

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

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

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2504

By: Kannady

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8 COMMITTEE SUBSTITUTE

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

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:

1 Section 1-210. A. There is hereby created in any county of
2 this state with a population of more than five hundred thousand
3 (500,000), according to the latest Federal Decennial Census, a city-
4 county board of health composed of nine (9) members.

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

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

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

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

20 Section 1-213. A. The board of county commissioners in any
21 county that qualifies under Section ~~210 of this article~~ 1-210 of
22 this title is hereby authorized and empowered to make and enforce
23 all reasonable rules and regulations with regard to the preservation
24 and promotion of public health; provided, that any such rules or

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

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

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

1 Section 1-214. A. The board of county commissioners of any
2 county and the governing body of any city which qualify under
3 Section 1-210 of this title shall enter into an agreement providing
4 for the creation of a city-county health department, and such
5 contracting bodies shall by agreement provide for the method of
6 operation thereof, ~~the selection of a director of such department,~~
7 and the proportionate share of personnel and/or money that each
8 shall contribute for the operation and support of such department.

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

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

21 D. 1. The qualifications of the director shall be determined
22 by the city-county board of health, with the advice of the State
23 Commissioner of Health, and subject to approval by a simple majority
24 of the governing body of the city and the board of county

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

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

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

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

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1 F. Such city-county health department shall, under the
2 supervision of the director, enforce and administer all municipal
3 and county ordinances, rules and regulations, and all state laws,
4 and rules and regulations of the State Board of Health pertaining to
5 public health matters in the jurisdiction where it is created, or in
6 any area where it has jurisdiction to operate by agreement.

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

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

COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CIVIL, dated
02/24/2021 - DO PASS, As Amended.