

1 STATE OF OKLAHOMA

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

3 SENATE BILL 829

By: Dahm

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5
6 AS INTRODUCED

7 An Act relating to appointment of certain employees;
8 terminating employment of certain state employees by
9 certain date; providing for appointment by the
10 Governor for certain time period; requiring Senate
11 confirmation; stating affected agencies; amending
12 10A, Section 2-7-201, as amended by Section 1,
13 Chapter 246, O.S.L. 2012 (10A O.S. 2011, Section 2-7-
14 201), which relates to the Board of Juvenile Affairs;
15 modifying certain appointment authority; 43 O.S.
16 2011, Section 2-201, which relates to Commissioner of
17 Mental Health and Substance Abuse Services; modifying
18 certain appointment authority; 59 O.S. 2011, Section
19 140, which relates to the Board of Podiatric Medical
20 Examiners; modifying certain appointment authority;
21 59 O.S. 2011, Section 328.10, which relates to the
22 State Board of Dentistry; modifying certain
23 appointment authority; 59 O.S. 2011, Section 353.5,
24 which relates to the State Board of Pharmacy;
modifying certain appointment authority; 59 O.S.
2011, Section 512, as amended by Section 3, Chapter
176, O.S.L. 2014 (59 O.S. Supp. 2014, Section 512),
which relates to the State Board of Medical Licensure
and Supervision; modifying certain appointment
authority; 59 O.S. 2011, Section 626, as amended by
Section 3, Chapter 83, O.S.L. 2014 (59 O.S. Supp.
2014, Section 626), which relates to the State Board
of Osteopathic Examiners; modifying certain
appointment authority; 59 O.S. 2011, Section 698.5,
which relates to the State Board of Veterinary
Medical Examiners; modifying certain appointment
authority; 63 O.S. 2011, Section 1-104, which relates
to the State Board of Health; modifying certain
appointment authority; and 63 O.S. 2011, Section
5007, which relates to the Oklahoma Health Care
Authority; modifying certain appointment authority;

1 providing for noncodification; and providing an
2 effective date.

3
4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

5 SECTION 1. NEW LAW A new section of law not to be
6 codified in the Oklahoma Statutes reads as follows:

7 A. Effective January 1, 2016, the employment of the Executive
8 Director, Commissioner or Chief Executive Officer of the agencies,
9 boards or commissions listed in subsection B of this section,
10 previously hired or contracted for employment by authority of the
11 governing boards listed herein shall be terminated. On or before,
12 January 1, 2016, the Governor shall appoint, or may re-appoint, the
13 Executive Director, Commissioner or Chief Executive Officer of the
14 affected agencies listed herein, with confirmation by the Senate
15 within ninety (90) days. The employment of the affected employees
16 shall be co-terminus with the appointing Governor and at the
17 pleasure of such Governor.

18 B. The affected agencies and the officials affected by the
19 provisions of this act are as follows:

20 1. The Executive Director appointed by the Oklahoma State Board
21 of Podiatric Medical Examiners;

22 2. The Executive Director appointed by the Oklahoma Board of
23 Dentistry;

1 3. The Executive Director appointed by the State Board of
2 Pharmacy;

3 4. The Executive Director appointed by the State Board of
4 Medical Licensure and Supervision;

5 5. The Executive Director appointed by the State Board of
6 Osteopathic Examiners;

7 6. The Executive Director appointed by the State Board of
8 Veterinary Medical Examiners;

9 7. The Chief Operating Officer appointed by the Board of the
10 Oklahoma Health Care Authority;

11 8. The Commissioner of Mental Health and Substance Abuse
12 Services appointed by the Board of Mental Health and Substance Abuse
13 Services;

14 9. The Commissioner of Health appointed by the State Board of
15 Health; and

16 10. The Executive Director appointed by the Office of Juvenile
17 Affairs.

18 SECTION 2. AMENDATORY 10A O.S. 2011, Section 2-7-201, as
19 amended by Section 1, Chapter 246, O.S.L. 2012 (10A O.S. Supp. 2014,
20 Section 2-7-201), is amended to read as follows:

21 Section 2-7-201. A. ~~The Board of Juvenile Affairs~~ Governor,
22 pursuant to the provisions of this act, shall appoint, with
23 confirmation by the Senate, the Executive Director of the Office of
24

1 Juvenile Affairs. The Executive Director shall serve at the
2 pleasure of the ~~Board~~ Governor.

3 B. The Executive Director of the Office of Juvenile Affairs
4 shall be qualified for such position by character, ability,
5 education, training, and successful administrative experience in the
6 corrections or juvenile justice field; shall have earned a master's
7 degree or other advanced degree from an accredited college or
8 university with a major field of study in at least one of the
9 following: Corrections, juvenile justice, juvenile delinquency,
10 criminal justice, law, police science, criminology, psychology,
11 sociology, administration, education, or a related social science,
12 and three (3) years' work experience in corrections or juvenile
13 justice, or a bachelor's degree in the degree areas specified in
14 this subsection and four (4) years' progressively responsible work
15 experience in corrections or juvenile justice.

16 C. The Executive Director shall provide for the administration
17 of the Office of Juvenile Affairs and shall:

18 1. Be the executive officer and supervise the activities of the
19 Office of Juvenile Affairs;

20 2. Pursuant to legislative authorization employ, discharge,
21 appoint or contract with, and fix the duties and compensation of
22 such assistants, attorneys, law enforcement officers, probation
23 officers, psychologists, social workers, medical professionals,
24 administrative, clerical and technical, investigators, aides and

1 such other personnel, either on a full-time, part-time, fee or
2 contractual basis, as in the judgment and discretion of the
3 Executive Director shall be deemed necessary in the performance or
4 carrying out of any of the purposes, objectives, responsibilities,
5 or statutory provisions relating to the Office of Juvenile Affairs,
6 or to assist the Executive Director of the Office of Juvenile
7 Affairs in the performance of official duties and functions;

8 3. Establish internal policies and procedures for the proper
9 and efficient administration of the Office of Juvenile Affairs; and

10 4. Exercise all incidental powers which are necessary and
11 proper to implement the purposes of the Office of Juvenile Affairs
12 pursuant to the Oklahoma Juvenile Code.

13 D. The Executive Director shall employ an attorney to be
14 designated the "General Counsel" who shall be the legal advisor for
15 the Office of Juvenile Affairs. Except as provided in this
16 subsection, the General Counsel is authorized to appear for and
17 represent the Board and Office in any litigation that may arise in
18 the discharge of the duties of the Board and Office.

19 It shall continue to be the duty of the Attorney General to give
20 an official opinion to the Executive Director of the Office of
21 Juvenile Affairs and the Office of Juvenile Affairs and to prosecute
22 and defend actions therefor, if requested to do so. The Attorney
23 General may levy and collect costs, expenses of litigation and a
24 reasonable attorney fee for such legal services from the Office.

1 The Office shall not contract for representation by private legal
2 counsel unless approved by the Attorney General. Such contract for
3 private legal counsel shall be in the best interests of the state.
4 The Attorney General shall be notified by the Office of Juvenile
5 Affairs or its counsel of all lawsuits against the Office of
6 Juvenile Affairs or officers or employees thereof, that seek
7 injunctive relief which would impose obligations requiring the
8 expenditure of funds in excess of unencumbered monies in the
9 agency's appropriations or beyond the current fiscal year. The
10 Attorney General shall review any such cases and may represent the
11 interests of the state, if the Attorney General considers it to be
12 in the best interest of the state to do so, in which case the
13 Attorney General shall be paid as provided in this subsection.
14 Representation of multiple defendants in such actions may, at the
15 discretion of the Attorney General, be divided with counsel for the
16 Office as necessary to avoid conflicts of interest.

17 E. The Executive Director of the Office of Juvenile Affairs
18 shall have the authority to commission certified employees within
19 the Office of Juvenile Affairs as peace officers. The authority of
20 employees so commissioned shall only include the authority to
21 investigate crimes committed against the Office or crimes committed
22 in the course of any program administered by the Office. Employees
23 so commissioned shall also have the authority to serve and execute
24 process, bench warrants, and other court orders in any judicial or

1 administrative proceeding in which the agency is a party or
2 participant. Use and possession of firearms for this purpose only
3 shall be permitted. To become qualified as peace officers for the
4 commission, employees shall first obtain a certificate as provided
5 for in Section 3311 of Title 70 of the Oklahoma Statutes.

6 F. The Executive Director of the Office of Juvenile Affairs,
7 based upon rules established by the Board of Juvenile Affairs, shall
8 have the authority to appoint and commission campus police for
9 secure juvenile facilities and their adjacent grounds under the
10 jurisdiction of the Office of Juvenile Affairs in the same manner
11 and with the same powers as campus police appointed by governing
12 boards of state institutions for higher education under the
13 provisions of Section 360.15 et seq. of Title 74 of the Oklahoma
14 Statutes.

15 G. In the event of the Executive Director's temporary absence,
16 the Executive Director may delegate the exercise of such powers and
17 duties to a designee during the Executive Director's absence. ~~In~~
18 ~~the event of a vacancy in the position of Executive Director, the~~
19 ~~Board of Juvenile Affairs shall appoint a new Executive Director.~~
20 The Board may designate an interim or acting Executive Director who
21 is authorized to exercise such powers and duties until a permanent
22 Executive Director is employed by the Governor pursuant to this act.

23 SECTION 3. AMENDATORY 43A O.S. 2011, Section 2-201, is
24 amended to read as follows:

1 Section 2-201. A. A Commissioner of Mental Health and
2 Substance Abuse Services shall be appointed by the ~~Board of Mental~~
3 ~~Health and Substance Abuse Services. The Commissioner may only be~~
4 ~~removed by the Board for cause~~ Governor, with confirmation by the
5 Senate, pursuant to the provisions of this act. The Commissioner
6 shall meet at least one of the following qualifications:

7 1. Possession of a Doctor of Medicine Degree and a license to
8 practice medicine in this state;

9 2. Possession of an Osteopathic Medicine Degree and a license
10 to practice medicine in this state;

11 3. Possession of a Doctor of Public Health Degree;

12 4. Possession of a Doctoral Degree in Psychology and a license
13 to practice psychology in this state;

14 5. Possession of a Master of Public Health Degree and a minimum
15 of five (5) years of supervisory experience in the administration of
16 health services; or

17 6. Possession of a Master of Arts or Master's Degree in
18 Business Administration, Social Science or a related field and a
19 minimum of five (5) years of supervisory experience in the
20 administration of health services.

21 B. The salary of the Commissioner shall be fixed by the Board
22 of Mental Health and Substance Abuse Services.

23 SECTION 4. AMENDATORY 59 O.S. 2011, Section 140, is
24 amended to read as follows:

1 Section 140. The Board of Podiatric Medical Examiners may:

2 1. Employ, contract with, and direct stenographic, clerical,
3 and secretarial help and investigators and attorneys to assist it
4 and its officers in observing and performing under the applicable
5 laws and to help carry out and enforce the applicable laws, with the
6 exception of the Executive Director who shall be appointed by the
7 Governor, and confirmed by the Senate, pursuant to the provisions of
8 this act;

9 2. Gather and present to district attorneys of this state
10 evidence which it believes shows violations of the applicable laws,
11 and, among other purposes authorized by law, it may use attorneys it
12 employs to assist district attorneys (but only with their consent)
13 in the prosecution of such violations, and also to represent it in
14 any court;

15 3. Discharge any person it employs, but this provision shall
16 not be interpreted as authorizing it to fail in any way to observe
17 and perform its lawful contracts;

18 4. Contract for and purchase or rent books, stationery, forms,
19 postage, equipment, other materials and supplies, and furniture and
20 it may rent or lease office space or other quarters; however the
21 compensation of those it employs or with whom it contracts and the
22 consideration it owes under its contracts and its other costs,
23 expenses and liabilities of whatever nature shall never be a charge
24 against the State of Oklahoma, except that the Board may cause

1 payment for all thereof to be made from the Board of Podiatric
2 Medical Examiners' Revolving Fund insofar as there are from time to
3 time amounts in said fund for such purposes;

4 5. Require fidelity bonds of those it employs; and

5 6. Adopt a seal and use the same by impression in addition to
6 the signature of the Board wherever its signature is permitted or
7 required.

8 SECTION 5. AMENDATORY 59 O.S. 2011, Section 328.10, is
9 amended to read as follows:

10 Section 328.10. A. The Board of Dentistry shall organize
11 annually at the last regularly scheduled meeting of the Board before
12 the beginning of each fiscal year, by electing from among its
13 members a president, a first vice-president, a second vice-
14 president, and a secretary-treasurer. The duties of each officer
15 shall be prescribed in the rules of the Board. The term of office
16 of the persons elected president, vice-presidents and secretary-
17 treasurer shall be for the following fiscal year and until their
18 successors are elected and qualified.

19 B. The Board shall hold regularly scheduled meetings during
20 each quarter of the year at a time and place determined by the Board
21 and may hold such special meetings, emergency meetings, or continued
22 or reconvened meetings as found by the Board to be expedient or
23 necessary. A majority of the Board shall constitute a quorum for
24 the transaction of business.

1 C. ~~The Board may~~ Governor shall appoint, with confirmation by
2 the Senate, an individual to be the principal administrative officer
3 of the Board, pursuant to the provisions of this act, and may confer
4 upon that person the title selected by the Board, based upon the
5 person's education, background, experience and ability. The
6 principal administrative officer shall be responsible for the
7 performance of administrative functions delegated by the Board.

8 D. The Board shall act in accordance with the provisions of the
9 Oklahoma Open Meeting Act, the Oklahoma Open Records Act and the
10 Administrative Procedures Act.

11 E. All members of the Board and such employees, as determined
12 by the Board, shall be bonded as required by Sections 85.26 through
13 85.31 of Title 74 of the Oklahoma Statutes.

14 F. The responsibilities and rights of any member or employee of
15 the Board who acts within the scope of Board duties or employment
16 shall be governed by the Governmental Tort Claims Act.

17 G. Members of the Board shall serve without compensation but
18 shall be reimbursed for all actual and necessary expenses incurred
19 in the performance of their duties in accordance with the State
20 Travel Reimbursement Act.

21 SECTION 6. AMENDATORY 59 O.S. 2011, Section 353.5, is
22 amended to read as follows:

23 Section 353.5. A. The State Board of Pharmacy shall annually
24 elect a president and vice-president of the Board. The president

1 and vice-president shall serve for a term of one (1) year and shall
2 perform the duties prescribed by the Board. The Board shall employ
3 an Executive Director, as appointed by the Governor, with
4 confirmation by the Senate, pursuant to the provisions of this act,
5 who is a licensed pharmacist or is eligible to become a licensed
6 pharmacist in this state. The Executive Director shall ~~perform such~~
7 ~~duties as required by the Board~~ serve at the pleasure of the
8 Governor.

9 B. Each member of the Board shall receive necessary travel
10 expenses incurred in the discharge of official duties pursuant to
11 the State Travel Reimbursement Act.

12 C. The Executive Director of the Board shall receive an annual
13 salary to be fixed by the Board. The Board shall determine and base
14 the annual salary of the Executive Director upon data obtained from
15 a survey of U. S. regional average annual salaries for licensed
16 pharmacists, compiled and published each year by the National
17 Community Pharmacist's Association.

18 D. The Executive Director shall:

19 1. Deposit funds with the State Treasurer to be expended in the
20 manner and for the purposes provided by law; and

21 2. Report to the Board each month, presenting an accurate
22 account as to the funds of the Board and make available written and
23 acknowledged claims for all disbursements made.

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1 SECTION 7. AMENDATORY 59 O.S. 2011, Section 512, as
2 amended by Section 3, Chapter 176, O.S.L. 2014 (59 O.S. Supp. 2014,
3 Section 512), is amended to read as follows:

4 Section 512. The secretary of the State Board of Medical
5 Licensure and Supervision shall be paid an annual salary in an
6 amount fixed by the Board. The Board shall have the authority to
7 expend such funds as are necessary in carrying out the duties of the
8 Board and shall have the authority to hire all necessary personnel,
9 at salaries to be fixed by the Board, as the Board shall deem
10 necessary, with the exception of the Executive Director who shall be
11 appointed by the Governor and confirmed by the Senate, pursuant to
12 the provisions of this act. The Board shall have the authority to
13 hire attorneys to represent the Board in all legal matters and to
14 assist authorized state and county officers in prosecuting or
15 restraining violations of Section 481 et seq. of this title, and to
16 fix the salaries or per diem of said attorneys.

17 The Board shall have the authority to hire one or more
18 investigators as may be necessary to carry out the provisions of
19 this act at an annual salary to be fixed by the Board. Such
20 investigators may be commissioned peace officers of this state. In
21 addition such investigators shall have the authority and duty to
22 investigate and inspect the records of all persons in order to
23 determine whether or not a disciplinary action for unprofessional
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1 misconduct is warranted or whether the narcotic laws or the
2 dangerous drug laws have been complied with.

3 The Board is specifically authorized to contract with state
4 agencies or other bodies to perform investigative services at a rate
5 set by the Board.

6 The Board is authorized to pay the travel expenses of Board
7 employees and members in accordance with the State Travel
8 Reimbursement Act.

9 The expenditures authorized herein shall not be a charge against
10 the state, but the same shall be paid solely from the Board's
11 depository fund.

12 SECTION 8. AMENDATORY 59 O.S. 2011, Section 626, as
13 amended by Section 3, Chapter 83, O.S.L. 2014 (59 O.S. Supp. 2014,
14 Section 626), is amended to read as follows:

15 Section 626. A. 1. The State Board of Osteopathic Examiners
16 shall, immediately after the members have qualified, elect a
17 president, vice-president and secretary-treasurer.

18 2. The president of said Board shall preside at all meetings of
19 the Board and perform such other duties as the Board by its rule may
20 prescribe.

21 3. The vice-president shall perform all the duties of the
22 president, during the president's absence or disability.

23 4. The secretary-treasurer shall keep a record of all
24 proceedings of the Board and perform such other duties as are

1 prescribed in the Oklahoma Osteopathic Medicine Act, or which may be
2 prescribed by said Board. It shall be the duty of the secretary-
3 treasurer to receive and care for all monies coming into the hands
4 of said Board, and to pay out the same upon orders of the Board.

5 B. The State Board and such employees as determined by the
6 Board shall be bonded as required by Sections 85.26 through 85.31 of
7 Title 74 of the Oklahoma Statutes.

8 C. The Governor shall appoint an Executive Director pursuant to
9 the provisions of this act, with confirmation by the Senate.

10 D. The State Board may expend such funds as are necessary in
11 implementing the duties of the Board. The Board may hire:

12 1. ~~An executive director and all~~ All necessary administrative,
13 clerical and stenographic assistance as the Board shall deem
14 necessary at a salary to be fixed by the Board;

15 2. An attorney, on a case-by-case basis, to represent the Board
16 in legal matters and to assist authorized state and county officers
17 in prosecuting or restraining violations of the provisions of the
18 Oklahoma Osteopathic Medicine Act. The Board shall fix the
19 compensation of said attorney; and

20 3. One or more investigators at least one of whom shall be
21 certified by the Council on Law Enforcement Education and Training
22 as a peace officer, as may be necessary to implement the provisions
23 of the Oklahoma Osteopathic Medicine Act at an annual salary to be
24 fixed by the Board, and may authorize necessary expenses. In

1 addition, the investigators may investigate and inspect the
2 nonfinancial business records of all persons licensed pursuant to
3 the Oklahoma Osteopathic Medicine Act in order to determine whether
4 or not licensees are in compliance with the Oklahoma Osteopathic
5 Medicine Act and the Uniform Controlled Dangerous Substances Act or
6 any other law, rule of the State of Oklahoma or any federal law or
7 rule affecting the practice of osteopathic medicine.

8 ⊕ E. Any licensee or applicant for license subject to the
9 provisions of the Oklahoma Osteopathic Medicine Act shall be deemed
10 to have given consent to any duly authorized employee or agent of
11 the Board to access, enter, or inspect the records, either on-site
12 or at the Board office, or facilities of such licensee or applicant
13 subject to the Oklahoma Osteopathic Medicine Act. Refusal to allow
14 such access, entry, or inspection may constitute grounds for the
15 denial, nonrenewal, suspension, or revocation of a license. Upon
16 refusal of such access, entry, or inspection, pursuant to this
17 section, the Board or a duly authorized representative may make
18 application for and obtain a search warrant from the district court
19 where the facility or records are located to allow such access,
20 entry, or inspection.

21 SECTION 9. AMENDATORY 59 O.S. 2011, Section 698.5, is
22 amended to read as follows:

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1 Section 698.5. A. 1. Each member of the State Board of
2 Veterinary Medical Examiners shall take the constitutional oath of
3 office.

4 2. The Board shall organize annually, at the last meeting of
5 the Board before the beginning of the next fiscal year, by electing
6 from the Board membership a president, vice-president and secretary-
7 treasurer. Officers of the Board shall serve for terms of one (1)
8 year or until their successors are elected. Officers shall not
9 succeed themselves for more than one term. The lay member appointed
10 to the Board shall not hold elective office.

11 B. 1. The president shall:

- 12 a. preside at Board meetings,
- 13 b. arrange the Board agenda,
- 14 c. sign Board orders and other required documents,
- 15 d. appoint Board committees and their chairpersons,
- 16 e. coordinate Board activities,
- 17 f. represent the Board before legislative committees, and
- 18 g. perform those other duties assigned by the Board and
19 this section.

20 2. The vice-president shall perform the duties of president
21 during the president's absence or disability and shall assist the
22 president in duties as requested.

23 3. The secretary-treasurer shall be responsible for the
24 administrative functions of the Board.

1 4. The employment of administrative, investigative, legal and
2 clerical personnel shall be subject to the approval of the Board,
3 except the Executive Director shall be appointed by the Governor
4 with confirmation by the Senate, pursuant to the provisions of this
5 act.

6 5. At the end of each fiscal year the president and secretary-
7 treasurer shall prepare or cause to be prepared and submit to the
8 Governor a report on the transactions of the Board.

9 C. To facilitate its work effectively, fulfill its duties and
10 exercise its powers, the Board may establish standing or ad hoc
11 committees. The president shall appoint members and chairpersons of
12 the committees and determine the length of terms of service. The
13 president may appoint individuals to serve on a standing or ad hoc
14 committee for a term not to exceed one (1) year.

15 SECTION 10. AMENDATORY 63 O.S. 2011, Section 1-104, is
16 amended to read as follows:

17 Section 1-104. A. The State Board of Health shall elect
18 annually from its membership a President, Vice President, and
19 Secretary. The Board shall adopt rules for its government, and may
20 adopt an official seal for the State Department of Health. It shall
21 hold such meetings as it deems necessary. Each member of the Board
22 shall be paid travel expenses, as provided in the State Travel
23 Reimbursement Act.

24 B. The Board shall have the following powers and duties:

1 1. ~~Appoint and fix~~ Fix the compensation of a State Commissioner
2 of Health, who shall be appointed by the Governor, and confirmed by
3 the Senate, pursuant to the provisions of this act;

4 2. Adopt such rules and standards as it deems necessary to
5 carry out any of the provisions of this Code;

6 3. Accept and disburse grants, allotments, gifts, devises,
7 bequests, funds, appropriations, and other property made or offered
8 to it; and

9 4. Establish such divisions, sections, bureaus, offices, and
10 positions in the State Department of Health as it deems necessary to
11 carry out the provisions of this Code.

12 SECTION 11. AMENDATORY 63 O.S. 2011, Section 5007, is
13 amended to read as follows:

14 Section 5007. A. There is hereby created the Oklahoma Health
15 Care Authority Board. On and after July 1, 1994, as the terms of
16 the initially appointed members expire, the Board shall be composed
17 of seven appointed members who shall serve for terms of four (4)
18 years and shall be appointed as follows:

19 1. Two members shall be appointed by the President Pro Tempore
20 of the Senate;

21 2. Two members shall be appointed by the Speaker of the House
22 of Representatives; and

23 3. Three members shall be appointed by the Governor. Two of
24 the members appointed by the Governor shall be consumers.

1 B. Members appointed pursuant to this paragraph, with the
2 exception of the consumer members, shall include persons having
3 experience in medical care, health care services, health care
4 delivery, health care finance, health insurance, and managed health
5 care. Consumer members shall have no financial or professional
6 interest in medical care, health care services, health care
7 delivery, health finance, health insurance or managed care. In
8 making the appointments, the appointing authority shall also give
9 consideration to urban, rural, gender, and minority representation.

10 C. 1. As the terms of office of members appointed before July
11 1, 1995, expire, appointments made on or after July 1, 1995, shall
12 be subject to the following requirements:

13 a. One member appointed by the Governor shall be a
14 resident of the First Congressional District. The
15 term of office of the member appointed by the Governor
16 and serving as of the effective date of this act shall
17 expire on September 1, 2003;

18 b. One member appointed by the President Pro Tempore of
19 the Senate shall be a resident of the Second
20 Congressional District and a consumer. The term of
21 office of the member appointed by the President Pro
22 Tempore of the Senate and serving as of the effective
23 date of this act shall expire on September 1, 1999;

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1 c. One member appointed by the President Pro Tempore of
2 the Senate shall be a resident of the Third
3 Congressional District. The term of office of the
4 member appointed by the President Pro Tempore of the
5 Senate and serving as of the effective date of this
6 act shall expire on September 1, 2004;

7 d. One member appointed by the Speaker of the House of
8 Representatives shall be a resident of the Fourth
9 Congressional District. The term of office of the
10 member appointed by the Speaker of the House of
11 Representatives and serving as of the effective date
12 of this act shall expire on September 1, 2001;

13 e. One member appointed by the Speaker of the House of
14 Representatives shall be a resident of the Fifth
15 Congressional District and a consumer. The term of
16 office of the member appointed by the Speaker of the
17 House of Representatives and serving as of the
18 effective date of this act shall expire on September
19 1, 1998;

20 f. One member appointed by the Governor shall be a
21 resident of the Sixth Congressional District and a
22 consumer. The term of office of the member appointed
23 by the Governor and serving as of the effective date
24 of this act shall expire on September 1, 2000; and

1 g. The second consumer member appointed by the Governor
2 shall be appointed at large. The term of office of
3 the member appointed by the Governor and serving as of
4 the effective date of this act shall expire on
5 September 1, 2002.

6 2. Appointments made subsequent to the effective date of this
7 act shall not be restricted to any particular congressional
8 district. Appointments made after July 1 of the year in which a
9 redrawing of a congressional district becomes effective shall be
10 from the state at large. However, no appointments may be made after
11 July 1 of the year in which such modification becomes effective if
12 such appointment would result in more than two members serving from
13 the same modified district.

14 D. The terms of the members serving on the Board as of the
15 effective date of this act shall expire on September 1 of the year
16 in which the respective terms expire. Thereafter, as new terms
17 begin, members shall be appointed to four-year staggered terms which
18 shall expire on September 1. Should a member serve less than a
19 four-year term, the term of office of the member subsequently
20 appointed shall be for the remainder of the four-year term.

21 E. ~~On and after July 1, 1994, any subsequently appointed~~
22 ~~administrator of the Authority~~ The Chief Executive Officer or
23 administrator of the Authority shall be appointed by the ~~Board~~
24 Governor and confirmed by the Senate, pursuant to the provisions of

1 this act. The administrator shall have the training and experience
2 necessary for the administration of the Authority, as determined by
3 the ~~Board~~ Governor, including, but not limited to, prior experience
4 in the administration of managed health care. The administrator
5 shall serve at the pleasure of the ~~Board~~ appointing Governor.

6 F. The Board shall have the power and duty to:

7 1. Establish the policies of the Oklahoma Health Care
8 Authority;

9 2. ~~Appoint the Administrator of the Authority;~~

10 ~~3.~~ Adopt and promulgate rules as necessary and appropriate to
11 carry out the duties and responsibilities of the Authority. The
12 Board shall be the rulemaking body for the Authority; and

13 ~~4~~ 3. Adopt, publish and submit by January 1 of each year to the
14 Governor, the President Pro Tempore of the Senate, and the Speaker
15 of the House of Representatives appropriate administrative policies
16 and the business plan for that year. All actions governed by said
17 administrative policies and annual business plan shall be examined
18 annually in an independent audit.

19 G. 1. A vacancy in a position shall be filled in the same
20 manner as provided in subsection A of this section.

21 2. A majority of the members of the Board shall constitute a
22 quorum for the transaction of business and for taking any official
23 action. Official action of the Board must have a favorable vote by
24 a majority of the members present.

1 3. Members appointed pursuant to subsection A of this section
2 shall serve without compensation but shall be reimbursed for
3 expenses incurred in the performance of their duties in accordance
4 with the State Travel Reimbursement Act.

5 H. The Board and the Authority shall act in accordance with the
6 provisions of the Oklahoma Open Meeting Act, the Oklahoma Open
7 Records Act and the Administrative Procedures Act.

8 SECTION 12. This act shall become effective November 1, 2015.

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