

1 **SENATE FLOOR VERSION**

2 February 22, 2021

3 SENATE BILL NO. 736

By: Kidd of the Senate

4 and

5 McEntire of the House

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7
8 An Act relating to county boards of health; amending
9 63 O.S. 2011, Section 1-202, which relates to powers
and duties; modifying allowable agreements; amending
10 63 O.S. 2011, Section 1-205, which relates to
contracts for public health services; allowing
11 certain agreement between counties; amending 63 O.S.
2011, Section 1-208, which relates to funds for
12 operation; allowing certain combination of resources;
and providing an effective date.

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

16 SECTION 1. AMENDATORY 63 O.S. 2011, Section 1-202, is
17 amended to read as follows:

18 Section 1-202. The county board of health shall have the
19 following powers and duties:

20 1. Organize by electing a chair and other necessary officers
21 annually and meet at such times, in such manner and upon such notice
22 as the board shall prescribe. Provided, that the board shall meet
23 at least two times each year;

1 2. Establish and maintain a county department of health, if the
2 same, in the opinion of the board, will be to the best interest of
3 the county;

4 3. Enter into agreements with county boards of health of other
5 counties, and with the governing boards or boards of health of
6 cities, towns and school districts lying wholly or partly in the
7 county, ~~for the establishment and operation of district or~~
8 ~~cooperative departments of health;~~

9 4. Prepare and submit to the county excise board, annually, an
10 estimate of its needs, and needs for the operation of the county
11 department of health, if any, or for its proportionate part of the
12 costs of operation of a district or cooperative department of
13 health, if it has entered into an agreement therefor;

14 5. Advise with the State Commissioner of Health on matters
15 pertaining to public health in the county, and as to the appointment
16 of the county superintendent of health or the medical director of
17 the county, district or cooperative department of health; and

18 6. Adopt regulations, which shall be subject to the approval of
19 the State Commissioner of Health and shall not be more stringent
20 than state law and rules and regulations of the State Board of
21 Health, to protect the public health in the county in emergencies.

22 SECTION 2. AMENDATORY 63 O.S. 2011, Section 1-205, is
23 amended to read as follows:

1 Section 1-205. ~~(a)~~ A. The county board of health may, with the
2 approval of the State Commissioner of Health, establish and maintain
3 a county department of health, the maintenance and operation of
4 which is hereby declared to be a function of county government for
5 which appropriations may be made from the general fund of the county
6 and the proceeds of a levy made in accordance with Section 9a~~7~~
7 ~~Article X,~~ of Article X of the Oklahoma Constitution.

8 ~~(b)~~ B. The county boards of health of two or more counties may,
9 with the approval of the Commissioner, form a health district
10 composed of such counties for public health purposes. The health
11 district ~~shall~~ may have a district department of health which shall
12 be operated, in such counties, in the same manner as county
13 departments of health. A health district may also be comprised of
14 multiple county health departments operating under agreement to
15 share resources for purposes of enhancing health outcomes for the
16 member counties, provided costs are allocated in proportion to
17 resources utilized by each county.

18 ~~(c)~~ C. Cooperative departments of health may be formed by
19 agreement between the county board of health of any county
20 maintaining a county department of health, or the county boards of
21 health of counties in a health district, and the governing boards of
22 cities, towns, and school districts lying wholly or partly in such
23 county or health district. Any such agreement shall stipulate what
24 health services will be provided to the cities, towns and school

1 districts, which may be all or any of the services that may be
2 provided by a county department of health, and shall also fix the
3 amounts of funds to be paid by the cities, towns, and school
4 districts for the services. All agreements made under the
5 provisions of this section shall be subject to the approval of the
6 State Commissioner of Health.

7 ~~(d)~~ D. A county department of health, a district department of
8 health and a cooperative department of health shall be under the
9 direction of a medical director, who shall perform his or her duties
10 under the supervision of the Commissioner, and who shall, in
11 addition to ~~his~~ other duties, perform the same powers, duties and
12 functions in the county, in the health district, or in the
13 cooperative department, as is provided by law for county
14 superintendents of health. The Commissioner shall appoint and fix
15 the duties and compensation of the medical director, who shall be a
16 physician licensed under the laws of this state, and shall employ
17 and fix the duties and compensation of such other personnel as ~~he~~
18 the Commissioner deems necessary for the operation of the county
19 department of health, the district department of health, or the
20 cooperative department of health, all such personnel to be employed
21 under provisions of the Oklahoma Personnel Act and paid by state
22 warrant. Reimbursements to the State Department of Health shall be
23 paid by the county from the Section ~~9a~~ 9A of Article X of the
24 Oklahoma Constitution, mill levy revenues, payable for the benefit

1 of such county health department, district department of health, or
2 the cooperative department of health and payable within thirty (30)
3 days of receipt of an invoice therefor. Provided that, in any such
4 local health department operating under the direction of a medical
5 director who serves less than full time, the Commissioner may
6 delegate nonmedical administrative duties to another employee of the
7 county, district, or cooperative health department.

8 ~~(e)~~ E. The board of health or board of county commissioners of
9 any county may contract with the ~~department~~ board of health or board
10 of county commissioners of any ~~neighboring~~ county or the State
11 Department of Health to provide the county any or all public health
12 services. The county receiving the services shall pay for the
13 ~~department~~ rendering the of services according to a schedule of fees
14 and payments mutually agreed upon by the ~~State Board of Health and~~
15 the county or counties affected. Such schedule of fees and payments
16 shall be equal to the cost of the services provided.

17 SECTION 3. AMENDATORY 63 O.S. 2011, Section 1-208, is
18 amended to read as follows:

19 Section 1-208. ~~(a)~~ A. It shall be the duty of the county
20 excise board of each county if funds are available to make necessary
21 appropriations to provide sufficient funds to pay the amounts due
22 under any agreement entered into by the county board of health, or
23 by any city, town, or school district of the county, for or in
24 connection with a district department of health or a cooperative

1 department of health; and such funds shall be accounted for,
2 obligated, expended and disbursed as directed by the State
3 Commissioner of Health, who may require any or all such funds to be
4 combined with others to be used for similar or related purposes.

5 ~~(b)~~ B. The Commissioner may enter into agreements with county
6 boards of health, and with city-county boards of health, whereby
7 state funds will be used in conjunction with county funds for the
8 operation of county, district, cooperative and city-county
9 departments of health. The Commissioner may pay such funds on a
10 reimbursement or percentage of budgetary expenditures basis, or
11 other basis; and if directed to do so by the Commissioner, the
12 county clerk shall add the amount of any such funds to specified
13 items of appropriation, and no further action or appropriation by
14 the county excise board shall be required to make such funds
15 available for expenditure.

16 C. Counties may, for the purposes of enhancing access to health
17 initiatives and maximizing operational impact, agree to combine
18 resources including county millage in a manner designating one
19 county as the operational hub. In doing so, the millage provided by
20 each county within the consortium shall be expended or reserved for
21 the county of origin, ensuring each county's millage investment is
22 expended for the benefit of the county residents.

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SECTION 4. This act shall become effective November 1, 2021.

COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
February 22, 2021 - DO PASS

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