

1 **SENATE FLOOR VERSION**

2 February 9, 2015

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 641

By: Treat of the Senate

and

Ownbey of the House

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8  
9 An Act relating to palliative care; amending Section  
10 44, Chapter 229, O.S.L. 2013, as amended by Section  
11 1, Chapter 141, O.S.L. 2014 (63 O.S. Supp. 2014,  
12 Section 1-103a.1), which relates to Public Health  
13 Advisory Councils; providing certain exception;  
14 providing for membership on certain Advisory Council;  
15 providing for appointing authority; providing for  
16 quorum; broadening membership and jurisdiction of  
17 certain Advisory Council; removing language relating  
18 to travel reimbursement; clarifying language;  
19 providing an effective date; and declaring an  
20 emergency.

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

22 SECTION 1. AMENDATORY Section 44, Chapter 229, O.S.L.  
23 2013, as amended by Section 1, Chapter 141, O.S.L. 2014 (63 O.S.  
24 Supp. 2014, Section 1-103a.1), is amended to read as follows:

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

1. The Consumer Protection Licensing Advisory Council;
2. The Trauma and Emergency Response Advisory Council;

- 1       3. The Infant and Children's Health Advisory Council;
- 2       4. The Advancement of Wellness Advisory Council; and
- 3       5. The Home Care ~~and~~, Hospice, and Palliative Care Advisory
- 4 Council.

5       B. 1. ~~Each~~ Except for the Home Care, Hospice, and Palliative

6 Care Advisory Council, each Public Health Advisory Council (Advisory

7 Council) created pursuant to subsection A of this section shall

8 consist of seven (7) members. Two members shall be appointed by the

9 Governor, two members shall be appointed by the Speaker of the House

10 of Representatives, two members shall be appointed by the President

11 Pro Tempore of the Senate, and one member shall be appointed by the

12 State Board of Health. Appointments shall be for three-year terms.

13 Members of the Advisory Councils shall serve at the pleasure of and

14 may be removed from office by the appointing authority. Members

15 shall continue to serve until their successors are appointed. Any

16 vacancy shall be filled in the same manner as the original

17 appointments. Four members shall constitute a quorum.

18       2. The Home Care, Hospice, and Palliative Care Advisory Council

19 shall consist of nine (9) members. Three members shall be appointed

20 by the President Pro Tempore of the Senate, three members shall be

21 appointed by the Speaker of the House of Representatives, and three

22 members shall be appointed by the Governor. Five members shall

23 constitute a quorum.

24

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  
24

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  
16 Palliative Care Advisory Council shall be knowledgeable of issues  
17 that arise in the administration and practice of home care ~~and~~,  
18 hospice, and palliative care services. The Home Care ~~and~~, Hospice,  
19 and Palliative 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 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 a physician or nurse certified  
22 in palliative care delivery in this state, and

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 or palliative care services,  
7 including, but not limited to:

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

10          b.    review best practices from home care, hospice, and  
11                   palliative care programs in this state,

12          c.    develop information on home care, hospice, and  
13                   palliative care issues for 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  
3 statement 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 July 1, 2015.

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

16 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES  
17 February 9, 2015 - DO PASS AS AMENDED

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