

1 ENGROSSED SENATE
2 BILL NO. 641

By: Treat of the Senate

3 and

4 Ownbey of the House

5
6 An Act relating to palliative care; amending Section
7 44, Chapter 229, O.S.L. 2013, as amended by Section
8 1, Chapter 141, O.S.L. 2014 (63 O.S. Supp. 2014,
9 Section 1-103a.1), which relates to Public Health
10 Advisory Councils; providing certain exception;
11 providing for membership on certain Advisory Council;
12 providing for appointing authority; providing for
13 quorum; broadening membership and jurisdiction of
14 certain Advisory Council; removing language relating
15 to travel reimbursement; clarifying language;
16 providing an effective date; and declaring an
17 emergency.

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;
4. The Advancement of Wellness Advisory Council; and

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

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

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

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

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

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

11 a. the Governor shall appoint:

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

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

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

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

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

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

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

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

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

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

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

12 a. the Governor shall appoint:

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

15 (2) one member who is a Board Certified Emergency
16 Physician,

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

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

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

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

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

4 (2) one member who is an Emergency Medical
5 Technician, and

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

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

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

17 a. the Governor shall appoint:

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

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

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

23 (1) one member who is knowledgeable about newborn
24 screening issues, and

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

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

7 c. the Speaker of the House of Representatives shall
8 appoint:

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

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

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

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

21 F. 1. All members of the Advancement of Wellness Advisory
22 Council shall be knowledgeable of issues that arise in the area of
23 advancing the health of all Oklahomans. The Advancement of Wellness
24 Advisory Council shall be composed as follows:

- 1 a. the Governor shall appoint:
- 2 (1) one member who is knowledgeable about breast and
- 3 cervical cancer issues, and
- 4 (2) one member who is knowledgeable about organ donor
- 5 issues,
- 6 b. the President Pro Tempore of the Senate shall appoint:
- 7 (1) one member who is mayor of a city or town that
- 8 has been designated a certified healthy community
- 9 in an urban setting, and
- 10 (2) one member who is the president or chief
- 11 operating officer of a business that has been
- 12 designated a certified healthy business,
- 13 c. the Speaker of the House of Representatives shall
- 14 appoint:
- 15 (1) one member who is the mayor of a city or town
- 16 that has been designated a certified healthy
- 17 community in a rural setting, and
- 18 (2) one member who is the president or chief
- 19 operating officer of a business that has been
- 20 designated a certified healthy business in an
- 21 urban setting, and
- 22 d. the State Board of Health shall appoint one member who
- 23 is the Executive Director of the Tobacco Settlement
- 24 Endowment Trust.

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

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

13 a. the Governor shall appoint:

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

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

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

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

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

4 (3) one member who is a member of the palliative care
5 advocacy community,

6 c. the Speaker of the House of Representatives shall
7 appoint:

8 (1) one member representing the public who is or was
9 a legal guardian of a recipient of hospice
10 services, ~~and~~

11 (2) one member representing the public who is a
12 recipient or legal guardian of a recipient of
13 services from a home health agency, and

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

16 d. the State Board of Health shall appoint one member
17 representing an association which advocates on behalf
18 of home care or hospice issues.

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

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

- 1 b. review best practices from home care, hospice, and
2 palliative care programs in this state,
3 c. develop information on home care, hospice, and
4 palliative care issues for the general public, and
5 d. such other areas as designated by the State Board of
6 Health.

7 H. In addition to other powers and duties assigned to each
8 Advisory Council pursuant to this section, each Advisory Council,
9 within its jurisdictional area, shall:

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

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

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

1 4. Have the authority to provide a public forum for the
2 discussion of issues it considers relevant to its area of
3 jurisdiction, and to:

4 a. pass nonbinding resolutions expressing the sense of
5 the Advisory Council, and

6 b. make recommendations to the State Board of Health or
7 the State Department of Health concerning the need and
8 the desirability of conducting meetings, workshops and
9 seminars; and

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

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

20 J. Members of the Advisory Councils shall serve without
21 compensation ~~but may be reimbursed expenses incurred in the~~
22 ~~performance of their duties, as provided in the State Travel~~
23 ~~Reimbursement Act.~~ The Advisory Councils are authorized to utilize
24 the conference rooms of the State Department of Health and obtain

1 administrative assistance from the State Department of Health, as
2 required.

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

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

8 Passed the Senate the 3rd day of March, 2015.

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Presiding Officer of the Senate

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12 Passed the House of Representatives the ____ day of _____,
13 2015.

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Presiding Officer of the House
of Representatives

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