

# CORRECTED

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

SENATE BILL 1349

By: Kidd

## AS INTRODUCED

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  
25

(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,

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

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

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

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

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

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

19 a. the Governor shall appoint:

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

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

- (1) one member who is knowledgeable about newborn screening issues,
- (2) one member licensed by the state as an optometrist who has knowledge of vision screening for children, and
- (3) one member who is a licensed ophthalmologist in this state with the knowledge of treating visual deficiencies in children,

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

- (1) one member who is licensed by the state as a physician and works as a pediatrician, and
- (2) one member who is licensed by the state as a genetic counselor, and

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

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

F. 1. All members of the Advancement of Wellness Advisory 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:



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

4 (2) one member who is an owner or administrator of an  
5 entity licensed in accordance with the Oklahoma  
6 Home Care Act, and

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

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

11 (1) one member representing the public who is or was  
12 a legal guardian of a recipient of hospice  
13 services,

14 (2) one member representing the public who is a  
15 recipient or legal guardian of a recipient of  
16 services from a home health agency, and

17 (3) one member who is an allopathic or osteopathic  
18 physician or nurse certified in palliative care  
19 delivery in this state, and

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

23 2. The jurisdictional areas of the Home Care, Hospice and  
24 Palliative Care Advisory Council shall include all issues that arise  
25

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.

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