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February 24, 2020

SENATE BILL NO. 1349

By: Kidd of the Senate

and

Roe of the House

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

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

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

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

1. The Consumer Protection Licensing Advisory Council;
2. The Trauma and Emergency Response Advisory Council;
3. The Infant and Children's Health Advisory Council;
4. The Advancement of Wellness Advisory Council; and

1 5. The Home Care, Hospice and Palliative Care Advisory Council.

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

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

22 3. Each Advisory Council shall meet at least twice a year, but
23 no more than four times a year and shall elect a chair, a vice-chair
24 and a secretary from among its members. Each Advisory Council shall

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

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

12 a. the Governor shall appoint:

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

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

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

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

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

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

22 (1) one member representing the medical
23 micropigmentation industry, and
24

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

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

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

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

a. the Governor shall appoint:

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

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

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

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

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

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

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

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

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

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

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

a. the Governor shall appoint:

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

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

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

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

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

9 c. the Speaker of the House of Representatives shall
10 appoint:

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

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

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

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

23 F. 1. All members of the Advancement of Wellness Advisory
24 Council shall be knowledgeable of issues that arise in the area of

1 advancing the health of all Oklahomans. The Advancement of Wellness
2 Advisory Council shall be composed as follows:

3 a. the Governor shall appoint:

4 (1) one member who is knowledgeable about breast and
5 cervical cancer issues, and

6 (2) one member who is knowledgeable about organ donor
7 issues,

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

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

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

15 c. the Speaker of the House of Representatives shall
16 appoint:

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

20 (2) one member who is the president or chief
21 operating officer of a business that has been
22 designated a certified healthy business in an
23 urban setting, and
24

1 d. the ~~State Board of Health~~ Commissioner shall appoint
2 one member who is the Executive Director of the
3 Tobacco Settlement Endowment Trust.

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

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

16 a. the Governor shall appoint:

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

20 (2) one member who is an owner or administrator of an
21 entity licensed in accordance with the Oklahoma
22 Home Care Act,

23 b. the President Pro Tempore of the Senate shall appoint:
24

- (1) one member who is an owner or administrator of an entity licensed in accordance with the Oklahoma Hospice Licensing Act,
 - (2) one member who is an owner or administrator of an entity licensed in accordance with the Oklahoma Home Care Act, and
 - (3) one member who is a member of the palliative care patient advocacy community,
- c. the Speaker of the House of Representatives shall appoint:
- (1) one member representing the public who is or was a legal guardian of a recipient of hospice services,
 - (2) one member representing the public who is a recipient or legal guardian of a recipient of services from a home health agency, and
 - (3) one member who is an allopathic or osteopathic physician or nurse certified in palliative care delivery in this state, and
- d. the ~~State Board of Health~~ Commissioner shall appoint one member representing an association which advocates on behalf of home care or hospice issues.

2. The jurisdictional areas of the Home Care, Hospice and Palliative Care Advisory Council shall include all issues that arise

1 in the areas of home care, hospice services and palliative care,
2 including, but not limited to:

- 3 a. identifying methods that improve the quality and
4 delivery of home care, hospice and palliative care,
- 5 b. reviewing best practices from home care, hospice and
6 palliative care programs in the state,
- 7 c. developing information on home care, hospice and
8 palliative care issues for the general public, and
- 9 d. such other areas as designated by the ~~State Board of~~
10 ~~Health~~ Commissioner.

11 H. In addition to other powers and duties assigned to each
12 Advisory Council pursuant to this section, each Advisory Council,
13 within its jurisdictional area, shall:

14 1. Have authority to recommend to the ~~State Board of Health~~
15 Commissioner rules on behalf of the ~~State Department of Health~~
16 Department. The ~~State Department of Health~~ Department shall not
17 have standing to recommend to the ~~State Board of Health~~ Commissioner
18 permanent rules or changes to such rules within the jurisdiction of
19 an Advisory Council which have not been submitted previously to the
20 appropriate Advisory Council for action;

21 2. Before recommending any permanent rules to the ~~State Board~~
22 ~~of Health~~ Commissioner, give public notice, offer an opportunity for
23 public comment and conduct a public rulemaking hearing when required
24 by the Administrative Procedures Act;

1 3. Have the authority to make nonbinding written
2 recommendations to the ~~State Board of Health and/or~~ Commissioner or
3 to the ~~State Department of Health~~ Department which have been
4 concurred upon by at least a majority of the membership of the
5 Advisory Council;

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

9 a. pass nonbinding resolutions expressing the sense of
10 the Advisory Council, and

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

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

21 I. The Advisory Councils shall not recommend rules for
22 promulgation by the ~~State Board of Health~~ Commissioner unless all
23 applicable requirements of the Administrative Procedures Act have
24

1 been followed, including but not limited to notice, rule-impact
2 statement and rulemaking hearings.

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

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

9 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
10 February 24, 2020 - DO PASS
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