

1 ENGROSSED HOUSE
2 BILL NO. 3333

By: Roe and Swope of the House

3 and

4 Dossett of the Senate

5
6 An Act relating to public health; amending 63 O.S.
7 2021, Section 1-103a.1, which relates to creation of
8 Public Health Advisory Councils; creating exception;
9 increasing membership of the Advancement of Wellness
10 Advisory Council; directing appointment of certain
11 members; broadening jurisdictional areas of the
12 Advancement of Wellness Advisory Council; and
13 providing an effective date.

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

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

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

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

B. 1. Except for the Home Care, Hospice and Palliative Care
Advisory Council and the Advancement of Wellness Advisory Council,

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

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

20 3. The Advancement of Wellness Advisory Council shall consist
21 of ten (10) members. Three members shall be appointed by the
22 Governor, three members shall be appointed by the President Pro
23 Tempore of the Oklahoma State Senate, three members shall be
24 appointed by the Speaker of the Oklahoma House of Representatives,

1 and one member shall be appointed by the Commissioner. Five members
2 shall constitute a quorum.

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

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

16 a. the Governor shall appoint:

17 (1) one member who is a licensed radiologist
18 assistant, and

19 (2) one member who is a licensed audiologist,

20 b. the President Pro Tempore of the Oklahoma State Senate
21 shall appoint:

22 (1) one member who is a licensed radiologist, and

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

1 c. the Speaker of the Oklahoma House of Representatives
2 shall appoint:

3 (1) one member representing the medical
4 micropigmentation industry, and

5 (2) one member representing the hearing-impaired
6 public, and

7 d. the Commissioner shall appoint one member representing
8 a diagnostic x-ray facility.

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

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

18 a. the Governor shall appoint:

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

21 (2) one member who is a Board Certified Emergency
22 Physician,

23 b. the President Pro Tempore of the Oklahoma State Senate
24 shall appoint:

- 1 (1) one member who is a representative from a
2 hospital with trauma and emergency services, and
3 (2) one member who is a trauma surgeon with
4 privileges at a hospital with trauma and
5 emergency operative services,

6 c. the Speaker of the Oklahoma House of Representatives
7 shall appoint:

- 8 (1) one member representing the trauma registrar of a
9 licensed hospital that is classified as providing
10 trauma and emergency operative services, and
11 (2) one member who is an Emergency Medical
12 Technician, and

13 d. the Commissioner shall appoint one member who is a
14 critical care nurse.

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

20 E. 1. All members of the Infant and Children's Health Advisory
21 Council shall be knowledgeable of issues that arise in the area of
22 infant and children's health care. The Infant and Children's Health
23 Advisory Council shall be composed as follows:

24 a. the Governor shall appoint:

- 1 (1) one member who works for the state or for a
2 political subdivision on child abuse issues, and
3 (2) one member who is knowledgeable about childhood
4 immunizations,

5 b. the President Pro Tempore of the Oklahoma State Senate
6 shall appoint:

- 7 (1) one member who is knowledgeable about newborn
8 screening issues,
9 (2) one member licensed by the state as an
10 optometrist who has knowledge of vision screening
11 for children, and
12 (3) one member who is a licensed ophthalmologist in
13 this state with the knowledge of treating visual
14 deficiencies in children,

15 c. the Speaker of the Oklahoma House of Representatives
16 shall appoint:

- 17 (1) one member who is licensed by the state as a
18 physician and works as a pediatrician, and
19 (2) one member who is licensed by the state as a
20 genetic counselor, and

21 d. the Commissioner shall appoint one member who is a
22 physician licensed by the state who specializes in the
23 diagnosis and treatment of childhood injuries in a
24 trauma setting.

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

5 F. 1. All members of the Advancement of Wellness Advisory
6 Council shall be knowledgeable of issues that arise in the area of
7 advancing the health of all Oklahomans. The Advancement of Wellness
8 Advisory Council shall be composed as follows:

9 a. the Governor shall appoint:

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

12 (2) one member who is knowledgeable about organ donor
13 issues, and

14 (3) one member who is knowledgeable about
15 cardiometabolic disease including obesity,
16 dyslipidemia, hypertension, and diabetes,

17 b. the President Pro Tempore of the Oklahoma State Senate
18 shall appoint:

19 (1) one member who is mayor of a city or town that
20 has been designated a certified healthy community
21 in an urban setting, ~~and~~

22 (2) one member who is the president or chief
23 operating officer of a business that has been
24 designated a certified healthy business, and

1 (3) one member who represents an Urban Indian Health
2 Center in this state or a nonprofit organization
3 with a major focus on improving public health for
4 citizens of federally recognized Indian tribes in
5 this state,

6 c. the Speaker of the House of Representatives shall
7 appoint:

8 (1) one member who is the mayor of a city or town
9 that has been designated a certified healthy
10 community in a rural setting, ~~and~~

11 (2) one member who is the president or chief
12 operating officer of a business that has been
13 designated a certified healthy business in an
14 urban setting, and

15 (3) one member who represents a federally recognized
16 Indian tribe based in this state which maintains
17 a tribally operated health care system, and

18 d. the Commissioner shall appoint one member who is the
19 Executive Director of the Tobacco Settlement Endowment
20 Trust.

21 2. The jurisdictional areas of the Advancement of Wellness
22 Advisory Council shall include all issues that arise in the areas of
23 tobacco usage and cessation, organ and tissue donation,
24 cardiometabolic disease, American Indian health, the requirements

1 for a city or town in the state to be designated as a certified
2 healthy community, the requirements for a business to be designated
3 as a certified healthy business and such other areas as designated
4 by the Commissioner.

5 G. 1. All members of the Home Care, Hospice and Palliative
6 Care Advisory Council shall be knowledgeable of issues that arise in
7 the administration and practice of home care, hospice and palliative
8 care services. The Home Care, Hospice and Palliative Care Advisory
9 Council shall be composed as follows:

10 a. the Governor shall appoint:

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

14 (2) one member who is an owner or administrator of an
15 entity licensed in accordance with the Oklahoma
16 Home Care Act,

17 b. the President Pro Tempore of the Oklahoma State Senate
18 shall appoint:

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

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

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

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

5 (1) one member representing the public who is or was
6 a legal guardian of a recipient of hospice
7 services,

8 (2) one member representing the public who is a
9 recipient or legal guardian of a recipient of
10 services from a home health agency, and

11 (3) one member who is an allopathic or osteopathic
12 physician or nurse certified in palliative care
13 delivery in this state, and

14 d. the Commissioner shall appoint one member representing
15 an association which advocates on behalf of home care
16 or hospice issues.

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

21 a. identifying methods that improve the quality and
22 delivery of home care, hospice and palliative care,

23 b. reviewing best practices from home care, hospice and
24 palliative care programs in the state,

- 1 c. developing information on home care, hospice and
2 palliative care issues for the general public, and
3 d. such other areas as designated by the Commissioner.

4 H. In addition to other powers and duties assigned to each
5 Advisory Council pursuant to this section, each Advisory Council,
6 within its jurisdictional area, shall:

7 1. Have authority to recommend to the Commissioner rules on
8 behalf of the Department. The Department shall not have standing to
9 recommend to the Commissioner permanent rules or changes to such
10 rules within the jurisdiction of an Advisory Council which have not
11 been submitted previously to the appropriate Advisory Council for
12 action;

13 2. Before recommending any permanent rules to the Commissioner,
14 give public notice, offer an opportunity for public comment and
15 conduct a public rulemaking hearing when required by the
16 Administrative Procedures Act;

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

21 4. Have the authority to provide a public forum for the
22 discussion of issues it considers relevant to its area of
23 jurisdiction, and to:

- 1 a. pass nonbinding resolutions expressing the sense of
2 the Advisory Council, and
3 b. make recommendations to the Commissioner or the
4 Department concerning the need and the desirability of
5 conducting meetings, workshops and seminars; and

6 5. Cooperate with each other Advisory Council, the public, the
7 Commissioner and the Commissioner of Health in order to coordinate
8 the rules within their respective jurisdictional areas and to
9 achieve maximum efficiency and effectiveness in furthering the
10 objectives of the Department.

11 I. The Advisory Councils shall not recommend rules for
12 promulgation by the Commissioner unless all applicable requirements
13 of the Administrative Procedures Act have been followed, including
14 but not limited to notice, rule-impact statement and rulemaking
15 hearings.

16 J. Members of the Advisory Councils shall serve without
17 compensation. The Advisory Councils are authorized to utilize the
18 conference rooms of the Department and obtain administrative
19 assistance from the Department, as required.

20 SECTION 2. This act shall become effective November 1, 2024.
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Passed the House of Representatives the 27th day of February, 2024.

Presiding Officer of the House
of Representatives

Passed the Senate the ____ day of _____, 2024.

Presiding Officer of the Senate