

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE BILL 1474

By: Yen

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5  
6 AS INTRODUCED

7 An Act relating to public health; amending Section  
8 44, Chapter 229, O.S.L. 2013, as last amended by  
9 Section 1, Chapter 11, O.S.L. 2015 (63 O.S. Supp.  
10 2015, Section 1-103a.1), which relates to Public  
Health Advisory Councils; permitting submission of  
certain information to the Legislature; and providing  
an effective date.

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

14 SECTION 1. AMENDATORY Section 44, Chapter 229, O.S.L.  
15 2013, as last amended by Section 1, Chapter 11, O.S.L. 2015 (63 O.S.  
16 Supp. 2015, Section 1-103a.1), is amended to read as follows:

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

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

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

21           3. Each Advisory Council shall meet at least twice a year, but  
22 no more than four times a year and shall elect a chair, a vice-chair  
23 and a secretary from among its members. Each Advisory Council shall  
24 only meet as required for election of officers, establishment of

1 meeting dates and times; rule development, review and  
2 recommendation; and adoption of nonbinding resolutions to the State  
3 Department of Health or the State Board of Health concerning matters  
4 brought before the Advisory Council. Special meetings may be called  
5 by the chair or by the concurrence of any three members.

6 C. 1. All members of the Consumer Protection Licensing  
7 Advisory Council shall be knowledgeable of certain consumer issues  
8 as specified below. The Consumer Protection Licensing Advisory  
9 Council shall be composed as follows:

10 a. the Governor shall appoint:

11 (1) one member who is a licensed radiologist  
12 assistant, and

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

14 b. the President Pro Tempore of the Senate shall appoint:

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

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

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

20 (1) one member representing the medical  
21 micropigmentation industry, and

22 (2) one member representing the hearing-impaired  
23 public, and  
24

1           d.    the State Board of Health shall appoint one member  
2                    representing a diagnostic x-ray facility.

3           2.    The jurisdiction areas of the Consumer Protection Licensing  
4 Advisory Council shall include the hearing-aid-fitting industry, the  
5 medical micropigmentation industry, the radiation industry and such  
6 other areas as designated by the State Board of Health.

7           D.   1.   All members of the Trauma and Emergency Response  
8 Advisory Council shall be knowledgeable of issues that arise in a  
9 hospital setting and issues that arise concerning emergency  
10 response.   The Trauma and Emergency Response Advisory Council shall  
11 be composed as follows:

12           a.    the Governor shall appoint:

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

15                   (2)   one member who is a Board Certified Emergency  
16                            Physician,

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

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

20                   (2)   one member who is a trauma surgeon with  
21                            privileges at a hospital with trauma and  
22                            emergency operative services,

23           c.    the Speaker of the House of Representatives shall  
24                    appoint:

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

4 (2) one member who is an Emergency Medical  
5 Technician, and

6 d. the State Board of Health shall appoint one member who  
7 is a critical care nurse.

8 2. The jurisdictional areas of the Trauma and Emergency  
9 Response Advisory Council shall include emergency response systems  
10 development, injury prevention, catastrophic health emergency,  
11 trauma systems improvement and development and such other areas  
12 designated by the State Board of Health.

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

17 a. the Governor shall appoint:

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

20 (2) one member who is knowledgeable about childhood  
21 immunizations,

22 b. the President Pro Tempore of the Senate shall appoint:

23 (1) one member who is knowledgeable about newborn  
24 screening issues,

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

4 (3) one member who is a licensed ophthalmologist in  
5 this state with the knowledge of treating visual  
6 deficiencies in children,

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

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

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

13 d. the State Board of Health shall appoint one member who  
14 is a physician licensed by the state who specializes  
15 in the diagnosis and treatment of childhood injuries  
16 in a trauma setting.

17 2. The jurisdictional areas of the Infant and Children's Health  
18 Advisory Council shall include all issues that arise in the area of  
19 health care for infants and children and such other areas as  
20 designated by the State Board of Health.

21 F. 1. All members of the Advancement of Wellness Advisory  
22 Council shall be knowledgeable of issues that arise in the area of  
23 advancing the health of all Oklahomans. The Advancement of Wellness  
24 Advisory Council shall be composed as follows:

- 1 a. the Governor shall appoint:
- 2 (1) one member who is knowledgeable about breast and
- 3 cervical cancer issues, and
- 4 (2) one member who is knowledgeable about organ donor
- 5 issues,
- 6 b. the President Pro Tempore of the Senate shall appoint:
- 7 (1) one member who is mayor of a city or town that
- 8 has been designated a certified healthy community
- 9 in an urban setting, and
- 10 (2) one member who is the president or chief
- 11 operating officer of a business that has been
- 12 designated a certified healthy business,
- 13 c. the Speaker of the House of Representatives shall
- 14 appoint:
- 15 (1) one member who is the mayor of a city or town
- 16 that has been designated a certified healthy
- 17 community in a rural setting, and
- 18 (2) one member who is the president or chief
- 19 operating officer of a business that has been
- 20 designated a certified healthy business in an
- 21 urban setting, and
- 22 d. the State Board of Health shall appoint one member who
- 23 is the Executive Director of the Tobacco Settlement
- 24 Endowment Trust.

1           2. The jurisdictional areas of the Advancement of Wellness  
2 Advisory Council shall include all issues that arise in the areas of  
3 tobacco usage and cessation, organ and tissue donation, the  
4 requirements for a city or town in the state to be designated as a  
5 certified healthy community, the requirements for a business to be  
6 designated as a certified healthy business and such other areas as  
7 designated by the State Board of Health.

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

13           a. the Governor shall appoint:

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

17                   (2) one member who is an owner or administrator of an  
18                   entity licensed in accordance with the Oklahoma  
19                   Home Care Act,

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

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

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

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

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

8 (1) one member representing the public who is or was  
9 a legal guardian of a recipient of hospice  
10 services,

11 (2) one member representing the public who is a  
12 recipient or legal guardian of a recipient of  
13 services from a home health agency, and

14 (3) one member who is an allopathic or osteopathic  
15 physician or nurse certified in palliative care  
16 delivery in this state, and

17 d. the State Board of Health shall appoint one member  
18 representing an association which advocates on behalf  
19 of home care or hospice issues.

20 2. The jurisdictional areas of the Home Care, Hospice and  
21 Palliative Care Advisory Council shall include all issues that arise  
22 in the areas of home care, hospice services and palliative care,  
23 including, but not limited to:  
24

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

9 H. In addition to other powers and duties assigned to each  
10 Advisory Council pursuant to this section, each Advisory Council,  
11 within its jurisdictional area, shall:

12 1. Have authority to recommend to the State Board of Health  
13 rules on behalf of the State Department of Health. The State  
14 Department of Health shall not have standing to recommend to the  
15 State Board of Health permanent rules or changes to such rules  
16 within the jurisdiction of an Advisory Council which have not been  
17 submitted previously to the appropriate Advisory Council for action;

18 2. Before recommending any permanent rules to the State Board  
19 of Health, give public notice, offer an opportunity for public  
20 comment and conduct a public rulemaking hearing when required by the  
21 Administrative Procedures Act;

22 3. Have the authority to make nonbinding written  
23 recommendations to the State Board of Health and/or to the State  
24 Department of Health which have been concurred upon by at least a

1 majority of the membership of the Advisory Council. Such  
2 recommendations may also be submitted to the President Pro Tempore  
3 of the Senate and the Speaker of the House of Representatives;

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

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

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

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

18 I. The Advisory Councils shall not recommend rules for  
19 promulgation by the State Board of Health unless all applicable  
20 requirements of the Administrative Procedures Act have been  
21 followed, including but not limited to notice, rule-impact statement  
22 and rulemaking 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 State Department of Health and obtain  
2 administrative assistance from the State Department of Health, as  
3 required.

4 SECTION 2. This act shall become effective November 1, 2016.

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