

1 ENGROSSED SENATE
2 BILL NO. 736

By: Kidd of the Senate

3 and

4 McEntire of the House

5
6 An Act relating to county boards of health; amending
7 63 O.S. 2011, Section 1-202, which relates to powers
8 and duties; modifying allowable agreements; amending
9 63 O.S. 2011, Section 1-205, which relates to
10 contracts for public health services; allowing
11 certain agreement between counties; amending 63 O.S.
12 2011, Section 1-208, which relates to funds for
13 operation; allowing certain combination of resources;
14 and providing an effective date.

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

16 SECTION 1. AMENDATORY 63 O.S. 2011, Section 1-202, is
17 amended to read as follows:

18 Section 1-202. The county board of health shall have the
19 following powers and duties:

20 1. Organize by electing a chair and other necessary officers
21 annually and meet at such times, in such manner and upon such notice
22 as the board shall prescribe. Provided, that the board shall meet
23 at least two times each year;

24 2. Establish and maintain a county department of health, if the
same, in the opinion of the board, will be to the best interest of
the county;

1 3. Enter into agreements with county boards of health of other
2 counties, and with the governing boards or boards of health of
3 cities, towns and school districts lying wholly or partly in the
4 county, ~~for the establishment and operation of district or~~
5 ~~cooperative departments of health;~~

6 4. Prepare and submit to the county excise board, annually, an
7 estimate of its needs, and needs for the operation of the county
8 department of health, if any, or for its proportionate part of the
9 costs of operation of a district or cooperative department of
10 health, if it has entered into an agreement therefor;

11 5. Advise with the State Commissioner of Health on matters
12 pertaining to public health in the county, and as to the appointment
13 of the county superintendent of health or the medical director of
14 the county, district or cooperative department of health; and

15 6. Adopt regulations, which shall be subject to the approval of
16 the State Commissioner of Health and shall not be more stringent
17 than state law and rules and regulations of the State Board of
18 Health, to protect the public health in the county in emergencies.

19 SECTION 2. AMENDATORY 63 O.S. 2011, Section 1-205, is
20 amended to read as follows:

21 Section 1-205. ~~(a)~~ A. The county board of health may, with the
22 approval of the State Commissioner of Health, establish and maintain
23 a county department of health, the maintenance and operation of
24 which is hereby declared to be a function of county government for

1 which appropriations may be made from the general fund of the county
2 and the proceeds of a levy made in accordance with Section 9a7
3 ~~Article X,~~ of Article X of the Oklahoma Constitution.

4 ~~(b)~~ B. The county boards of health of two or more counties may,
5 with the approval of the Commissioner, form a health district
6 composed of such counties for public health purposes. The health
7 district ~~shall~~ may have a district department of health which shall
8 be operated, in such counties, in the same manner as county
9 departments of health. A health district may also be comprised of
10 multiple county health departments operating under agreement to
11 share resources for purposes of enhancing health outcomes for the
12 member counties, provided costs are allocated in proportion to
13 resources utilized by each county.

14 ~~(c)~~ C. Cooperative departments of health may be formed by
15 agreement between the county board of health of any county
16 maintaining a county department of health, or the county boards of
17 health of counties in a health district, and the governing boards of
18 cities, towns, and school districts lying wholly or partly in such
19 county or health district. Any such agreement shall stipulate what
20 health services will be provided to the cities, towns and school
21 districts, which may be all or any of the services that may be
22 provided by a county department of health, and shall also fix the
23 amounts of funds to be paid by the cities, towns, and school
24 districts for the services. All agreements made under the

1 provisions of this section shall be subject to the approval of the
2 State Commissioner of Health.

3 ~~(d)~~ D. A county department of health, a district department of
4 health and a cooperative department of health shall be under the
5 direction of a medical director, who shall perform his or her duties
6 under the supervision of the Commissioner, and who shall, in
7 addition to ~~his~~ other duties, perform the same powers, duties and
8 functions in the county, in the health district, or in the
9 cooperative department, as is provided by law for county
10 superintendents of health. The Commissioner shall appoint and fix
11 the duties and compensation of the medical director, who shall be a
12 physician licensed under the laws of this state, and shall employ
13 and fix the duties and compensation of such other personnel as ~~he~~
14 the Commissioner deems necessary for the operation of the county
15 department of health, the district department of health, or the
16 cooperative department of health, all such personnel to be employed
17 under provisions of the Oklahoma Personnel Act and paid by state
18 warrant. Reimbursements to the State Department of Health shall be
19 paid by the county from the Section ~~9a~~ 9A of Article X of the
20 Oklahoma Constitution, mill levy revenues, payable for the benefit
21 of such county health department, district department of health, or
22 the cooperative department of health and payable within thirty (30)
23 days of receipt of an invoice therefor. Provided that, in any such
24 local health department operating under the direction of a medical

1 director who serves less than full time, the Commissioner may
2 delegate nonmedical administrative duties to another employee of the
3 county, district, or cooperative health department.

4 ~~(e)~~ E. The board of health or board of county commissioners of
5 any county may contract with the ~~department~~ board of health or board
6 of county commissioners of any ~~neighboring~~ county or the State
7 Department of Health to provide the county any or all public health
8 services. The county receiving the services shall pay for the
9 ~~department~~ rendering ~~the~~ of services according to a schedule of fees
10 and payments mutually agreed upon by the ~~State Board of Health and~~
11 the county or counties affected. Such schedule of fees and payments
12 shall be equal to the cost of the services provided.

13 SECTION 3. AMENDATORY 63 O.S. 2011, Section 1-208, is
14 amended to read as follows:

15 Section 1-208. ~~(a)~~ A. It shall be the duty of the county
16 excise board of each county if funds are available to make necessary
17 appropriations to provide sufficient funds to pay the amounts due
18 under any agreement entered into by the county board of health, or
19 by any city, town, or school district of the county, for or in
20 connection with a district department of health or a cooperative
21 department of health; and such funds shall be accounted for,
22 obligated, expended and disbursed as directed by the State
23 Commissioner of Health, who may require any or all such funds to be
24 combined with others to be used for similar or related purposes.

1 ~~(b)~~ B. The Commissioner may enter into agreements with county
2 boards of health, and with city-county boards of health, whereby
3 state funds will be used in conjunction with county funds for the
4 operation of county, district, cooperative and city-county
5 departments of health. The Commissioner may pay such funds on a
6 reimbursement or percentage of budgetary expenditures basis, or
7 other basis; and if directed to do so by the Commissioner, the
8 county clerk shall add the amount of any such funds to specified
9 items of appropriation, and no further action or appropriation by
10 the county excise board shall be required to make such funds
11 available for expenditure.

12 C. Counties may, for the purposes of enhancing access to health
13 initiatives and maximizing operational impact, agree to combine
14 resources including county millage in a manner designating one
15 county as the operational hub. In doing so, the millage provided by
16 each county within the consortium shall be expended or reserved for
17 the county of origin, ensuring each county's millage investment is
18 expended for the benefit of the county residents.

19 SECTION 4. This act shall become effective November 1, 2021.
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Passed the Senate the 9th day of March, 2021.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2021.

Presiding Officer of the House
of Representatives