

1 ENGROSSED HOUSE
2 BILL NO. 1690

By: Newton and Phillips of the
House

3 and

4 Jech of the Senate
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7 An Act relating to public health; amending 63 O.S.
8 2011, Section 1-713.1, which relates to Federally
9 Qualified Health Centers; removing the requirement
10 that the board of directors be considered a public
11 body and subject to the Oklahoma Open Meeting Act;
12 removing penalties and reporting requirements for
13 failure to comply with the Oklahoma Open Meeting Act;
14 imposing duty on Oklahoma Health Care Authority with
15 respect to certain payments for services; amending 25
16 O.S. 2011, Section 304, as last amended by Section 1,
17 Chapter 3, O.S.L. 2020 (25 O.S. Supp. 2020, Section
18 304), which relates to the Oklahoma Open Meeting Act;
19 modifying definition of public body; and declaring an
20 emergency.

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

22 SECTION 1. AMENDATORY 63 O.S. 2011, Section 1-713.1, is
23 amended to read as follows:

24 Section 1-713.1 A. The Legislature finds that:

1. As providers of health care to medically underserved
populations, Federally Qualified Health Centers are extremely
beneficial to the citizens of Oklahoma;

2. The primary source of funding for Federally Qualified Health
Centers is through grants of funds by the Bureau of Primary Health

1 Care (BPHC) under Section 330 of the Public Health Service Act as
2 amended by the Health Centers Consolidation Act of 1996;

3 3. The receipt of federal grants is dependent upon compliance
4 with federal statutes, regulations and policies regarding the
5 mission, programs, governance, management and financial
6 responsibilities of such entities; and

7 4. In addition to federal grant monies, Federally Qualified
8 Health Centers in Oklahoma receive additional monies through the
9 appropriation of state funds.

10 B. In an effort to maintain the presence of Federally Qualified
11 Health Centers in Oklahoma and minimize the possibility of
12 jeopardizing federal funding for such entities, all Federally
13 Qualified Health Centers in Oklahoma that receive grants under
14 Section 330 of the Public Health Service Act shall:

15 1. Remain in compliance at all times with the federal statutes,
16 regulations and ~~policies~~ policies governing their existence at 42
17 U.S.C. 254b, 42 CFR 51c.303, 51c.304 and 51c.305, and BPHC Policy
18 Information Notice 98-23; and

19 2. Adhere to bylaws adopted in compliance with the federal
20 statutes, regulations and ~~policies~~ policies including, but not
21 limited to, provisions regarding the composition, functions and
22 responsibilities of boards of directors of Federally Qualified
23 Health Centers.

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1 C. ~~Further, the board of directors of a Federally Qualified~~
2 ~~Health Center shall be considered a public body for purposes of the~~
3 ~~Oklahoma Open Meeting Act and shall be subject to the provisions of~~
4 ~~that act, including criminal penalties provided therein for~~
5 ~~violations of that act.~~

6 ~~D.~~ Any Federally Qualified Health Center in Oklahoma that fails
7 to comply with federal statutes, regulations and policies governing
8 its existence shall be ineligible for state reimbursement for
9 uncompensated care. ~~Further, the entity shall be ineligible to~~
10 ~~receive such state reimbursement if the board of directors fails to~~
11 ~~remove, for cause, any board member convicted of a misdemeanor for~~
12 ~~violating the provisions of the Oklahoma Open Meeting Act, or any~~
13 ~~board member against whom a civil judgment is rendered relating to~~
14 ~~that member's service on the board.~~

15 ~~E.~~ D. The State Department of Health shall investigate reported
16 violations of this act and, notwithstanding any other provision,
17 shall enforce this act by not contracting to reimburse the
18 uncompensated care costs of any Federally Qualified Health Center
19 found to be in violation of the provisions of this act. The
20 Department shall further report any violations of federal statutes,
21 regulations and policies related to this act to the Bureau of
22 Primary Health Care or other appropriate federal funding agency, ~~and~~
23 ~~shall report violations of the Oklahoma Open Meeting Act to the~~
24 ~~district attorney in the jurisdiction where the entity is located.~~

1 ~~F.~~ E. In order to ensure that Federally Qualified Health
2 Centers in Oklahoma remain eligible to receive state reimbursement
3 for uncompensated care under the provisions of this act, the State
4 Board of Health shall adopt rules, as it deems necessary and
5 appropriate, requiring board members of such entities to receive
6 board member training and establishing certification for entities to
7 provide such training.

8 F. The Oklahoma Health Care Authority shall, at all times,
9 ensure that Federally Qualified Health Centers receive, at a
10 minimum, payment for services in accordance with Section 1396a(bb)
11 of Title 42 of the United States Code.

12 SECTION 2. AMENDATORY 25 O.S. 2011, Section 304, as last
13 amended by Section 1, Chapter 3, O.S.L. 2020 (25 O.S. Supp. 2020,
14 Section 304), is amended to read as follows:

15 Section 304. As used in the Oklahoma Open Meeting Act:

16 1. "Public body" means the governing bodies of all
17 municipalities located within this state, boards of county
18 commissioners of the counties in this state, boards of public and
19 higher education in this state and all boards, bureaus, commissions,
20 agencies, trusteeships, authorities, councils, committees, public
21 trusts or any entity created by a public trust, including any
22 committee or subcommittee composed of any of the members of a public
23 trust or other legal entity receiving funds from the Rural Economic
24 Action Plan Fund as authorized by Section 2007 of Title 62 of the

1 Oklahoma Statutes, task forces or study groups in this state
2 supported in whole or in part by public funds or entrusted with the
3 expending of public funds, or administering public property, and
4 shall include all committees or subcommittees of any public body.
5 Public body shall not include the state judiciary, the Council on
6 Judicial Complaints when conducting, discussing, or deliberating any
7 matter relating to a complaint received or filed with the Council,
8 the Legislature, or administrative staffs of public bodies,
9 including, but not limited to, faculty meetings and athletic staff
10 meetings of institutions of higher education when those staffs are
11 not meeting with the public body, or entry-year assistance
12 committees. Furthermore, public body shall not include the
13 multidisciplinary teams provided for in Section 1-9-102 of Title 10A
14 of the Oklahoma Statutes and subsection C of Section 1-502.2 of
15 Title 63 of the Oklahoma Statutes or any school board meeting for
16 the sole purpose of considering recommendations of a
17 multidisciplinary team and deciding the placement of any child who
18 is the subject of the recommendations. Furthermore, public body
19 shall not include meetings conducted by stewards designated by the
20 Oklahoma Horse Racing Commission pursuant to Section 203.4 of Title
21 3A of the Oklahoma Statutes when the stewards are officiating at
22 races or otherwise enforcing rules of the Commission. Furthermore,
23 public body shall not include the board of directors of a Federally
24 Qualified Health Center;

1 2. "Meeting" means the conduct of business of a public body by
2 a majority of its members being personally together or, as
3 authorized by Section 307.1 of this title, together pursuant to a
4 videoconference. Meeting shall not include informal gatherings of a
5 majority of the members of the public body when no business of the
6 public body is discussed;

7 3. "Regularly scheduled meeting" means a meeting at which the
8 regular business of the public body is conducted;

9 4. "Special meeting" means any meeting of a public body other
10 than a regularly scheduled meeting or emergency meeting;

11 5. "Emergency meeting" means any meeting called for the purpose
12 of dealing with an emergency. For purposes of the Oklahoma Open
13 Meeting Act, an emergency is defined as a situation involving injury
14 to persons or injury and damage to public or personal property or
15 immediate financial loss when the time requirements for public
16 notice of a special meeting would make such procedure impractical
17 and increase the likelihood of injury or damage or immediate
18 financial loss;

19 6. "Continued or reconvened meeting" means a meeting which is
20 assembled for the purpose of finishing business appearing on an
21 agenda of a previous meeting. For the purposes of the Oklahoma Open
22 Meeting Act, only matters on the agenda of the previous meeting at
23 which the announcement of the continuance is made may be discussed
24 at a continued or reconvened meeting;

1 7. "Videoconference" means a conference among members of a
2 public body remote from one another who are linked by interactive
3 telecommunication devices or technology and/or technology permitting
4 both visual and auditory communication between and among members of
5 the public body and/or between and among members of the public body
6 and members of the public. During any videoconference, both the
7 visual and auditory communications functions shall attempt to be
8 utilized; and

9 8. "Teleconference" means a conference among members of a
10 public body remote from one another who are linked by
11 telecommunication devices and/or technology permitting auditory
12 communication between and among members of the public body and/or
13 between and among members of the public body and members of the
14 public.

15 SECTION 3. It being immediately necessary for the preservation
16 of the public peace, health or safety, an emergency is hereby
17 declared to exist, by reason whereof this act shall take effect and
18 be in full force from and after its passage and approval.

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1 Passed the House of Representatives the 8th day of March, 2021.

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4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2021.

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9 Presiding Officer of the Senate