

1 **SENATE FLOOR VERSION**

2 March 2, 2015

3 **AS AMENDED**

4 SENATE BILL NO. 829

5 By: Committee on General
6 Government

7 [appointment of certain employees - terminating
8 employment - appointment by the Governor - Senate
9 confirmation - affected agencies - Commissioner of
10 Mental Health and Substance Abuse Services - Board of
11 Podiatric Medical Examiners - State Board of
12 Dentistry - State Board of Pharmacy - State Board of
13 Medical Licensure and Supervision - State Board of
14 Osteopathic Examiners - State Board of Veterinary
15 Medical Examiners - State Board of Health - Oklahoma
16 Health Care Authority - appointment authority -
17 noncodification - effective date]

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

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

21 A. Effective January 1, 2016, the employment of the Executive
22 Director, Commissioner or Chief Executive Officer of the agencies,
23 boards or commissions listed in subsection B of this section,
24 previously hired or contracted for employment by authority of the
governing boards listed herein shall be terminated. On or before,
January 1, 2016, the Governor shall appoint, or may re-appoint, the
Executive Director, Commissioner or Chief Executive Officer of the

1 affected agencies listed herein, with confirmation by the Senate
2 within ninety (90) days. The employment of the affected employees
3 shall be co-terminus with the appointing Governor and at the
4 pleasure of such Governor.

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

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

9 2. The Executive Director appointed by the Oklahoma Board of
10 Dentistry;

11 3. The Executive Director appointed by the State Board of
12 Pharmacy;

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

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

17 6. The Executive Director appointed by the State Board of
18 Veterinary Medical Examiners;

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

21 8. The Commissioner of Mental Health and Substance Abuse
22 Services appointed by the Board of Mental Health and Substance Abuse
23 Services;

24

1 9. The Commissioner of Health appointed by the State Board of
2 Health; and

3 10. The Executive Director appointed by the Office of Juvenile
4 Affairs.

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

8 Section 2-7-201. A. The ~~Board of Juvenile Affairs~~ Governor,
9 pursuant to the provisions of this act, shall appoint, with
10 confirmation by the Senate, the Executive Director of the Office of
11 Juvenile Affairs. The Executive Director shall serve at the
12 pleasure of the ~~Board~~ Governor.

13 B. The Executive Director of the Office of Juvenile Affairs
14 shall be qualified for such position by character, ability,
15 education, training, and successful administrative experience in the
16 corrections or juvenile justice field; shall have earned a master's
17 degree or other advanced degree from an accredited college or
18 university with a major field of study in at least one of the
19 following: Corrections, juvenile justice, juvenile delinquency,
20 criminal justice, law, police science, criminology, psychology,
21 sociology, administration, education, or a related social science,
22 and three (3) years' work experience in corrections or juvenile
23 justice, or a bachelor's degree in the degree areas specified in
24

1 this subsection and four (4) years' progressively responsible work
2 experience in corrections or juvenile justice.

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

5 1. Be the executive officer and supervise the activities of the
6 Office of Juvenile Affairs;

7 2. Pursuant to legislative authorization employ, discharge,
8 appoint or contract with, and fix the duties and compensation of
9 such assistants, attorneys, law enforcement officers, probation
10 officers, psychologists, social workers, medical professionals,
11 administrative, clerical and technical, investigators, aides and
12 such other personnel, either on a full-time, part-time, fee or
13 contractual basis, as in the judgment and discretion of the
14 Executive Director shall be deemed necessary in the performance or
15 carrying out of any of the purposes, objectives, responsibilities,
16 or statutory provisions relating to the Office of Juvenile Affairs,
17 or to assist the Executive Director of the Office of Juvenile
18 Affairs in the performance of official duties and functions;

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

21 4. Exercise all incidental powers which are necessary and
22 proper to implement the purposes of the Office of Juvenile Affairs
23 pursuant to the Oklahoma Juvenile Code.

24

1 D. The Executive Director shall employ an attorney to be
2 designated the "General Counsel" who shall be the legal advisor for
3 the Office of Juvenile Affairs. Except as provided in this
4 subsection, the General Counsel is authorized to appear for and
5 represent the Board and Office in any litigation that may arise in
6 the discharge of the duties of the Board and Office.

7 It shall continue to be the duty of the Attorney General to give
8 an official opinion to the Executive Director of the Office of
9 Juvenile Affairs and the Office of Juvenile Affairs and to prosecute
10 and defend actions therefor, if requested to do so. The Attorney
11 General may levy and collect costs, expenses of litigation and a
12 reasonable attorney fee for such legal services from the Office.
13 The Office shall not contract for representation by private legal
14 counsel unless approved by the Attorney General. Such contract for
15 private legal counsel shall be in the best interests of the state.
16 The Attorney General shall be notified by the Office of Juvenile
17 Affairs or its counsel of all lawsuits against the Office of
18 Juvenile Affairs or officers or employees thereof, that seek
19 injunctive relief which would impose obligations requiring the
20 expenditure of funds in excess of unencumbered monies in the
21 agency's appropriations or beyond the current fiscal year. The
22 Attorney General shall review any such cases and may represent the
23 interests of the state, if the Attorney General considers it to be
24 in the best interest of the state to do so, in which case the

1 Attorney General shall be paid as provided in this subsection.
2 Representation of multiple defendants in such actions may, at the
3 discretion of the Attorney General, be divided with counsel for the
4 Office as necessary to avoid conflicts of interest.

5 E. The Executive Director of the Office of Juvenile Affairs
6 shall have the authority to commission certified employees within
7 the Office of Juvenile Affairs as peace officers. The authority of
8 employees so commissioned shall only include the authority to
9 investigate crimes committed against the Office or crimes committed
10 in the course of any program administered by the Office. Employees
11 so commissioned shall also have the authority to serve and execute
12 process, bench warrants, and other court orders in any judicial or
13 administrative proceeding in which the agency is a party or
14 participant. Use and possession of firearms for this purpose only
15 shall be permitted. To become qualified as peace officers for the
16 commission, employees shall first obtain a certificate as provided
17 for in Section 3311 of Title 70 of the Oklahoma Statutes.

18 F. The Executive Director of the Office of Juvenile Affairs,
19 based upon rules established by the Board of Juvenile Affairs, shall
20 have the authority to appoint and commission campus police for
21 secure juvenile facilities and their adjacent grounds under the
22 jurisdiction of the Office of Juvenile Affairs in the same manner
23 and with the same powers as campus police appointed by governing
24 boards of state institutions for higher education under the

1 provisions of Section 360.15 et seq. of Title 74 of the Oklahoma
2 Statutes.

3 G. In the event of the Executive Director's temporary absence,
4 the Executive Director may delegate the exercise of such powers and
5 duties to a designee during the Executive Director's absence. ~~In~~
6 ~~the event of a vacancy in the position of Executive Director, the~~
7 ~~Board of Juvenile Affairs shall appoint a new Executive Director.~~
8 The Board may designate an interim or acting Executive Director who
9 is authorized to exercise such powers and duties until a permanent
10 Executive Director is employed by the Governor pursuant to this act.

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

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

- 19 1. Possession of a Doctor of Medicine Degree and a license to
20 practice medicine in this state;
- 21 2. Possession of an Osteopathic Medicine Degree and a license
22 to practice medicine in this state;
- 23 3. Possession of a Doctor of Public Health Degree;

24

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

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

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

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

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

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

15 1. Employ, contract with, and direct stenographic, clerical,
16 and secretarial help and investigators and attorneys to assist it
17 and its officers in observing and performing under the applicable
18 laws and to help carry out and enforce the applicable laws, with the
19 exception of the Executive Director who shall be appointed by the
20 Governor, and confirmed by the Senate, pursuant to the provisions of
21 this act;

22 2. Gather and present to district attorneys of this state
23 evidence which it believes shows violations of the applicable laws,
24 and, among other purposes authorized by law, it may use attorneys it

1 employs to assist district attorneys (but only with their consent)
2 in the prosecution of such violations, and also to represent it in
3 any court;

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

7 4. Contract for and purchase or rent books, stationery, forms,
8 postage, equipment, other materials and supplies, and furniture and
9 it may rent or lease office space or other quarters; however the
10 compensation of those it employs or with whom it contracts and the
11 consideration it owes under its contracts and its other costs,
12 expenses and liabilities of whatever nature shall never be a charge
13 against the State of Oklahoma, except that the Board may cause
14 payment for all thereof to be made from the Board of Podiatric
15 Medical Examiners' Revolving Fund insofar as there are from time to
16 time amounts in said fund for such purposes;

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

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

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

23 Section 328.10. A. The Board of Dentistry shall organize
24 annually at the last regularly scheduled meeting of the Board before

1 the beginning of each fiscal year, by electing from among its
2 members a president, a first vice-president, a second vice-
3 president, and a secretary-treasurer. The duties of each officer
4 shall be prescribed in the rules of the Board. The term of office
5 of the persons elected president, vice-presidents and secretary-
6 treasurer shall be for the following fiscal year and until their
7 successors are elected and qualified.

8 B. The Board shall hold regularly scheduled meetings during
9 each quarter of the year at a time and place determined by the Board
10 and may hold such special meetings, emergency meetings, or continued
11 or reconvened meetings as found by the Board to be expedient or
12 necessary. A majority of the Board shall constitute a quorum for
13 the transaction of business.

14 C. The ~~Board may~~ Governor shall appoint, with confirmation by
15 the Senate, an individual to be the principal administrative officer
16 of the Board, pursuant to the provisions of this act, and may confer
17 upon that person the title selected by the Board, based upon the
18 person's education, background, experience and ability. The
19 principal administrative officer shall be responsible for the
20 performance of administrative functions delegated by the Board.

21 D. The Board shall act in accordance with the provisions of the
22 Oklahoma Open Meeting Act, the Oklahoma Open Records Act and the
23 Administrative Procedures Act.

24

1 E. All members of the Board and such employees, as determined
2 by the Board, shall be bonded as required by Sections 85.26 through
3 85.31 of Title 74 of the Oklahoma Statutes.

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

7 G. Members of the Board shall serve without compensation but
8 shall be reimbursed for all actual and necessary expenses incurred
9 in the performance of their duties in accordance with the State
10 Travel Reimbursement Act.

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

13 Section 353.5. A. The State Board of Pharmacy shall annually
14 elect a president and vice-president of the Board. The president
15 and vice-president shall serve for a term of one (1) year and shall
16 perform the duties prescribed by the Board. The Board shall employ
17 an Executive Director, as appointed by the Governor, with
18 confirmation by the Senate, pursuant to the provisions of this act,
19 who is a licensed pharmacist or is eligible to become a licensed
20 pharmacist in this state. The Executive Director shall ~~perform such~~
21 ~~duties as required by the Board~~ serve at the pleasure of the
22 Governor.

1 B. Each member of the Board shall receive necessary travel
2 expenses incurred in the discharge of official duties pursuant to
3 the State Travel Reimbursement Act.

4 C. The Executive Director of the Board shall receive an annual
5 salary to be fixed by the Board. The Board shall determine and base
6 the annual salary of the Executive Director upon data obtained from
7 a survey of U. S. regional average annual salaries for licensed
8 pharmacists, compiled and published each year by the National
9 Community Pharmacist's Association.

10 D. The Executive Director shall:

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

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

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

19 Section 512. The secretary of the State Board of Medical
20 Licensure and Supervision shall be paid an annual salary in an
21 amount fixed by the Board. The Board shall have the authority to
22 expend such funds as are necessary in carrying out the duties of the
23 Board and shall have the authority to hire all necessary personnel,
24 at salaries to be fixed by the Board, as the Board shall deem

1 necessary, with the exception of the Executive Director who shall be
2 appointed by the Governor and confirmed by the Senate, pursuant to
3 the provisions of this act. The Board shall have the authority to
4 hire attorneys to represent the Board in all legal matters and to
5 assist authorized state and county officers in prosecuting or
6 restraining violations of Section 481 et seq. of this title, and to
7 fix the salaries or per diem of said attorneys.

8 The Board shall have the authority to hire one or more
9 investigators as may be necessary to carry out the provisions of
10 this act at an annual salary to be fixed by the Board. Such
11 investigators may be commissioned peace officers of this state. In
12 addition such investigators shall have the authority and duty to
13 investigate and inspect the records of all persons in order to
14 determine whether or not a disciplinary action for unprofessional
15 misconduct is warranted or whether the narcotic laws or the
16 dangerous drug laws have been complied with.

17 The Board is specifically authorized to contract with state
18 agencies or other bodies to perform investigative services at a rate
19 set by the Board.

20 The Board is authorized to pay the travel expenses of Board
21 employees and members in accordance with the State Travel
22 Reimbursement Act.

23
24

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

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

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

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

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

15 4. The secretary-treasurer shall keep a record of all
16 proceedings of the Board and perform such other duties as are
17 prescribed in the Oklahoma Osteopathic Medicine Act, or which may be
18 prescribed by said Board. It shall be the duty of the secretary-
19 treasurer to receive and care for all monies coming into the hands
20 of said Board, and to pay out the same upon orders of the Board.

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

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

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

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

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

13 3. One or more investigators at least one of whom shall be
14 certified by the Council on Law Enforcement Education and Training
15 as a peace officer, as may be necessary to implement the provisions
16 of the Oklahoma Osteopathic Medicine Act at an annual salary to be
17 fixed by the Board, and may authorize necessary expenses. In
18 addition, the investigators may investigate and inspect the
19 nonfinancial business records of all persons licensed pursuant to
20 the Oklahoma Osteopathic Medicine Act in order to determine whether
21 or not licensees are in compliance with the Oklahoma Osteopathic
22 Medicine Act and the Uniform Controlled Dangerous Substances Act or
23 any other law, rule of the State of Oklahoma or any federal law or
24 rule affecting the practice of osteopathic medicine.

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

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

16 Section 698.5. A. 1. Each member of the State Board of
17 Veterinary Medical Examiners shall take the constitutional oath of
18 office.

19 2. The Board shall organize annually, at the last meeting of
20 the Board before the beginning of the next fiscal year, by electing
21 from the Board membership a president, vice-president and secretary-
22 treasurer. Officers of the Board shall serve for terms of one (1)
23 year or until their successors are elected. Officers shall not
24

1 succeed themselves for more than one term. The lay member appointed
2 to the Board shall not hold elective office.

3 B. 1. The president shall:

- 4 a. preside at Board meetings,
- 5 b. arrange the Board agenda,
- 6 c. sign Board orders and other required documents,
- 7 d. appoint Board committees and their chairpersons,
- 8 e. coordinate Board activities,
- 9 f. represent the Board before legislative committees, and
- 10 g. perform those other duties assigned by the Board and
11 this section.

12 2. The vice-president shall perform the duties of president
13 during the president's absence or disability and shall assist the
14 president in duties as requested.

15 3. The secretary-treasurer shall be responsible for the
16 administrative functions of the Board.

17 4. The employment of administrative, investigative, legal and
18 clerical personnel shall be subject to the approval of the Board,
19 except the Executive Director shall be appointed by the Governor
20 with confirmation by the Senate, pursuant to the provisions of this
21 act.

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

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

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

9 Section 1-104. A. The State Board of Health shall elect
10 annually from its membership a President, Vice President, and
11 Secretary. The Board shall adopt rules for its government, and may
12 adopt an official seal for the State Department of Health. It shall
13 hold such meetings as it deems necessary. Each member of the Board
14 shall be paid travel expenses, as provided in the State Travel
15 Reimbursement Act.

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

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

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

22 3. Accept and disburse grants, allotments, gifts, devises,
23 bequests, funds, appropriations, and other property made or offered
24 to it; and

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

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

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

11 1. Two members shall be appointed by the President Pro Tempore
12 of the Senate;

13 2. Two members shall be appointed by the Speaker of the House
14 of Representatives; and

15 3. Three members shall be appointed by the Governor. Two of
16 the members appointed by the Governor shall be consumers.

17 B. Members appointed pursuant to this paragraph, with the
18 exception of the consumer members, shall include persons having
19 experience in medical care, health care services, health care
20 delivery, health care finance, health insurance, and managed health
21 care. Consumer members shall have no financial or professional
22 interest in medical care, health care services, health care
23 delivery, health finance, health insurance or managed care. In
24

1 making the appointments, the appointing authority shall also give
2 consideration to urban, rural, gender, and minority representation.

3 C. 1. As the terms of office of members appointed before July
4 1, 1995, expire, appointments made on or after July 1, 1995, shall
5 be subject to the following requirements:

6 a. One member appointed by the Governor shall be a
7 resident of the First Congressional District. The
8 term of office of the member appointed by the Governor
9 and serving as of the effective date of this act shall
10 expire on September 1, 2003;

11 b. One member appointed by the President Pro Tempore of
12 the Senate shall be a resident of the Second
13 Congressional District and a consumer. The term of
14 office of the member appointed by the President Pro
15 Tempore of the Senate and serving as of the effective
16 date of this act shall expire on September 1, 1999;

17 c. One member appointed by the President Pro Tempore of
18 the Senate shall be a resident of the Third
19 Congressional District. The term of office of the
20 member appointed by the President Pro Tempore of the
21 Senate and serving as of the effective date of this
22 act shall expire on September 1, 2004;

23 d. One member appointed by the Speaker of the House of
24 Representatives shall be a resident of the Fourth

1 Congressional District. The term of office of the
2 member appointed by the Speaker of the House of
3 Representatives and serving as of the effective date
4 of this act shall expire on September 1, 2001;

5 e. One member appointed by the Speaker of the House of
6 Representatives shall be a resident of the Fifth
7 Congressional District and a consumer. The term of
8 office of the member appointed by the Speaker of the
9 House of Representatives and serving as of the
10 effective date of this act shall expire on September
11 1, 1998;

12 f. One member appointed by the Governor shall be a
13 resident of the Sixth Congressional District and a
14 consumer. The term of office of the member appointed
15 by the Governor and serving as of the effective date
16 of this act shall expire on September 1, 2000; and

17 g. The second consumer member appointed by the Governor
18 shall be appointed at large. The term of office of
19 the member appointed by the Governor and serving as of
20 the effective date of this act shall expire on
21 September 1, 2002.

22 2. Appointments made subsequent to the effective date of this
23 act shall not be restricted to any particular congressional
24 district. Appointments made after July 1 of the year in which a

1 redrawing of a congressional district becomes effective shall be
2 from the state at large. However, no appointments may be made after
3 July 1 of the year in which such modification becomes effective if
4 such appointment would result in more than two members serving from
5 the same modified district.

6 D. The terms of the members serving on the Board as of the
7 effective date of this act shall expire on September 1 of the year
8 in which the respective terms expire. Thereafter, as new terms
9 begin, members shall be appointed to four-year staggered terms which
10 shall expire on September 1. Should a member serve less than a
11 four-year term, the term of office of the member subsequently
12 appointed shall be for the remainder of the four-year term.

13 E. ~~On and after July 1, 1994, any subsequently appointed~~
14 ~~administrator of the Authority~~ The Chief Executive Officer or
15 administrator of the Authority shall be appointed by the ~~Board~~
16 Governor and confirmed by the Senate, pursuant to the provisions of
17 this act. The administrator shall have the training and experience
18 necessary for the administration of the Authority, as determined by
19 the ~~Board~~ Governor, including, but not limited to, prior experience
20 in the administration of managed health care. The administrator
21 shall serve at the pleasure of the ~~Board~~ appointing Governor.

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

23 1. Establish the policies of the Oklahoma Health Care
24 Authority;

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

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

5 4 3. Adopt, publish and submit by January 1 of each year to the
6 Governor, the President Pro Tempore of the Senate, and the Speaker
7 of the House of Representatives appropriate administrative policies
8 and the business plan for that year. All actions governed by said
9 administrative policies and annual business plan shall be examined
10 annually in an independent audit.

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

13 2. A majority of the members of the Board shall constitute a
14 quorum for the transaction of business and for taking any official
15 action. Official action of the Board must have a favorable vote by
16 a majority of the members present.

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

21 H. The Board and the Authority shall act in accordance with the
22 provisions of the Oklahoma Open Meeting Act, the Oklahoma Open
23 Records Act and the Administrative Procedures Act.

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

COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT
March 2, 2015 - DO PASS AS AMENDED

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24