

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 59th Legislature (2024)

4 HOUSE BILL 3333

 By: Roe

7 AS INTRODUCED

8 An Act relating to public health; amending 63 O.S.
9 2021, Section 1-103a.1, which relates to creation of
10 Public Health Advisory Councils; creating exception;
11 increasing membership of the Advancement of Wellness
12 Advisory Council; directing appointment of certain
13 members; broadening jurisdictional areas of the
14 Advancement of Wellness Advisory Council; and
15 providing an effective date.

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

17 SECTION 1. AMENDATORY 63 O.S. 2021, Section 1-103a.1, is
18 amended to read as follows:

19 Section 1-103a.1 A. To assist and advise the State
20 Commissioner of Health and the State Department of Health, there are
21 hereby created:

- 22 1. The Consumer Protection Licensing Advisory Council;
- 23 2. The Trauma and Emergency Response Advisory Council;
- 24 3. The Infant and Children's Health Advisory Council;
4. The Advancement of Wellness Advisory Council; and
5. The Home Care, Hospice and Palliative Care Advisory Council.

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

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

22 3. The Advancement of Wellness Advisory Council shall consist
23 of ten (10) members. Three members shall be appointed by the
24 Governor, three members shall be appointed by the President Pro

1 Tempore of the Oklahoma State Senate, three members shall be
2 appointed by the Speaker of the Oklahoma House of Representatives,
3 and one member shall be appointed by the Commissioner. Five members
4 shall constitute a quorum.

5 4. Each Advisory Council shall meet at least twice a year, but
6 no more than four times a year and shall elect a chair, a vice-chair
7 and a secretary from among its members. Each Advisory Council shall
8 only meet as required for election of officers, establishment of
9 meeting dates and times; rule development, review and
10 recommendation; and adoption of nonbinding resolutions to the
11 Department or the Commissioner concerning matters brought before the
12 Advisory Council. Special meetings may be called by the chair or by
13 the concurrence of any three members.

14 C. 1. All members of the Consumer Protection Licensing
15 Advisory Council shall be knowledgeable of certain consumer issues
16 as specified below. The Consumer Protection Licensing Advisory
17 Council shall be composed as follows:

- 18 a. the Governor shall appoint:
 - 19 (1) one member who is a licensed radiologist
 - 20 assistant, and
 - 21 (2) one member who is a licensed audiologist,
- 22 b. the President Pro Tempore of the Oklahoma State Senate
23 shall appoint:
 - 24 (1) one member who is a licensed radiologist, and

1 (2) one member representing the hearing-aid-fitting
2 industry,

3 c. the Speaker of the Oklahoma House of Representatives
4 shall appoint:

5 (1) one member representing the medical
6 micropigmentation industry, and

7 (2) one member representing the hearing-impaired
8 public, and

9 d. the Commissioner shall appoint one member representing
10 a diagnostic x-ray facility.

11 2. The jurisdiction areas of the Consumer Protection Licensing
12 Advisory Council shall include the hearing-aid-fitting industry, the
13 medical micropigmentation industry, the radiation industry and such
14 other areas as designated by the Commissioner.

15 D. 1. All members of the Trauma and Emergency Response
16 Advisory Council shall be knowledgeable of issues that arise in a
17 hospital setting and issues that arise concerning emergency
18 response. The Trauma and Emergency Response Advisory Council shall
19 be composed as follows:

20 a. the Governor shall appoint:

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

23 (2) one member who is a Board Certified Emergency
24 Physician,

1 b. the President Pro Tempore of the Oklahoma State Senate
2 shall appoint:

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

5 (2) one member who is a trauma surgeon with
6 privileges at a hospital with trauma and
7 emergency operative services,

8 c. the Speaker of the Oklahoma House of Representatives
9 shall appoint:

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

13 (2) one member who is an Emergency Medical
14 Technician, and

15 d. the Commissioner shall appoint one member who is a
16 critical care nurse.

17 2. The jurisdictional areas of the Trauma and Emergency
18 Response Advisory Council shall include emergency response systems
19 development, injury prevention, catastrophic health emergency,
20 trauma systems improvement and development and such other areas
21 designated by the Commissioner.

22 E. 1. All members of the Infant and Children's Health Advisory
23 Council shall be knowledgeable of issues that arise in the area of
24

1 infant and children's health care. The Infant and Children's Health
2 Advisory Council shall be composed as follows:

3 a. the Governor shall appoint:

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

6 (2) one member who is knowledgeable about childhood
7 immunizations,

8 b. the President Pro Tempore of the Oklahoma State Senate
9 shall appoint:

10 (1) one member who is knowledgeable about newborn
11 screening issues,

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

15 (3) one member who is a licensed ophthalmologist in
16 this state with the knowledge of treating visual
17 deficiencies in children,

18 c. the Speaker of the Oklahoma House of Representatives
19 shall appoint:

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

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

24

1 d. the Commissioner shall appoint one member who is a
2 physician licensed by the state who specializes in the
3 diagnosis and treatment of childhood injuries in a
4 trauma setting.

5 2. The jurisdictional areas of the Infant and Children's Health
6 Advisory Council shall include all issues that arise in the area of
7 health care for infants and children and such other areas as
8 designated by the Commissioner.

9 F. 1. All members of the Advancement of Wellness Advisory
10 Council shall be knowledgeable of issues that arise in the area of
11 advancing the health of all Oklahomans. The Advancement of Wellness
12 Advisory Council shall be composed as follows:

13 a. the Governor shall appoint:

14 (1) one member who is knowledgeable about breast and
15 cervical cancer issues, ~~and~~

16 (2) one member who is knowledgeable about organ donor
17 issues, and

18 (3) one member who is knowledgeable about
19 cardiometabolic disease including obesity,
20 dyslipidemia, hypertension, and diabetes,

21 b. the President Pro Tempore of the Oklahoma State Senate
22 shall appoint:
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- 1 (1) one member who is mayor of a city or town that
2 has been designated a certified healthy community
3 in an urban setting, ~~and~~
- 4 (2) one member who is the president or chief
5 operating officer of a business that has been
6 designated a certified healthy business, and
- 7 (3) one member who represents an Urban Indian Health
8 Center in this state or a nonprofit organization
9 with a major focus on improving public health for
10 citizens of federally recognized Indian tribes in
11 this state,

12 c. the Speaker of the House of Representatives shall
13 appoint:

- 14 (1) one member who is the mayor of a city or town
15 that has been designated a certified healthy
16 community in a rural setting, ~~and~~
- 17 (2) one member who is the president or chief
18 operating officer of a business that has been
19 designated a certified healthy business in an
20 urban setting, and
- 21 (3) one member who represents a federally recognized
22 Indian tribe based in this state which maintains
23 a tribally operated health care system, and
- 24

1 d. the Commissioner shall appoint one member who is the
2 Executive Director of the Tobacco Settlement Endowment
3 Trust.

4 2. The jurisdictional areas of the Advancement of Wellness
5 Advisory Council shall include all issues that arise in the areas of
6 tobacco usage and cessation, organ and tissue donation,
7 cardiometabolic disease, American Indian health, the requirements
8 for a city or town in the state to be designated as a certified
9 healthy community, the requirements for a business to be designated
10 as a certified healthy business and such other areas as designated
11 by the Commissioner.

12 G. 1. All members of the Home Care, Hospice and Palliative
13 Care Advisory Council shall be knowledgeable of issues that arise in
14 the administration and practice of home care, hospice and palliative
15 care services. The Home Care, Hospice and Palliative Care Advisory
16 Council shall be composed as follows:

17 a. the Governor shall appoint:

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

21 (2) one member who is an owner or administrator of an
22 entity licensed in accordance with the Oklahoma
23 Home Care Act,
24

1 b. the President Pro Tempore of the Oklahoma State Senate
2 shall appoint:

3 (1) one member who is an owner or administrator of an
4 entity licensed in accordance with the Oklahoma
5 Hospice Licensing Act,

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

9 (3) one member who is a member of the palliative care
10 patient advocacy community,

11 c. the Speaker of the Oklahoma House of Representatives
12 shall appoint:

13 (1) one member representing the public who is or was
14 a legal guardian of a recipient of hospice
15 services,

16 (2) one member representing the public who is a
17 recipient or legal guardian of a recipient of
18 services from a home health agency, and

19 (3) one member who is an allopathic or osteopathic
20 physician or nurse certified in palliative care
21 delivery in this state, and

22 d. the Commissioner shall appoint one member representing
23 an association which advocates on behalf of home care
24 or hospice issues.

1 2. The jurisdictional areas of the Home Care, Hospice and
2 Palliative Care Advisory Council shall include all issues that arise
3 in the areas of home care, hospice services and palliative care,
4 including, but not limited to:

- 5 a. identifying methods that improve the quality and
- 6 delivery of home care, hospice and palliative care,
- 7 b. reviewing best practices from home care, hospice and
- 8 palliative care programs in the state,
- 9 c. developing information on home care, hospice and
- 10 palliative care issues for the general public, and
- 11 d. such other areas as designated by the Commissioner.

12 H. In addition to other powers and duties assigned to each
13 Advisory Council pursuant to this section, each Advisory Council,
14 within its jurisdictional area, shall:

15 1. Have authority to recommend to the Commissioner rules on
16 behalf of the Department. The Department shall not have standing to
17 recommend to the Commissioner permanent rules or changes to such
18 rules within the jurisdiction of an Advisory Council which have not
19 been submitted previously to the appropriate Advisory Council for
20 action;

21 2. Before recommending any permanent rules to the Commissioner,
22 give public notice, offer an opportunity for public comment and
23 conduct a public rulemaking hearing when required by the
24 Administrative Procedures Act;

1 3. Have the authority to make nonbinding written
2 recommendations to the Commissioner or to the Department which have
3 been concurred upon by at least a majority of the membership of the
4 Advisory Council;

5 4. Have the authority to provide a public forum for the
6 discussion of issues it considers relevant to its area of
7 jurisdiction, and to:

8 a. pass nonbinding resolutions expressing the sense of
9 the Advisory Council, and

10 b. make recommendations to the Commissioner or the
11 Department concerning the need and the desirability of
12 conducting meetings, workshops and seminars; and

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

18 I. The Advisory Councils shall not recommend rules for
19 promulgation by the Commissioner unless all applicable requirements
20 of the Administrative Procedures Act have been followed, including
21 but not limited to notice, rule-impact statement and rulemaking
22 hearings.

23 J. Members of the Advisory Councils shall serve without
24 compensation. The Advisory Councils are authorized to utilize the

1 conference rooms of the Department and obtain administrative
2 assistance from the Department, as required.

3 SECTION 2. This act shall become effective November 1, 2024.
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5 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 02/15/2024 -
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