~~shall report violations of the Oklahoma Open Meeting Act to the~~  
2 ~~district attorney in the jurisdiction where the entity is located.~~

3 ~~F.~~ E. In order to ensure that Federally Qualified Health  
4 Centers in Oklahoma remain eligible to receive state reimbursement  
5 for uncompensated care under the provisions of this act, the State  
6 Board of Health shall adopt rules, as it deems necessary and  
7 appropriate, requiring board members of such entities to receive  
8 board member training and establishing certification for entities to  
9 provide such training.

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

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

14 1. "Public body" means the governing bodies of all  
15 municipalities located within this state, boards of county  
16 commissioners of the counties in this state, boards of public and  
17 higher education in this state and all boards, bureaus, commissions,  
18 agencies, trusteeships, authorities, councils, committees, public  
19 trusts or any entity created by a public trust, including any  
20 committee or subcommittee composed of any of the members of a public  
21 trust or other legal entity receiving funds from the Rural Economic  
22 Action Plan Fund as authorized by Section 2007 of Title 62 of the  
23 Oklahoma Statutes, task forces or study groups in this state  
24 supported in whole or in part by public funds or entrusted with the

1 expending of public funds, or administering public property, and  
2 shall include all committees or subcommittees of any public body.  
3 Public body shall not include the state judiciary, the Council on  
4 Judicial Complaints when conducting, discussing, or deliberating any  
5 matter relating to a complaint received or filed with the Council,  
6 the Legislature, or administrative staffs of public bodies,  
7 including, but not limited to, faculty meetings and athletic staff  
8 meetings of institutions of higher education when those staffs are  
9 not meeting with the public body, or entry-year assistance  
10 committees. Furthermore, public body shall not include the  
11 multidisciplinary teams provided for in Section 1-9-102 of Title 10A  
12 of the Oklahoma Statutes and subsection C of Section 1-502.2 of  
13 Title 63 of the Oklahoma Statutes or any school board meeting for  
14 the sole purpose of considering recommendations of a  
15 multidisciplinary team and deciding the placement of any child who  
16 is the subject of the recommendations. Furthermore, public body  
17 shall not include meetings conducted by stewards designated by the  
18 Oklahoma Horse Racing Commission pursuant to Section 203.4 of Title  
19 3A of the Oklahoma Statutes when the stewards are officiating at  
20 races or otherwise enforcing rules of the Commission. Furthermore,  
21 public body shall not include the board of directors of a Federally  
22 Qualified Health Center;

23 2. "Meeting" means the conduct of business of a public body by  
24 a majority of its members being personally together or, as

1 authorized by Section 307.1 of this title, together pursuant to a  
2 videoconference. Meeting shall not include informal gatherings of a  
3 majority of the members of the public body when no business of the  
4 public body is discussed;

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

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

9 5. "Emergency meeting" means any meeting called for the purpose  
10 of dealing with an emergency. For purposes of the Oklahoma Open  
11 Meeting Act, an emergency is defined as a situation involving injury  
12 to persons or injury and damage to public or personal property or  
13 immediate financial loss when the time requirements for public  
14 notice of a special meeting would make such procedure impractical  
15 and increase the likelihood of injury or damage or immediate  
16 financial loss;

17 6. "Continued or reconvened meeting" means a meeting which is  
18 assembled for the purpose of finishing business appearing on an  
19 agenda of a previous meeting. For the purposes of the Oklahoma Open  
20 Meeting Act, only matters on the agenda of the previous meeting at  
21 which the announcement of the continuance is made may be discussed  
22 at a continued or reconvened meeting; and

23 7. "Videoconference" means a conference among members of a  
24 public body remote from one another who are linked by interactive

1 telecommunication devices permitting both visual and auditory  
2 communication between and among members of the public body and  
3 members of the public. During any videoconference, both the visual  
4 and auditory communications functions of the device shall be  
5 utilized. Whenever the term "teleconference" appears in any law in  
6 relation to a meeting of a public body, it shall be deemed to mean a  
7 videoconference as defined in this paragraph.

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

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10 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 02/17/2020 -  
11 DO PASS.  
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