

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 2504

6 By: Kannady

7 COMMITTEE SUBSTITUTE

8 An Act relating to health; amending 63 O.S. 2011,  
9 Section 1-210, as last amended by Section 1, Chapter  
10 43, O.S.L. 2020 (63 O.S. Supp. 2020, Section 1-210),  
11 which relates to city-county boards of health;  
12 amending appointing authorities; modifying terms of  
13 service; amending 63 O.S. 2011, Section 1-213, which  
14 relates to health rules promulgated by certain boards  
15 of county commissioners; modifying approval process;  
16 limiting scope of rules; amending 63 O.S. 2011,  
17 Section 1-214, which relates to agreements and  
18 medical directors of city-county health departments;  
19 requiring advice of the State Commissioner of Health  
20 in certain situations; modifying the appointing,  
21 supervision, and removal process for directors of  
22 city-county health departments; and providing an  
23 effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2011, Section 1-210, as  
last amended by Section 1, Chapter 43, O.S.L. 2020 (63 O.S. Supp.  
2020, Section 1-210), is amended to read as follows:

Section 1-210. A. There is hereby created in any county of  
this state with a population of more than five hundred thousand

1 (500,000), according to the latest Federal Decennial Census, a city-  
2 county board of health composed of nine (9) members.

3 B. The membership of the board shall be composed of ~~five~~ four  
4 members appointed by the city council of such city, or city  
5 commission, whichever applies, ~~and~~ four members appointed by the  
6 board of county commissioners of such county, and one member  
7 appointed by the State Commissioner of Health. The member appointed  
8 by the State Commissioner of Health shall be a resident of the  
9 largest city in the county where the city-county board of health is  
10 located. Each member shall serve a term of six (6) years, except,  
11 that of the members initially appointed by the city council, or city  
12 commission, whichever applies, one member initially appointed shall  
13 serve a term of two (2) years, one member initially appointed shall  
14 serve a term of three (3) years, one member initially appointed  
15 shall serve a term of four (4) years, and one member initially  
16 appointed shall serve a term of five (5) years, ~~and one member~~  
17 ~~initially appointed shall serve a term of six (6) years;~~ provided,  
18 however, that in any such city having a city board of health created  
19 under its charter provisions, the members of such city board of  
20 health and the tenure of the city board of health members of the  
21 city-county board of health shall be coterminous with the city board  
22 of health. Of the members initially appointed by the board of  
23 county commissioners, one member initially appointed shall serve a  
24 term of two (2) years, one member initially appointed shall serve a

1 term of three (3) years, one member initially appointed shall serve  
2 a term of ~~five (5)~~ four (4) years, and one member initially  
3 appointed shall serve a term of ~~six (6)~~ five (5) years. The member  
4 initially appointed by the State Commissioner of Health shall serve  
5 a term of three (3) years. The appointing authority shall appoint  
6 new members as the terms of office of its initial appointees expire.  
7 Wherever a city-county board of health is now in existence, the  
8 current board members shall be retained, until the termination of  
9 their present appointment, ~~by the appointing authorities.~~

10 C. A county board of health in any county of this state with a  
11 population of more than two hundred twenty-five thousand (225,000),  
12 but not more than five hundred thousand (500,000), according to the  
13 latest Federal Decennial Census, may create a city-county board of  
14 health as provided in this section composed of members as provided  
15 by Section 1-201 of this title.

16 SECTION 2. AMENDATORY 63 O.S. 2011, Section 1-213, is  
17 amended to read as follows:

18 Section 1-213. A. The board of county commissioners in any  
19 county that qualifies under Section ~~210 of this article~~ 1-210 of  
20 this title is hereby authorized and empowered to make and enforce  
21 all reasonable rules and regulations with regard to the preservation  
22 and promotion of public health; provided, that any such rules or  
23 regulations shall have first been recommended or approved by a  
24 simple majority vote of the members of the city-county board of

1 health, and further provided that such rules and regulations shall  
2 not be ~~inconsistent with~~ more stringent than state laws or rules and  
3 regulations of the State Board of Health. Such rules and  
4 regulations shall be operative throughout the county, except within  
5 the limits of incorporated cities and towns. Any such rules adopted  
6 by county commissioners relating to an establishment where food or  
7 drink is offered for sale or sold shall not be more stringent than  
8 the rules for such establishments adopted by the State Board of  
9 Health; provided, that rules adopted prior to May 31, 2008, which  
10 directly relate to training and permit requirements for food  
11 managers and food handlers and fees related to such establishments  
12 shall, in addition to the license fee required by the State Board of  
13 Health, be exempt from the provisions of this subsection.

14 B. The board of county commissioners is also authorized to  
15 provide for the levying and collection of fees for services  
16 performed by such city-county health department outside the  
17 boundaries of incorporated cities and towns within such county. Any  
18 person who violates any rule or regulation made by such board of  
19 county commissioners under the authority of this section shall be  
20 guilty of a misdemeanor.

21 SECTION 3. AMENDATORY 63 O.S. 2011, Section 1-214, is  
22 amended to read as follows:

23 Section 1-214. A. The board of county commissioners of any  
24 county and the governing body of any city which qualify under

1 Section 1-210 of this title shall enter into an agreement providing  
2 for the creation of a city-county health department, and such  
3 contracting bodies shall by agreement provide for the method of  
4 operation thereof, ~~the selection of a director of such department,~~  
5 and the proportionate share of personnel and/or money that each  
6 shall contribute for the operation and support of such department.

7 B. Unless an agreement made pursuant to subsection A of this  
8 section specifically provides otherwise, any judgment against the  
9 city-county health department or the city-county board of health  
10 shall be treated as a judgment against the county and may be paid  
11 from a sinking fund established pursuant to Section 28 of Article X  
12 of the Oklahoma Constitution in the manner that other judgments  
13 against the county are paid.

14 C. Unless an agreement made pursuant to subsection A of this  
15 section specifically provides otherwise, a city-county health  
16 department shall have the power to own, acquire, lease, or dispose  
17 of real property in the performance of local public health  
18 functions, duties, and responsibilities.

19 D. 1. The qualifications of the director shall be determined  
20 by the city-county board of health, with the advice of the State  
21 Commissioner of Health, and subject to approval by a simple majority  
22 of the governing body of the city and the board of county  
23 commissioners of the county. The director shall perform his or her  
24 duties in consultation with the Commissioner of Health or his or her

1 designee in order to ensure administrative alignment. The director,  
2 with the approval of the city-county board of health, the board of  
3 county commissioners of the county, and the governing body of the  
4 city, or the city manager in cities having a managerial form of  
5 government, shall appoint other personnel of the department.

6 2. In the case of a vacancy in the position of director of a  
7 city-county health department, the city-county board of health may  
8 appoint an interim director for a period not to exceed six (6)  
9 months. Within five (5) months of the vacancy, the city-county  
10 board of health shall submit to the Commissioner of Health, the  
11 mayor of the largest city in the county, and the chair of the board  
12 of county commissioners a list of three candidates for permanent  
13 appointment. The Commissioner of Health, the mayor, and the chair  
14 of the board of county commissioners shall select and appoint a  
15 director from among the list provided within one (1) month of  
16 receipt of the list. The candidate selected shall be communicated  
17 to the city-county board of health by a written letter, signed by at  
18 least two of the appointing officials, one of whom must be the  
19 Commissioner of Health. In the event that a candidate has not been  
20 selected and appointed at the end of six (6) months of vacancy, the  
21 Commissioner of Health shall select and appoint a director for the  
22 city-county health department from among the list of candidates  
23 provided by the board.

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1       3. The Commissioner of Health may request the removal of a  
2 director of a city-county health department by submitting such  
3 request in writing to the city-county board of health. The board  
4 shall consider a removal request within two (2) months of its  
5 receipt. If the board determines by a two-thirds (2/3) vote that  
6 removal is warranted, then the director shall be removed.

7       E. The employees of a city-county health department shall  
8 possess minimum qualifications as set forth in a system of personnel  
9 administration delineating job specifications and a compensation  
10 plan adopted by the city-county board of health, and approved by the  
11 State Commissioner of Health, the board of county commissioners and  
12 the governing body of the city. By March 1, 1991, the city-county  
13 health department shall establish a personnel, merit and promotion  
14 system which shall be approved by the Commissioner of Public Health.  
15 The employees shall also be eligible for membership in any life or  
16 health insurance plan of the county and the county retirement  
17 program, subject to the same conditions or restrictions that apply  
18 to county employees. Any state employees officed or located at or  
19 assigned to a city-county health department shall be subject to the  
20 state system of personnel administration and shall be eligible for  
21 membership in the state employees insurance and retirement programs.

22       F. Such city-county health department shall, under the  
23 supervision of the director, enforce and administer all municipal  
24 and county ordinances, rules and regulations, and all state laws,

1 and rules and regulations of the State Board of Health pertaining to  
2 public health matters in the jurisdiction where it is created, or in  
3 any area where it has jurisdiction to operate by agreement.

4 G. A city-county health department may perform any and all  
5 health-related services, within the scope of practice, as prescribed  
6 by law, by the city-county board of health, or by standards of care  
7 for medical services. When a city-county health department provides  
8 a health-related service to any person covered by an applicable  
9 health insurance plan, the city-county health department may submit  
10 a claim for said service to the appropriate insurance company,  
11 health maintenance organization or preferred provider organization.  
12 Upon receipt of the claim, said insurance company, health  
13 maintenance organization or preferred provider organization shall  
14 reimburse the city-county health department for the service provided  
15 in accordance with the standard and customary rate schedule  
16 established by the plan. All health insurance plans, doing business  
17 in Oklahoma, shall recognize the public health service delivery  
18 model utilized by the city-county health department, as an  
19 appropriate provider of services for reimbursement. All insurance  
20 reimbursement payments collected shall become a part of the general  
21 revenue of the unit of government levying the same.

22 SECTION 4. This act shall become effective November 1, 2021.

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