

An Act

ENROLLED SENATE
BILL NO. 736

By: Kidd of the Senate

and

McEntire of the House

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

SUBJECT: County boards of health

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

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

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

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

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

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

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

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

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

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

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

~~(b)~~ B. The county boards of health of two or more counties may, with the approval of the Commissioner, form a health district composed of such counties for public health purposes. The health district ~~shall~~ may have a district department of health which shall be operated, in such counties, in the same manner as county departments of health. A health district may also be comprised of multiple county health departments operating under agreement to share resources for purposes of enhancing health outcomes for the

member counties, provided costs are allocated in proportion to resources utilized by each county.

~~(c)~~ C. Cooperative departments of health may be formed by agreement between the county board of health of any county maintaining a county department of health, or the county boards of health of counties in a health district, and the governing boards of cities, towns, and school districts lying wholly or partly in such county or health district. Any such agreement shall stipulate what health services will be provided to the cities, towns and school districts, which may be all or any of the services that may be provided by a county department of health, and shall also fix the amounts of funds to be paid by the cities, towns, and school districts for the services. All agreements made under the provisions of this section shall be subject to the approval of the State Commissioner of Health.

~~(d)~~ D. A county department of health, a district department of health and a cooperative department of health shall be under the direction of a medical director, who shall perform his or her duties under the supervision of the Commissioner, and who shall, in addition to ~~his~~ other duties, perform the same powers, duties and functions in the county, in the health district, or in the cooperative department, as is provided by law for county superintendents of health. The Commissioner shall appoint and fix the duties and compensation of the medical director, who shall be a physician licensed under the laws of this state, and shall employ and fix the duties and compensation of such other personnel as ~~he~~ the Commissioner deems necessary for the operation of the county department of health, the district department of health, or the cooperative department of health, all such personnel to be employed under provisions of the Oklahoma Personnel Act and paid by state warrant. Reimbursements to the State Department of Health shall be paid by the county from the Section ~~9a~~ 9A of Article X of the Oklahoma Constitution, mill levy revenues, payable for the benefit of such county health department, district department of health, or the cooperative department of health and payable within thirty (30) days of receipt of an invoice therefor. Provided that, in any such local health department operating under the direction of a medical director who serves less than full time, the Commissioner may delegate nonmedical administrative duties to another employee of the county, district, or cooperative health department.

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

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

Section 1-208. ~~(a)~~ A. It shall be the duty of the county excise board of each county if funds are available to make necessary appropriations to provide sufficient funds to pay the amounts due under any agreement entered into by the county board of health, or by any city, town, or school district of the county, for or in connection with a district department of health or a cooperative department of health; and such funds shall be accounted for, obligated, expended and disbursed as directed by the State Commissioner of Health, who may require any or all such funds to be combined with others to be used for similar or related purposes.

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

C. Counties may, for the purposes of enhancing access to health initiatives and maximizing operational impact, agree to combine resources including county millage in a manner designating one county as the operational hub. In doing so, the millage provided by each county within the consortium shall be expended or reserved for

the county of origin, ensuring each county's millage investment is expended for the benefit of the county residents.

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

Passed the Senate the 9th day of March, 2021.

Presiding Officer of the Senate

Passed the House of Representatives the 21st day of April, 2021.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____