

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               1st Session of the 58th Legislature (2021)

4   ENGROSSED SENATE  
5   BILL NO. 406

By: Garvin of the Senate

and

**Boles** and McEntire of the  
House

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10   An Act relating to the University Hospitals  
11   Authority; amending 10 O.S. 2011, Section 175.12, as  
12   amended by Section 32, Chapter 304, O.S.L. 2012 (10  
13   O.S. Supp. 2020, Section 175.12), which relates to  
14   Children's Hospital of Oklahoma; modifying name;  
15   modifying purpose of hospital; deleting provisions  
16   relating to payment; updating managing entity;  
17   amending 10 O.S. 2011, Section 1150.3, which relates  
18   to Child Death Review Board; modifying names of  
19   certain facility and certain entity; amending 56 O.S.  
20   2011, Section 300, which relates to Oklahoma Medical  
21   Center; modifying name of certain facility; allowing  
22   University Hospitals Authority to designate other  
23   names; amending 57 O.S. 2011, Section 509.6, which  
24   relates to special correctional unit for elderly,  
disabled and sick inmates; modifying name of certain  
facility; amending 63 O.S. 2011, Section 2654.2,  
which relates to Oklahoma Poison Control Center;  
deleting language relating to location, contracts and  
implementation; amending 63 O.S. 2011, Section 3202,  
as amended by Section 1, Chapter 495, O.S.L. 2019 (63  
O.S. Supp. 2020, Section 3202), which relates to  
definitions; modifying definitions; authorizing  
Authority to assign certain facilities to certain  
entities; prohibiting certain use of titles without  
permission; amending 63 O.S. 2011, Section 3204, as  
amended by Section 3, Chapter 495, O.S.L. 2019 (63  
O.S. Supp. 2020, Section 3204), which relates to  
transfer of property; modifying names of certain

1 facilities; amending 63 O.S. 2011, Section 3206,  
2 which relates to Children's Hospital; modifying name;  
3 broadening certain authority; amending 63 O.S. 2011,  
4 Section 3224, as last amended by Section 8, Chapter  
5 495, O.S.L. 2019 (63 O.S. Supp. 2020, Section 3224),  
6 which relates to University Hospitals Trust;  
7 clarifying name of certain facility; amending 68 O.S.  
8 2011, Section 302-1, which relates to taxation of  
9 cigarettes; updating certain fund; amending Section  
10 3, Chapter 394, O.S.L. 2013, as last amended by  
11 Section 1, Chapter 10, 2nd Extraordinary Session,  
12 O.S.L. 2018 (70 O.S. Supp. 2020, Section 18-114.14),  
13 which relates to salary of school employees;  
14 clarifying location and managing entity of certain  
15 facility; amending 70 O.S. 2011, Section 3307, which  
16 relates to University Hospital Psychiatry and  
17 Neurology Service; modifying definition; updating and  
18 clarifying language; making language gender-neutral;  
19 amending 72 O.S. 2011, Section 356, which relates to  
20 cooperative program for referral and screening of  
21 veterans; modifying names of certain facilities;  
22 repealing 10 O.S. 2011, Section 175.13, which relates  
23 to Oklahoma Medical Center Disbursing Fund; and  
24 providing an effective date.

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

SECTION 1. AMENDATORY 10 O.S. 2011, Section 175.12, as  
amended by Section 32, Chapter 304, O.S.L. 2012 (10 O.S. Supp. 2020,  
Section 175.12), is amended to read as follows:

Section 175.12. ~~(a)~~ A. The Oklahoma Children's Hospital ~~of~~  
~~Oklahoma~~, including its clinics and laboratories, is hereby  
designated as a service institution for ~~the physically handicapped~~  
~~children of this state, which also serves~~ persons under twenty-one  
(21) years of age and shall have the authority to extend services to  
persons twenty-one (21) years or older. The Oklahoma Children's

1 Hospital shall also serve as a teaching and training hospital for  
2 the School of Medicine of the University of Oklahoma. ~~Payment for~~  
3 ~~services by the Commission to the Children's Hospital of Oklahoma~~  
4 ~~shall be based on the actual per diem cost of patient care exclusive~~  
5 ~~of professional instructional expense. In the event that the~~  
6 ~~Commission and Board of Regents of the University of Oklahoma cannot~~  
7 ~~agree on a per diem charge for patients of the Commission, the~~  
8 ~~Director of the Office of Management and Enterprise Services, with~~  
9 ~~the approval of the Governor, is hereby authorized to establish a~~  
10 ~~rate of pay which shall prevail. The Children's Hospital of~~  
11 ~~Oklahoma shall grant the Commission a priority in the assignment of~~  
12 ~~hospital services, which are to be distributed as equitably as is~~  
13 ~~possible among the counties of this state.~~

14 ~~(b)~~ B. The ~~Commission~~ University Hospitals Authority shall be  
15 obligated, insofar as practicable, to use the available facilities  
16 of the Oklahoma Children's Hospital ~~of Oklahoma~~ to a degree that  
17 will enable the University of Oklahoma School of Medicine to  
18 maintain its proper patient ratio for accreditation; ~~Provided~~  
19 provided, that this provision shall not cause undue hardship to a  
20 patient.

21 SECTION 2. AMENDATORY 10 O.S. 2011, Section 1150.3, is  
22 amended to read as follows:  
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24

1       Section 1150.3. A. The Child Death Review Board shall be  
2 composed of twenty-seven (27) members, or their designees, as  
3 follows:

4       1. Fourteen of the members shall be:

- 5           a. the Chief Medical Examiner,
- 6           b. the Director of the Department of Human Services, or a  
7           designee, provided the designee shall be a person  
8           assigned to the Child Welfare Division of the  
9           Department,
- 10          c. the State Commissioner of Health,
- 11          d. the Director of the Office of Child Abuse Prevention,
- 12          e. the Director of the Oklahoma Commission on Children  
13          and Youth,
- 14          f. the Chief Child Abuse Medical Examiner,
- 15          g. the Chief of Maternal and Child Health Services of the  
16          State Department of Health,
- 17          h. the Commissioner of Mental Health and Substance Abuse  
18          Services,
- 19          i. the Chair of the Child Protection ~~Committee~~ Team of  
20          the Oklahoma Children's Hospital ~~of Oklahoma~~,
- 21          j. the Director of the Office of Juvenile Affairs,
- 22          k. the Chief of Injury Prevention Services of the State  
23          Department of Health,

1           1.    the State Epidemiologist of the State Department of  
2                Health,

3           m.    the Director of the Oklahoma State Bureau of  
4                Investigation, and

5           n.    the Chief Executive Officer of the Oklahoma Health  
6                Care Authority; and

7           2.    Thirteen of the members shall be appointed by the Director  
8 of the Oklahoma Commission on Children and Youth, shall serve for  
9 terms of two (2) years, and shall be eligible for reappointment.

10 The members shall be persons having training and experience in  
11 matters related to the abuse or neglect of a child. The appointed  
12 members shall include:

13           a.    a law enforcement officer selected from lists  
14                submitted by the executive boards of organizations  
15                representing sheriffs and peace officers in this  
16                state,

17           b.    an attorney licensed in this state who is in private  
18                practice selected from a list submitted by the  
19                executive board of the Oklahoma Bar Association,

20           c.    a district attorney selected from a list submitted by  
21                the District Attorney's Council,

22           d.    a physician selected from lists submitted by statewide  
23                organizations representing physicians in this state,  
24

- e. a physician selected from lists submitted by statewide organizations representing osteopathic physicians in this state,
- f. a member of the State Post-Adjudication Review Advisory Board,
- g. a social worker selected from a list submitted by each organization representing social workers,
- h. an individual selected from lists submitted by Oklahoma court-appointed special advocate associations,
- i. a psychologist selected from lists submitted by Oklahoma psychological associations,
- j. a member of a Native American Tribe involved in the area of protection of Native American children selected from a list submitted by the Oklahoma Indian Affairs Commission,
- k. an individual selected from lists submitted by Oklahoma coalitions or associations against domestic violence and sexual assault,
- l. a pediatric physician selected from lists submitted by organizations of pediatric physicians or osteopaths, and
- m. a member of an emergency medical technicians association.

1 B. Every two (2) years the Board shall elect from among its  
2 membership a chair and a vice-chair. The Board shall meet at least  
3 quarterly and may meet more frequently as necessary as determined by  
4 the chair. Members shall serve without compensation but may be  
5 reimbursed for necessary travel out of funds available to the  
6 Commission pursuant to the State Travel Reimbursement Act; provided,  
7 that the reimbursement shall be paid in the case of state employee  
8 members by the agency employing the member.

9 C. With funds appropriated or otherwise available for that  
10 purpose, the Commission shall provide administrative assistance and  
11 services to the Child Death Review Board.

12 SECTION 3. AMENDATORY 56 O.S. 2011, Section 300, is  
13 amended to read as follows:

14 Section 300. The Oklahoma Medical Center shall include the  
15 University Hospital, the Oklahoma Children's Hospital ~~of Oklahoma~~,  
16 the O'Donaghue Rehabilitation Institution, the Child Study Center,  
17 and any other institutions operated by a private entity under a  
18 joint operating agreement in which any of the state institutions  
19 listed in this section are leased to a private entity pursuant to  
20 the University Hospitals Authority Act. The University Hospitals  
21 Authority may, at its discretion, designate other names under which  
22 the Oklahoma Medical Center may operate.

23 SECTION 4. AMENDATORY 57 O.S. 2011, Section 509.6, is  
24 amended to read as follows:

1       Section 509.6. The Department of Corrections is authorized,  
2 pursuant to the Board of Corrections resolution on May 22, 1998 and  
3 subject to legislative appropriation, to establish a special  
4 correctional unit expansion at the Joseph Harp Correctional Center  
5 in Lexington, Oklahoma, designed solely for the imprisonment of  
6 elderly persons, physically disabled persons, persons in need of  
7 infirmity care, and persons in need of specialized care or treatment  
8 as an outpatient in the Oklahoma City Metropolitan area in the  
9 custody of the Department. The Department shall consider the unique  
10 needs of the elderly offender and the physically disabled offender  
11 when designing the unit or renovating an existing unit for this  
12 purpose and when implementing any program or service for such  
13 persons.

14       Only the following offenders shall be eligible for placement in  
15 the facility:

16       1. Persons age fifty-five (55) years or older who are deemed  
17 not suitable for placement in the general population of another  
18 facility;

19       2. Persons who are physically disabled upon reception into the  
20 custody of the Department, or who become physically disabled during  
21 the term of their incarceration within the custody of the  
22 Department, and whose disability requires the continuous use of a  
23 wheelchair or other special equipment, or whose disability requires  
24



1 special assistance, services or accommodations which another  
2 facility is not designed or equipped to meet;

3 3. Persons requiring an infirmary with twenty-four-hour nursing  
4 care; and

5 4. Persons having appointments or other needs for medical  
6 services which are provided at Griffin Memorial Hospital, ~~Oklahoma~~  
7 ~~Memorial~~ University Hospital or other medical facilities in the  
8 Oklahoma City metropolitan area and that are coming from and  
9 returning to other Department correctional facilities.

10 SECTION 5. AMENDATORY 63 O.S. 2011, Section 2654.2, is  
11 amended to read as follows:

12 Section 2654.2. There is hereby created the Oklahoma Poison  
13 Control Center within ~~Children's Hospital of Oklahoma. The~~  
14 ~~University Hospitals Authority shall contract with the University of~~  
15 Oklahoma Health Sciences Center College of Pharmacy ~~for the~~  
16 ~~implementation of this act.~~ The purpose of the center is to  
17 implement a statewide emergency poison and drug information program  
18 designed and structured to deliver reliable, accurate, qualified  
19 professional judgments and responses to requests for emergency  
20 poison and drug information data.

21 SECTION 6. AMENDATORY 63 O.S. 2011, Section 3202, as  
22 amended by Section 1, Chapter 495, O.S.L. 2019 (63 O.S. Supp. 2020,  
23 Section 3202), is amended to read as follows:

1 Section 3202. A. As used in the University Hospitals Authority  
2 Act:

3 1. "University Hospitals" include ~~the Oklahoma Memorial~~  
4 ~~Hospital, which shall be renamed University Hospital; the, Oklahoma~~  
5 ~~Children's Hospital of Oklahoma; the Child Study Center; and the~~  
6 ~~O'Donoghue Rehabilitation Institute~~ and any and all inpatient and  
7 outpatient hospital and clinical facilities and office and research  
8 buildings, facilities or property owned by or under the management  
9 and control of the University Hospitals Authority or the University  
10 Hospitals Trust;

11 2. "Authority" means the University Hospitals Authority;

12 3. "Department" means the Department of Human Services;

13 4. "Commission" means the Commission for Human Services or the  
14 Oklahoma Public Welfare Commission;

15 5. "University Hospital" means ~~Everett Tower and the North~~  
16 ~~Pavilion, which have been renamed as Children's Hospital at the~~  
17 ~~University of Oklahoma Medical Center~~ the inpatient and outpatient  
18 hospital and clinical facilities and office and research buildings,  
19 facilities or property assigned for the use of University Hospital  
20 by the University Hospitals Authority; and

21 6. "Oklahoma Children's Hospital ~~of Oklahoma~~" means the  
22 ~~Bielstein, Garrison, Nicholson and MRI towers which are no longer~~  
23 ~~being used as hospitals~~ inpatient and outpatient hospital and  
24 clinical facilities and office and research buildings, facilities or

1 property assigned for the use of Oklahoma Children's Hospital by the  
2 University Hospitals Authority. Any statutory reference to  
3 "Children's Hospital of Oklahoma" or "Children's Hospital" shall be  
4 construed to refer to Oklahoma Children's Hospital as defined in  
5 this section.

6 B. The University Hospitals Authority may assign any inpatient  
7 and outpatient hospital and clinical facilities, research buildings,  
8 facilities or property and any other buildings, facilities or  
9 property under its ownership or management and control to University  
10 Hospital, Oklahoma Children's Hospital or any other division or  
11 entity which is part of University Hospitals.

12 C. No person or entity shall use the title "Oklahoma Children's  
13 Hospital" or "Children's Hospital of Oklahoma" for any purpose  
14 without the express permission of the University Hospitals Trust.  
15 No person or entity shall use the title "Children's Hospital" with  
16 respect to Children's Hospital of Oklahoma as defined in this  
17 section without the express permission of the University Hospitals  
18 Trust.

19 SECTION 7. AMENDATORY 63 O.S. 2011, Section 3204, as  
20 amended by Section 3, Chapter 495, O.S.L. 2019 (63 O.S. Supp. 2020,  
21 Section 3204), is amended to read as follows:

22 Section 3204. A. Until July 1, 1993, the University Hospitals  
23 shall be under the jurisdiction, supervision, management and control  
24

1 of the Department of Human Services and the Commission for Human  
2 Services.

3 B. Effective July 1, 1993, the University Hospitals are hereby  
4 transferred from the Department of Human Services and the Commission  
5 for Human Services to the University Hospitals Authority.

6 C. The transfer shall include:

7 1. All powers, duties, responsibilities, properties, assets,  
8 fund balances, encumbrances, obligations, records, personnel and  
9 liabilities, including, but not limited to, liability for all  
10 University Hospital employees' sick leave, annual leave, holidays,  
11 unemployment benefits and workers' compensation benefits accruing to  
12 employees prior to July 1, 1993, which are attributable to the  
13 University Hospitals; provided, however, that any claims arising  
14 under the Governmental Tort Claims Act and filed prior to July 1,  
15 1993, and from any other actions filed prior to July 1, 1993, shall  
16 remain the responsibility of the Department of Human Services and  
17 the Commission for Human Services. All claims arising prior to July  
18 1, 1993 and for which no action has been filed shall be paid by the  
19 Risk Management Program;

20 2. Oklahoma Children's Hospital ~~of Oklahoma~~ and all buildings  
21 and appurtenances located on land which is described as follows:  
22 Blocks B, 3, 4, 12 and 13, and the North 30 feet of Block 14; and  
23 Lots 6 through 15, Block 21, CULBERTSON HEIGHTS ADDITION less and  
24 except the West 7 feet of Lot 5 and all of Lots 6 through 19, and

1 the East 5 feet of Lot 20 and the North 59.5 feet of Lots 21 through  
2 26, and the North 59.5 feet of the West 49.5 feet of Lot 27, all in  
3 Block 13, CULBERTSON HEIGHTS ADDITION to the City of Oklahoma City,  
4 Oklahoma, and also less and except the West 106 feet of the vacated  
5 Northeast 12th Street abutting said Block 13; and a part of Block  
6 20, CULBERTSON HEIGHTS ADDITION and a part of the alleys adjacent  
7 thereto, and a part of the SW 1/4, Section 26, T12N, R3W, I.M., and  
8 a part of the SE 1/4, Sec. 27, T12N, R3W, I.M., Oklahoma County,  
9 Oklahoma, and a part of vacated Kelley Avenue adjacent thereto, more  
10 particularly described as follows: Commencing at the NE corner of  
11 Block 20, CULBERTSON HEIGHTS ADDITION, Oklahoma City, Oklahoma,  
12 thence S. 0 degrees 03' 34" E. and along the East line of said Block  
13 20 and along the West Right-of-Way line of Stonewall Avenue a  
14 distance of 10 ft. to the point or place of beginning; thence  
15 continuing S. 0 degrees 03' 34" E. and along the East line of said  
16 Block 20 and along the West Right-of-Way line of Stonewall Avenue a  
17 distance of 341.27 ft., thence N. 89 degrees 54' 35" W. a distance  
18 of 520.10 ft., thence N. 0 degrees 11' 08" E. a distance of 18.0  
19 ft.; thence N. 89 degrees 48' 52" W. a distance of 12.0 ft.; thence  
20 N. 0 degrees 11' 08" E. a distance of 6 ft.; thence N. 89 degrees  
21 48' 52" W. a distance of 21.5 ft., thence N. 0 degrees 11' 08" E. a  
22 distance of 22.5 ft., thence N. 89 degrees 48' 52" W. a distance of  
23 286.5 ft., thence N. 89 degrees 48' 52" W. a distance of 27.00 feet;  
24 thence N. 0 degrees 12' 03" E. a distance of 72.50 feet; thence N.

1 89 degrees 48' 51" W. a distance of 25.65 feet; thence N. 23 degrees  
2 29' 12" W. a distance of 250.50 feet to a point on the South Right-  
3 of-Way line of N.E. 13th Street; thence S. 89 degrees 48' 51" E. and  
4 along the South Right-of-Way line of N.E. 13th Street a distance of  
5 649.76 feet; to a point in the East line of said SE 1/4 of Section  
6 27, T12N, R3W, thence S. 0 degrees 06' 23" W. along the East line of  
7 said Section 27, a distance of 10.0 ft., thence N. 89 degrees 33'  
8 42" E. and parallel to and 10 ft., South of the North line of said  
9 Block 20 of said CULBERTSON HEIGHTS ADDITION a distance of 342.10  
10 ft. to the point or place of beginning; and

11 3. a. ~~Oklahoma Memorial~~ University Hospital and all  
12 buildings and appurtenances located on land which is  
13 described as follows: A part of the South Half of the  
14 Southeast Quarter of Section 27, T12N, R3W of the  
15 Indian Meridian AND a part of the North Half of the  
16 Northeast Quarter of Section 34, T12N, R3W, of the  
17 Indian Meridian, all in Oklahoma County, Oklahoma,  
18 more particularly described as follows: Beginning at  
19 the Southwest corner of Block 13, HOWE'S CAPITOL  
20 ADDITION; thence N. 0 degrees 10' 36" E. along the  
21 East line of Phillips Avenue a distance of 674.64 feet  
22 to a point on the South line of Northeast 13th Street;  
23 thence S. 89 degrees 48' 51" E. along the South line  
24 of said Northeast 13th Street a distance of 620.30

1 feet; thence S. 23 degrees 29' 12" E. a distance of  
2 250.50 feet; thence S. 89 degrees 48' 51" E. a  
3 distance of 25.65 feet; thence S. 0 degrees 12' 03" W.  
4 a distance of 72.50 feet; thence S. 89 degrees 48' 51"  
5 E. a distance of 27.00 feet; thence S. 00 degrees 12'  
6 03" W. a distance of 443.57 feet; thence S. 89 degrees  
7 43' 03" E. a distance of 32.95 feet; thence S. 00  
8 degrees 14' 28" W. along the East line of a retaining  
9 wall a distance of 733.66 feet to a point on the South  
10 line of Block 1 of OAK PARK ADDITION; thence S. 89  
11 degrees 52' 55" W. along the South line of Blocks 1  
12 and 7 of OAK PARK ADDITION a distance of 810.11 feet  
13 to the Southwest corner of said Block 7; thence N. 00  
14 degrees 10' 36" E. along the West line of said Block  
15 7, OAK PARK ADDITION a distance of 213.87 feet; thence  
16 N. 89 degrees 49' 24" W. a distance of 3.40 feet;  
17 thence N. 00 degrees 10' 36" E. along the West line of  
18 Block 24, HOWE'S CAPITOL ADDITION a distance of 190.00  
19 feet; thence S. 89 degrees 49' 24" E. a distance of  
20 8.10 feet; thence N. 00 degrees 10' 36" E. along the  
21 West line of Block 18, HOWE'S CAPITOL ADDITION a  
22 distance of 405.00 feet to the Point of Beginning and  
23 containing 1,146,572 Square Feet or 26.32 Acres more  
24 or less;

- b. That portion of the property described in subparagraph a known as the Research Building shall be transferred to the Authority, but shall be leased to the University of Oklahoma for a term of not less than forty (40) years from the date thereof; and
- c. All of Blocks 1 and 2 of Culbertson Heights Addition, and all of Block 3 and Lots 3 through 20 and the North 50 feet of Lots 21 through 38 of Block 12, Oak Park Addition to the City of Oklahoma City, Oklahoma, including the encompassed and abutting portions of the vacated Northeast 11th Street, Park Place and Northeast 10th Street, and the abutting portion of Everest Avenue and the alley way in Block 12 of the said Oak Park Addition.

D. Properties to be retained by the Department of Human Services include:

1. The Service Center Building and land located on: The South 100 feet of Block 12 and all of Block 17, Oak Park Addition to the City of Oklahoma City, Oklahoma, including the encompassed or abutting portions of vacated Everest Avenue and Northeast 9th Street. (219,300 sq. ft., 5.03 acres); and
2. The Management Information Division Building and land located on: The West 7 feet of Lot 5 and all of Lots 6 through 19, and the East 5 feet of Lot 20 and the North 59.5 feet of Lots 21



1 through 26, and the North 59.5 feet of the West 49.5 feet of Lot 27,  
2 all in Block 13, Culbertson Heights Addition to the City of Oklahoma  
3 City, Oklahoma, and also including the West 106 feet of the vacated  
4 Northeast 12th Street abutting said Block 13. (82,199 sq. ft., 1.89  
5 acres).

6 E. Appropriate conveyances shall be executed to effectuate the  
7 transfers specified by subsections B, C and D of this section.

8 SECTION 8. AMENDATORY 63 O.S. 2011, Section 3206, is  
9 amended to read as follows:

10 Section 3206. Oklahoma Children's Hospital ~~of Oklahoma~~ shall  
11 serve as a general hospital and service institution for persons  
12 under twenty-one (21) years of age and shall have the authority to  
13 extend ~~transplant~~ services to persons twenty-one (21) years or  
14 older.

15 SECTION 9. AMENDATORY 63 O.S. 2011, Section 3224, as  
16 last amended by Section 8, Chapter 495, O.S.L. 2019 (63 O.S. Supp.  
17 2020, Section 3224), is amended to read as follows:

18 Section 3224. A. The State of Oklahoma expressly approves the  
19 creation of a public trust to be denominated the "University  
20 Hospitals Trust", of which the State of Oklahoma shall be the  
21 beneficiary, provided such approval shall be contingent upon the  
22 following conditions being satisfied:

23 1. Finalizing of the Declaration of Trust;  
24

1        2. Adoption of the Declaration of Trust by an official action  
2 of the trustees of the Trust;

3        3. Submission of the Trust for acceptance of the beneficial  
4 interest and approval as required by Section 177 of Title 60 of the  
5 Oklahoma Statutes; and

6        4. The approved Declaration of Trust shall:

7            a. clearly state that the principal purpose of the  
8 University Hospitals Trust is to effectuate the  
9 purposes of the University Hospitals Authority as  
10 established in the University Hospitals Authority Act,

11           b. except as otherwise provided by law, provide that the  
12 fee simple title to real property held by the  
13 University Hospitals Authority shall not be  
14 transferred, conveyed, or assigned to the University  
15 Hospitals Trust without the express consent of the  
16 Legislature as the governing entity of the beneficiary  
17 pursuant to Section 176 of Title 60 of the Oklahoma  
18 Statutes,

19           c. provide that any indebtedness incurred by the  
20 University Hospitals Trust or the trustees of the  
21 Trust shall not be secured with or create a lien upon  
22 real property to which title is held by the University  
23 Hospitals Authority and shall not involve the bonding  
24 capacity of the University Hospitals Authority,

- 1           d.    provide that the trust estate of the University  
2               Hospitals Trust shall not include fee simple title to  
3               real property owned by the University Hospitals  
4               Authority,
- 5           e.    clearly state that the creation of the University  
6               Hospitals Trust shall not in any way reduce, limit or  
7               interfere with the power granted to the University  
8               Hospitals Authority in the University Hospitals  
9               Authority Act,
- 10          f.    provide that any lease or contractual agreement  
11               involving use of the real property to which title is  
12               held by the University Hospitals Authority and any  
13               improvements thereto shall contain a provision and  
14               covenants requiring the proper maintenance and upkeep  
15               of the real property and improvements,
- 16          g.    provide that the trustees of the University Hospitals  
17               Trust shall be the acting members of the University  
18               Hospitals Authority as provided in the University  
19               Hospitals Authority Act, and
- 20          h.    provide that the trustees of the University Hospitals  
21               Trust shall have the duty to submit an annual report  
22               to the Governor, the President Pro Tempore of the  
23               Senate and the Speaker of the House of  
24               Representatives. The report shall be submitted by

1 January 1 of each year and shall include an account of  
2 all operations, actions of the Trust, account of all  
3 revenue received and disbursed by the Trust for the  
4 previous fiscal year. The report shall also provide a  
5 complete accounting of how the Trust meets its primary  
6 function of effectuating the purposes of the  
7 University Hospitals Authority, as established in the  
8 University Hospitals Authority Act.

9 B. The University Hospitals Trust shall require any agreements  
10 which it enters into with any entity pursuant to Section 3226 of  
11 this title for the operations of facilities leased by the University  
12 Hospitals Authority to the Trust to include, but not be limited to:

13 1. The inclusion of four of the five members of the Trust as  
14 four of the five members representing the State of Oklahoma as state  
15 appointees to the governing committee created pursuant to a proposed  
16 agreement;

17 2. Binding arbitration shall not be involved in such agreements  
18 for resolving issues under consideration by the governing committee;  
19 and

20 3. Major decisions shall be resolved by the governing  
21 committee, and approval of any major decision by the governing  
22 committee must include the approval of a majority of the state  
23 appointees and the approval of a majority of the members of the  
24

1 private entity appointees to the governing committee. Major  
2 decisions shall include:

- 3 a. approval of the annual operating and capital budgets,
- 4 b. sale or disposition of assets that individually have a  
5 fair market value over Two Hundred Fifty Thousand  
6 Dollars (\$250,000.00),
- 7 c. the termination or transfer or material addition or  
8 material diminution of medical services at the  
9 Oklahoma Medical Center related to and part of a  
10 teaching program of the University of Oklahoma Health  
11 Sciences Center, and
- 12 d. other major decisions as may be agreed upon by the  
13 Trust and the private entity.

14 C. To the extent it is determined by legislative enactment that  
15 the Trust has expended funds in contravention of its mission as set  
16 forth in this section, the Trust shall remit, upon thirty (30) days'  
17 written notice from the University Hospitals Authority, such sum or  
18 sums to the University Hospitals Authority.

19 D. In the event the Trust enters into a joint venture or  
20 acquires an interest in a not-for-profit entity to effectuate the  
21 administration of the mission of the Trust, that entity shall not be  
22 subject to the Oklahoma Open Meeting Act and the Oklahoma Open  
23 Records Act. Any information submitted to or compiled by the Trust  
24 with respect to marketing plans, financial statements, trade

1 secrets, research concepts, methods or products or any other  
2 proprietary information submitted to or compiled by the Trust,  
3 persons, firms, associations, partnerships, agencies, corporations,  
4 institutions of higher education, nonprofit research institutions or  
5 other entities shall be confidential, except to the extent that the  
6 person or entity which provided such information or which is the  
7 subject of such information consents to disclosure. Executive  
8 sessions may be held to discuss such materials if deemed necessary  
9 by the Trust. The provisions of this subsection shall not apply to  
10 budgetary information related to appropriations or the  
11 appropriations process.

12 E. In addition to the powers and exemptions granted to state  
13 beneficiary public trusts organized under Section 176 et seq. of  
14 Title 60 of the Oklahoma Statutes, the Trust shall possess all the  
15 statutory powers and exemptions provided to the University Hospitals  
16 Authority.

17 F. The Trust shall have the authority or may contract with a  
18 joint operator or with a foundation supporting the programs of  
19 Oklahoma Children's Hospital to sell naming rights to property owned  
20 or leased by the Trust, provided proceeds from the sale of naming  
21 rights are used to effectuate the purposes of the University  
22 Hospitals Authority as established in the University Hospitals  
23 Authority Act and are specifically approved by the Trust, which  
24 shall have absolute discretion in granting or denying naming rights.

1 Naming rights shall not include any interest in the property by the  
2 purchaser other than the naming rights.

3 SECTION 10. AMENDATORY 68 O.S. 2011, Section 302-1, is  
4 amended to read as follows:

5 Section 302-1. ~~(a)~~ A. In addition to the tax levied in Section  
6 302 of this title, there is hereby levied upon the sale, use, gift,  
7 possession, or consumption of cigarettes, as defined in Sections 301  
8 through 325 of this title, within the State of Oklahoma a tax at the  
9 rate of two and one-half (2 1/2) mills per cigarette. Such tax  
10 shall be evidenced by tax stamps as now provided for by law for  
11 other cigarette taxes, except that as to cigarette packages of less  
12 than ten cigarettes for free distribution as samples, the tax levied  
13 in this section shall be computed and paid as provided for other  
14 cigarette taxes without affixing stamps on each such package.

15 ~~(b)~~ B. No part of the revenues resulting from the additional  
16 tax levied in this section shall be used in determining the amount  
17 of cigarette tax collections to be paid into the State of Oklahoma  
18 Building Bonds of 1961 Sinking Fund pursuant to the provisions of  
19 Sections 57.31 through 57.43 of Title 62 of the Oklahoma Statutes,  
20 into the State of Oklahoma Building Bonds of 1965 Sinking Fund  
21 pursuant to the provisions of Sections 57.51 through 57.60 of Title  
22 62 of the Oklahoma Statutes, or into the State of Oklahoma  
23 Institutional Building Bonds of 1965 Sinking Fund pursuant to the  
24

1 provisions of Sections 57.61 through 57.73 of Title 62 of the  
2 Oklahoma Statutes.

3 ~~(e)~~ C. The revenues resulting from the additional tax levied in  
4 this section through June 30, 1968, shall be apportioned by the  
5 Oklahoma Tax Commission and transmitted to the State Treasurer, who  
6 shall deposit the same in the State Treasury in a fund to be known  
7 as the "State of Oklahoma Building Bonds of 1968 Reserve Fund",  
8 which fund is hereby created. The Legislature shall appropriate  
9 monies from such fund or so much thereof as may be deemed necessary;  
10 first, for the payment of interest and principal upon any bonds  
11 issued for capital improvements pursuant to the provisions of  
12 Section 38 of Article X of the Oklahoma Constitution; second, for  
13 other capital improvements at state institutions; third, for  
14 operating expenses of such capital improvements; and fourth, for any  
15 other purposes of state government. From and after July 1, 1968,  
16 all revenues resulting from the additional tax levied in this  
17 section, except revenues dedicated to the retirement of the State of  
18 Oklahoma Building Bonds of 1968, Series A, B, C, D and E, or any  
19 refunding of any or all of such series, and except revenues required  
20 to be deposited in the ~~Oklahoma Memorial Hospital Fund~~ University  
21 Hospitals Authority Disbursing Fund, shall be apportioned by the  
22 Oklahoma Tax Commission and transmitted to the State Treasurer, who  
23 shall deposit the same in the General Revenue Fund.



~~(d)~~ D. The cigarette tax levied in this section shall be

collected and administered in all respects not inconsistent with as now or hereafter provided for by law for other cigarette taxes now levied, collected and administered pursuant to the provisions of Sections 301 through 325 of this title.

SECTION 11. AMENDATORY Section 3, Chapter 394, O.S.L. 2013, as last amended by Section 1, Chapter 10, 2nd Extraordinary Session, O.S.L. 2018 (70 O.S. Supp. 2020, Section 18-114.14), is amended to read as follows:

Section 18-114.14. A. Beginning with the 2018-2019 school year, certified personnel, as defined in Section 26-103 of this title, in the public schools of Oklahoma shall receive in salary and/or fringe benefits not less than the amounts specified in the following schedule:

MINIMUM SALARY SCHEDULE

National					
Years of	Bachelor's	Board	Master's	Doctor's	
Experience	Degree	Certification	Degree	Degree	
0	\$36,601	\$37,759	\$37,991	\$39,381	
1	\$37,035	\$38,193	\$38,425	\$39,815	
2	\$37,469	\$38,628	\$38,859	\$40,249	
3	\$37,904	\$39,062	\$39,294	\$40,684	
4	\$38,338	\$39,496	\$39,728	\$41,118	
5	\$38,810	\$39,968	\$40,200	\$41,590	

1	6	\$39,273	\$40,432	\$40,663	\$42,054
2	7	\$39,737	\$40,895	\$41,127	\$42,517
3	8	\$40,200	\$41,358	\$41,590	\$42,980
4	9	\$40,663	\$41,822	\$42,054	\$43,444
5	10	\$41,684	\$42,844	\$43,568	\$45,945
6	11	\$42,177	\$43,336	\$44,061	\$46,438
7	12	\$42,670	\$43,829	\$44,554	\$46,931
8	13	\$43,162	\$44,322	\$45,047	\$47,424
9	14	\$43,655	\$44,815	\$45,539	\$47,916
10	15	\$44,167	\$45,327	\$46,052	\$48,430
11	16	\$44,660	\$45,820	\$46,545	\$48,923
12	17	\$45,153	\$46,313	\$47,038	\$49,416
13	18	\$45,646	\$46,806	\$47,531	\$49,909
14	19	\$46,139	\$47,299	\$48,024	\$50,402
15	20	\$46,652	\$47,813	\$48,538	\$50,917
16	21	\$47,145	\$48,306	\$49,031	\$51,410
17	22	\$47,639	\$48,799	\$49,524	\$51,903
18	23	\$48,132	\$49,292	\$50,018	\$52,397
19	24	\$48,625	\$49,785	\$50,511	\$52,890
20	25	\$50,049	\$51,232	\$51,971	\$54,395
21	Master's Degree +				
22	Years of	National Board			
23	Experience	Certification			
24	0	\$39,149			

1	1	\$39,583
2	2	\$40,018
3	3	\$40,452
4	4	\$40,886
5	5	\$41,358
6	6	\$41,822
7	7	\$42,285
8	8	\$42,749
9	9	\$43,212
10	10	\$44,728
11	11	\$45,221
12	12	\$45,713
13	13	\$46,206
14	14	\$46,699
15	15	\$47,212
16	16	\$47,705
17	17	\$48,198
18	18	\$48,691
19	19	\$49,184
20	20	\$49,698
21	21	\$50,192
22	22	\$50,685
23	23	\$51,178
24	24	\$51,671

25 \$53,153

B. 1. When determining the Minimum Salary Schedule, "fringe benefits" shall mean all or part of retirement benefits, excluding the contributions made pursuant to subsection A of Section 17-108.1 of this title and the flexible benefit allowance pursuant to Section 26-105 of this title from the flexible benefit allowance funds disbursed by the State Board of Education and the State Board of Career and Technology Education pursuant to Section 26-104 of this title.

2. If a school district intends to provide retirement benefits to a teacher such that the teacher's salary would be less than the amounts set forth in the minimum salary schedule specified in subsection A of this section, the district shall be required to provide written notification to the teacher prior to his or her employment or, if already employed by the district, no later than thirty (30) days prior to the date the district elects to provide retirement benefits such that the teacher's salary would be less than the minimum salary schedule.

C. Any of the degrees referred to in this section shall be from a college recognized by the State Board of Education. The Board shall accept teaching experience from out-of-state school districts that are accredited by the state board of education or appropriate state accrediting agency for the districts. The Board shall accept teaching experience from out-of-country schools that are accredited

1 or otherwise endorsed by the appropriate national or regional  
2 accrediting or endorsement authority. Out-of-country certification  
3 documentation in a language other than English shall be analyzed by  
4 an educational credential evaluation service in accordance with  
5 industry standards and guidelines and approved by the State  
6 Department of Education. The person seeking to have credit granted  
7 for out-of-country teaching experience shall be responsible for all  
8 costs of the analysis by a credential evaluation service. The Board  
9 shall accept teaching experience from primary and secondary schools  
10 that are operated by the United States Department of Defense or are  
11 affiliated with the United States Department of State.

12 D. For the purpose of state salary increments and retirement,  
13 no teacher shall be granted credit for more than five (5) years of  
14 active duty in the military service or out-of-state or out-of-  
15 country teaching experience as a certified teacher or its  
16 equivalent. Nothing in this section shall prohibit boards of  
17 education from crediting more years of experience on district salary  
18 schedules than those allowed for state purposes.

19 E. The State Board of Education shall recognize, for purposes  
20 of certification and salary increments, all the years of experience  
21 of a:

22 1. Certified teacher who teaches in the educational program of  
23 the Department of Corrections, beginning with fiscal year 1981;

24

1        2. Vocational rehabilitation counselor under the Department of  
2 Human Services if the counselor was employed as a certified teacher  
3 by the State Department of Education when the Division of Vocational  
4 Rehabilitation was transferred from the State Board of Career and  
5 Technology Education or the State Board of Education to the Oklahoma  
6 Public Welfare Commission on July 1, 1968;

7        3. Vocational rehabilitation counselor which were completed  
8 while employed by the Department of Human Services if such counselor  
9 was certified as a teacher or was eligible for certification as a  
10 teacher in Oklahoma;

11       4. Certified teacher which were completed while employed by the  
12 ~~Department of Human Services~~ Child Study Center located at  
13 University Hospital, if the teacher was certified as a teacher in  
14 Oklahoma; and

15       5. Certified school psychologist or psychometrist which were  
16 completed while employed as a doctoral intern, psychological  
17 assistant, or psychologist with any agency of the State of Oklahoma  
18 if the experience primarily involved work with persons of school- or  
19 preschool-age and if the person was, at the time the experience was  
20 acquired, certified as, or eligible for certification as, a school  
21 psychologist or psychometrist.

22       F. The provisions of this section shall not apply to teachers  
23 who have entered into postretirement employment with a public school  
24 in Oklahoma and are still receiving a monthly retirement benefit.

1 G. If a person employed as certified personnel, as defined in  
2 Section 26-103 of this title, by a school district during the 2017-  
3 2018 school year was receiving a salary above the step level  
4 indicated by the State Minimum Salary Schedule for the 2017-2018  
5 school year, the person shall receive a salary increase amount equal  
6 to the amount indicated in subsection A for the step level indicated  
7 for the person, provided they remain employed by the same district,  
8 unless the hours or the duties of the certified personnel are  
9 reduced proportionately.

10 SECTION 12. AMENDATORY 70 O.S. 2011, Section 3307, is  
11 amended to read as follows:

12 Section 3307. A. It shall be the policy of the State and is  
13 the intent of this section to provide the citizens of Oklahoma with  
14 a diagnostic and remedial psychiatry and neurology service, to  
15 provide the School of Medicine of the University of Oklahoma with a  
16 means of furnishing professional education and research in  
17 psychiatry and neurology, to provide for the administration and use  
18 of the facilities, located in the University Hospital, for this  
19 purpose.

20 ~~(a)~~ B. The following terms when used in this section shall mean  
21 as herein defined:

22 ~~(1)~~ 1. "University ~~Hospital~~ Hospitals" shall ~~mean the Oklahoma~~  
23 ~~Memorial Hospital of the Oklahoma Medical Center.~~ include University  
24 Hospital, Oklahoma Children's Hospital and any and all inpatient and

outpatient hospital and clinical facilities and office and research buildings, facilities or property owned by or under the management and control of the University Hospitals Authority or the University Hospitals Trust;

~~(2)~~ 2. "Psychiatry and Neurology Service" shall mean the diagnostic and therapeutic service for mental patients established in the psychiatric and neurological facilities of the University Hospital~~;~~;

~~(3)~~ 3. "Psychiatric and neurological facilities" shall mean the psychiatry and neurology unit of the University Hospital and such ancillary facilities as may be necessary for its operation~~;~~;

~~(4)~~ 4. "Chief" shall mean the Chief of the Psychiatry and Neurology Service~~;~~;

~~(5)~~ 5. "School of Medicine" shall mean the School of Medicine of the University of Oklahoma Medical Center~~;~~; and

~~(6)~~ 6. "Board" shall mean the Board of Regents of the University of Oklahoma.

~~(b)~~ C. The psychiatry and neurology unit (commonly called the neuro-psychiatric unit) of the University Hospital shall be such clinics and laboratories of the University Hospital as may be required, together with the psychiatric and neurological facilities of the School of Medicine and the University Hospital.

D. The Board shall establish a Psychiatry and Neurology Service in the psychiatric and neurological facilities, to be used as a



1 training and research unit for the teaching of psychiatry and  
2 neurology. The Service shall be established and operated under such  
3 conditions and terms as may be instituted by the School of Medicine  
4 and University Hospital with the approval of the Board and subject  
5 to the provisions of this section.

6 ~~(e)~~ E. The Board shall appoint a full time Chief of Psychiatry  
7 and Neurology Service. The Chief of Psychiatry and Neurology  
8 Service shall be:

9 ~~(1) He shall be licensed~~ 1. Licensed to practice medicine in  
10 this state and shall be qualified to supervise residency training  
11 and shall meet the standards established by the American Board of  
12 Psychiatry and Neurology or its successor-;

13 ~~(2) He shall be appointed~~ 2. Appointed as a member of the  
14 faculty of the School of Medicine in the Department of Psychiatry  
15 and Neurology-; and

16 ~~(3) He shall be in~~ 3. In charge of the Psychiatry and Neurology  
17 Service, subject to the general policies and direction of the  
18 University Hospital administration.

19 ~~(d)~~ F. The admission of patients to the University Hospital  
20 Psychiatry and Neurology Service and the trial release of patients  
21 shall be based on the following criteria-;

22 ~~(1)~~ 1. Admission shall be on the basis of the teaching needs,  
23 and requirements of the School of Medicine, in accordance with  
24 regulations approved by the Board-;

1       ~~(2)~~ 2. Admission shall be in conformity with the mental health  
2 laws providing for the admission of mental patients to mental  
3 hospitals~~;~~;

4       ~~(3)~~ 3. "Trial release" from inpatient to outpatient status is  
5 authorized in conformity with the state mental health laws in  
6 recognition of special therapeutic requirements of certain mental  
7 patients as determined by the Chief. Such trial release ~~will~~ shall  
8 be in the custody of the responsible relative or guardian~~;~~; and

9       ~~(4)~~ 4. In case such custody is not assumed by the responsible  
10 relative or guardian within one week after written notice from the  
11 Chief, the patient may be committed or transferred by the Director  
12 of the Department of Mental Health and Substance Abuse Services to  
13 the appropriate state mental hospital.

14       ~~(e)~~ G. 1. Authority is hereby provided for the transfer of any  
15 patient of the psychiatric and neurological facilities and services  
16 of the University Hospital to a component facility of the Department  
17 of Mental Health and Substance Abuse Services and for the transfer  
18 of any patient of a component facility of that Department to the  
19 University Hospital psychiatric and neurological facilities and  
20 services under such procedures as the Department and the School of  
21 Medicine may adopt, subject to the provisions of this section and  
22 the mental health laws of this state.

23       ~~(1)~~ 2. The transfer of such patients shall be for the following  
24 purposes:

- 1           a.    to provide necessary patients for the teaching of  
2                diagnosis and therapy of mental illness, according to  
3                the needs of the School of Medicine,  
4           b.    to make special diagnostic and/or therapeutic measures  
5                available to the patients, and  
6           c.    to maintain the Psychiatry and Neurology Service of  
7                the University Hospital as a short term diagnostic and  
8                therapeutic facility.

9       ~~(2)~~ 3.   The procedure for transfer of patients provided for in  
10 ~~Paragraph (d), subparagraph (4) and this paragraph~~ this subsection  
11 and in paragraph 4 of subsection F of this section shall be  
12 determined by a board of three (3) members, one each to be appointed  
13 by the Director of the Department of Mental Health and Substance  
14 Abuse Services, the Superintendent of the University Hospital, and  
15 the State Commissioner of Health.

16       ~~(f)~~ H.   The discharge of certified patients from the Psychiatry  
17 and Neurology Service shall be determined by the consensus of a  
18 board of three (3) members from the Department of Psychiatry and  
19 Neurology, including the Chief. The Chief shall notify the court,  
20 which certified the patient originally, that the Board has concluded  
21 that the patient so certified is mentally well and is being  
22 discharged.

23       SECTION 13.        AMENDATORY        72 O.S. 2011, Section 356, is  
24 amended to read as follows:

1       Section 356. A. The Department and the health science centers  
2 and other medical facilities of the University of Oklahoma, Oklahoma  
3 Children's Hospital of Oklahoma, Oklahoma Memorial Hospital,  
4 University Hospital or the Oklahoma College of Osteopathic Medicine  
5 shall institute a cooperative program to:

6       1. Refer veterans to appropriate state and federal agencies for  
7 the purpose of filing claims to remedy medical and financial  
8 problems caused by the veteran's exposure to chemical defoliants or  
9 herbicides or other causative agents, including Agent Orange; and

10       2. Initiate an education program for health professionals on  
11 the detection, diagnosis and treatment of the symptoms associated  
12 with exposure to chemical defoliants or herbicides or other  
13 causative agents, including Agent Orange.

14       B. The Commissioner shall adopt rules necessary to the  
15 administration of the programs authorized by this section.

16       SECTION 14.       REPEALER       10 O.S. 2011, Section 175.13, is  
17 hereby repealed.

18       SECTION 15. This act shall become effective November 1, 2021.

19  
20 COMMITTEE REPORT BY: COMMITTEE ON HIGHER EDUCATION AND CAREER TECH,  
21 dated 04/06/2021 - DO PASS, As Coauthored.