

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 1085

6 By: Ownbey

7 COMMITTEE SUBSTITUTE

8 An Act relating to public health; amending Section
9 44, Chapter 229, O.S.L. 2013, as amended by Section
10 1, Chapter 141, O.S.L. 2014 (63 O.S. Supp. 2014,
11 Section 1-103a.1), which relates to public health
12 advisory councils; creating the Home Care, Hospice
13 and Palliative Care Advisory Council; providing for
14 membership; providing for quorum; providing for
15 appointments to certain council; requiring certain
16 council to include certain jurisdictional areas; and
17 providing an effective date.

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

19 SECTION 1. AMENDATORY Section 44, Chapter 229, O.S.L.
20 2013, as amended by Section 1, Chapter 141, O.S.L. 2014 (63 O.S.
21 Supp. 2014, Section 1-103a.1), is amended to read as follows:

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

- 24 1. The Consumer Protection Licensing Advisory Council;
2. The Trauma and Emergency Response Advisory Council;
3. The Infant and Children's Health Advisory Council;

1 4. The Advancement of Wellness Advisory Council; and

2 5. The Home Care ~~and~~, Hospice and Palliative Care Advisory
3 Council.

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

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

1 3. Each Advisory Council shall meet at least twice a year, but
2 no more than four times a year and shall elect a chair, a vice-chair
3 and a secretary from among its members. Each Advisory Council shall
4 only meet as required for election of officers, establishment of
5 meeting dates and times; rule development, review and
6 recommendation; and adoption of nonbinding resolutions to the State
7 Department of Health or the State Board of Health concerning matters
8 brought before the Advisory Council. Special meetings may be called
9 by the chair or by the concurrence of any three members.

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

14 a. the Governor shall appoint:

15 (1) one member who is a licensed radiologist
16 assistant, and

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

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

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

20 (2) one member representing the hearing aid fitting
21 industry,

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

24

1 (1) one member representing the medical
2 micropigmentation industry, and

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

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

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

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

16 a. the Governor shall appoint:

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

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

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

22 (1) one member who is a representative from a
23 hospital with trauma and emergency services, and
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1 (2) one member who is a trauma surgeon with
2 privileges at a hospital with trauma and
3 emergency operative services,

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

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

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

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

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

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

22 a. the Governor shall appoint:

23 (1) one member who works for the state or for a
24 political subdivision on child abuse issues, and

1 (2) one member who is knowledgeable about childhood
2 immunizations,

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

4 (1) one member who is knowledgeable about newborn
5 screening issues, ~~and~~

6 (2) one member licensed by the state as an
7 optometrist who has knowledge of vision screening
8 for children, and

9 (3) one member who is a licensed ophthalmologist in
10 this state with the knowledge of treating visual
11 deficiencies in children,

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

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

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

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

22 2. The jurisdictional areas of the Infant and Children's Health
23 Advisory Council shall include all issues that arise in the area of
24

1 health care for infants and children and such other areas as
2 designated by the State Board of Health.

3 F. 1. All members of the Advancement of Wellness Advisory
4 Council shall be knowledgeable of issues that arise in the area of
5 advancing the health of all Oklahomans. The Advancement of Wellness
6 Advisory Council shall be composed as follows:

7 a. the Governor shall appoint:

8 (1) one member who is knowledgeable about breast and
9 cervical cancer issues, and

10 (2) one member who is knowledgeable about organ donor
11 issues,

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

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

16 (2) one member who is the president or chief
17 operating officer of a business that has been
18 designated a certified healthy business,

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

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

24

1 (2) one member who is the president or chief
2 operating officer of a business that has been
3 designated a certified healthy business in an
4 urban setting, and

5 d. the State Board of Health shall appoint one member who
6 is the Executive Director of the Tobacco Settlement
7 Endowment Trust.

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

15 G. 1. All members of the Home Care ~~and~~, Hospice and Palliative
16 Care Advisory Council shall be knowledgeable of issues that arise in
17 the administration and practice of home care ~~and~~, hospice and
18 palliative care services. The Home Care ~~and~~, Hospice and Palliative
19 Care Advisory Council shall be composed as follows:

20 a. the Governor shall appoint:

21 (1) one member who is the owner or administrator of
22 an entity licensed in accordance with the
23 Oklahoma Hospice Licensing Act, and
24

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

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

5 (1) one member who is an owner or administrator of an
6 entity licensed in accordance with the Oklahoma
7 Hospice Licensing Act, ~~and~~

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

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

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

15 (1) one member representing the public who is or was
16 a legal guardian of a recipient of hospice
17 services, ~~and~~

18 (2) one member representing the public who is a
19 recipient or legal guardian of a recipient of
20 services from a home health agency, and

21 (3) one member who is an allopathic or osteopathic
22 physician or nurse certified in palliative care
23 delivery in this state, and

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1 d. the State Board of Health shall appoint one member
2 representing an association which advocates on behalf
3 of home care or hospice issues.

4 2. The jurisdictional areas of the Home Care ~~and,~~ Hospice and
5 Palliative Care Advisory Council shall include all issues that arise
6 in the areas of home care ~~or,~~ hospice services, and palliative care,
7 including, but not limited to:

8 a. identifying methods that improve the quality and
9 delivery of palliative care,

10 b. reviewing best practices from palliative care programs
11 in the state,

12 c. developing information on palliative care issues for
13 the general public, and

14 d. such other areas as designated by the State Board of
15 Health.

16 H. In addition to other powers and duties assigned to each
17 Advisory Council pursuant to this section, each Advisory Council,
18 within its jurisdictional area, shall:

19 1. Have authority to recommend to the State Board of Health
20 rules on behalf of the State Department of Health. The State
21 Department of Health shall not have standing to recommend to the
22 State Board of Health permanent rules or changes to such rules
23 within the jurisdiction of an Advisory Council which have not been
24 submitted previously to the appropriate Advisory Council for action;

1 2. Before recommending any permanent rules to the State Board
2 of Health, give public notice, offer an opportunity for public
3 comment and conduct a public rulemaking hearing when required by the
4 Administrative Procedures Act;

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

9 4. Have the authority to provide a public forum for the
10 discussion of issues it considers relevant to its area of
11 jurisdiction, and to:

- 12 a. pass nonbinding resolutions expressing the sense of
- 13 the Advisory Council, and
- 14 b. make recommendations to the State Board of Health or
- 15 the State Department of Health concerning the need and
- 16 the desirability of conducting meetings, workshops and
- 17 seminars; and

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

23 I. The Advisory Councils shall not recommend rules for
24 promulgation by the State Board of Health unless all applicable

1 requirements of the Administrative Procedures Act have been
2 followed, including but not limited to notice, rule-impact statement
3 and rulemaking hearings.

4 J. Members of the Advisory Councils shall serve without
5 compensation ~~but may be reimbursed expenses incurred in the~~
6 ~~performance of their duties, as provided in the State Travel~~
7 ~~Reimbursement Act.~~ The Advisory Councils are authorized to utilize
8 the conference rooms of the State Department of Health and obtain
9 administrative assistance from the State Department of Health, as
10 required.

11 SECTION 2. This act shall become effective November 1, 2015.

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