

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL 641

6 By: Treat

7 COMMITTEE SUBSTITUTE

8 An Act relating to palliative care; 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; providing certain exception;
13 providing for membership on certain Advisory Council;
14 providing for appointing authority; providing for
15 quorum; broadening membership and jurisdiction of
16 certain Advisory Council; removing language relating
17 to travel reimbursement; clarifying language;
18 providing an effective date; and declaring an
19 emergency.

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

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

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

- 25 1. The Consumer Protection Licensing Advisory Council;
- 26 2. The Trauma and Emergency Response Advisory Council;
- 27 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. Three members shall be appointed
19 by the President Pro Tempore of the Senate, three members shall be
20 appointed by the Speaker of the House of Representatives, and three
21 members shall be appointed by the Governor. Five members shall
22 constitute a quorum.

23 3. Each Advisory Council shall meet at least twice a year, but
24 no more than four times a year and shall elect a chair, a vice-chair

1 and a secretary from among its members. Each Advisory Council shall
2 only meet as required for election of officers, establishment of
3 meeting dates and times; rule development, review and
4 recommendation; and adoption of nonbinding resolutions to the State
5 Department of Health or the State Board of Health concerning matters
6 brought before the Advisory Council. Special meetings may be called
7 by the chair or by the concurrence of any three members.

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

12 a. the Governor shall appoint:

13 (1) one member who is a licensed radiologist
14 assistant, and

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

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

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

18 (2) one member representing the hearing aid fitting
19 industry,

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

22 (1) one member representing the medical
23 micropigmentation industry, and
24

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

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

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

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

14 a. the Governor shall appoint:

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

17 (2) one member who is a Board Certified Emergency
18 Physician,

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

20 (1) one member who is a representative from a
21 hospital with trauma and emergency services, and

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

1 c. the Speaker of the House of Representatives shall
2 appoint:

3 (1) one member representing the trauma registrar of a
4 licensed hospital that is classified as providing
5 trauma and emergency operative services, and

6 (2) one member who is an Emergency Medical
7 Technician, and

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

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

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

19 a. the Governor shall appoint:

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

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

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

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

3 (2) one member licensed by the state as an
4 optometrist who has knowledge of vision screening
5 for children, and

6 (3) one member who is a licensed ophthalmologist in
7 this state with the knowledge of treating visual
8 deficiencies in children,

9 c. the Speaker of the House of Representatives shall
10 appoint:

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

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

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

19 2. The jurisdictional areas of the Infant and Children's Health
20 Advisory Council shall include all issues that arise in the area of
21 health care for infants and children and such other areas as
22 designated by the State Board of Health.

23 F. 1. All members of the Advancement of Wellness Advisory
24 Council shall be knowledgeable of issues that arise in the area of

1 advancing the health of all Oklahomans. The Advancement of Wellness
2 Advisory Council shall be composed as follows:

3 a. the Governor shall appoint:

4 (1) one member who is knowledgeable about breast and
5 cervical cancer issues, and

6 (2) one member who is knowledgeable about organ donor
7 issues,

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

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

12 (2) one member who is the president or chief
13 operating officer of a business that has been
14 designated a certified healthy business,

15 c. the Speaker of the House of Representatives shall
16 appoint:

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

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

24

1 d. the State Board of Health shall appoint one member who
2 is the Executive Director of the Tobacco Settlement
3 Endowment Trust.

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

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

16 a. the Governor shall appoint:

17 (1) one member who is the owner or administrator of
18 an entity licensed in accordance with the
19 Oklahoma Hospice Licensing Act, and

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

23 b. the President Pro Tempore of the Senate shall appoint:
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1 (1) one member who is an owner or administrator of an
2 entity licensed in accordance with the Oklahoma
3 Hospice Licensing Act, ~~and~~

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

7 (3) one member who is a member of the palliative care
8 advocacy community,

9 c. the Speaker of the House of Representatives shall
10 appoint:

11 (1) one member representing the public who is or was
12 a legal guardian of a recipient of hospice
13 services, ~~and~~

14 (2) one member representing the public who is a
15 recipient or legal guardian of a recipient of
16 services from a home health agency, and

17 (3) one member who is a physician or nurse certified
18 in palliative care delivery in this state, and

19 d. the State Board of Health shall appoint one member
20 representing an association which advocates on behalf
21 of home care or hospice issues.

22 2. The jurisdictional areas of the Home Care ~~and,~~ Hospice, and
23 Palliative Care Advisory Council shall include all issues that arise
24

1 in the areas of home care ~~or~~, hospice or palliative care services,
2 including, but not limited to:

- 3 a. identifying methods that can improve the quality and
4 delivery of home care, hospice, and palliative care,
- 5 b. review best practices from home care, hospice, and
6 palliative care programs in this state,
- 7 c. develop information on home care, hospice, and
8 palliative care issues for the general public, and
- 9 d. such other areas as designated by the State Board of
10 Health.

11 H. In addition to other powers and duties assigned to each
12 Advisory Council pursuant to this section, each Advisory Council,
13 within its jurisdictional area, shall:

14 1. Have authority to recommend to the State Board of Health
15 rules on behalf of the State Department of Health. The State
16 Department of Health shall not have standing to recommend to the
17 State Board of Health permanent rules or changes to such rules
18 within the jurisdiction of an Advisory Council which have not been
19 submitted previously to the appropriate Advisory Council for action;

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

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

5 4. Have the authority to provide a public forum for the
6 discussion of issues it considers relevant to its area of
7 jurisdiction, and to:

8 a. pass nonbinding resolutions expressing the sense of
9 the Advisory Council, and

10 b. make recommendations to the State Board of Health or
11 the State Department of Health concerning the need and
12 the desirability of conducting meetings, workshops and
13 seminars; and

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

19 I. The Advisory Councils shall not recommend rules for
20 promulgation by the State Board of Health unless all applicable
21 requirements of the Administrative Procedures Act have been
22 followed, including, but not limited to, notice, rule-impact
23 statement and rulemaking hearings.

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

8 SECTION 2. This act shall become effective July 1, 2015.

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

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