

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 SENATE BILL NO. 709

By: Rosino of the Senate

and

6 Roe of the House

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10 COMMITTEE SUBSTITUTE

11 An Act relating to the State Commissioner of Health;
12 amending 63 O.S. 2021, Section 1-106, which relates
13 to qualifications; exempting Commissioner from
14 certain qualifications under certain conditions;
15 updating statutory language; directing the State
16 Commissioner of Health to appoint a Chief Medical
17 Officer; creating the position of Chief Medical
18 Officer; providing qualifications; authorizing
19 maintenance of clinical practice; establishing duties
20 of position; providing for codification; and
21 declaring an emergency.

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

23 SECTION 1. AMENDATORY 63 O.S. 2021, Section 1-106, is
24 amended to read as follows:

Section 1-106. A. The State Commissioner of Health shall serve
at the pleasure of the ~~State Board of Health~~ Governor, and shall
have skill and experience in public health duties and sanitary

1 sciences and shall meet at least one of the following
2 qualifications:

3 1. Possession of a Doctor of Medicine Degree and a license to
4 practice medicine in this state;

5 2. Possession of an Osteopathic Medicine Degree and a license
6 to practice medicine in this state;

7 3. Possession of a Doctoral degree in Public Health or Public
8 Health Administration; or

9 4. Possession of a Master of Science Degree and a minimum of
10 five (5) years of supervisory experience in the administration of
11 health services.

12 B. The Commissioner shall be exempt from all qualifications
13 enumerated in subsection A of this section if the Commissioner
14 possesses at least a master's degree and has experience in
15 management of state agencies or large projects.

16 C. The Commissioner shall have the following powers and duties,
17 unless otherwise directed by the ~~State Board of Health~~ Governor:

18 1. Have general supervision of the health of the citizens of
19 the state; make investigations, inquiries and studies concerning the
20 causes of disease and injury, and especially of epidemics, and the
21 causes of mortality, and the effects of localities, employment,
22 conditions and circumstances on the public health; investigate
23 conditions as to health, sanitation and safety of schools, prisons,
24 public institutions, mines, public conveyances, camps, places of

1 group abode, and all buildings and places of public resort, and
2 recommend, prescribe and enforce such measures of health, sanitation
3 and safety for them as the Commissioner deems advisable; take such
4 measures as deemed necessary by the Commissioner to control or
5 suppress, or to prevent the occurrence or spread of, any
6 communicable, contagious or infectious disease, and provide for the
7 segregation and isolation of persons having or suspected of having
8 any such disease; designate places of quarantine or isolation;
9 advise state and local governments on matters pertaining to health,
10 sanitation and safety; and abate any nuisance affecting injuriously
11 the health of the public or any community. Any health information
12 or data acquired by the Commissioner from any public agency, which
13 information or data is otherwise confidential by state or federal
14 law, shall remain confidential notwithstanding the acquisition of
15 this information by the Commissioner.

16 2. Be the executive officer and supervise the activities of the
17 State Department of Health, and act for the Department in all
18 matters except as may be otherwise provided in this Code; administer
19 oaths at any hearing or investigation conducted pursuant to this
20 Code; and enforce rules and standards adopted by the ~~State Board of~~
21 ~~Health~~ Commissioner. All rules adopted by the ~~State Board of Health~~
22 Commissioner are subject to the terms and conditions of the
23 Administrative Procedures Act.

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1 3. Appoint an Assistant State Commissioner of Health and fix
2 the qualifications, duties and compensation of the Assistant State
3 Commissioner of Health; and employ, appoint and contract with, and
4 fix the qualifications, duties and compensation of, such other
5 assistants, doctors, engineers, attorneys, sanitarians, nurses,
6 laboratory personnel, administrative, clerical and technical help,
7 investigators, aides and other personnel and help, either on a full-
8 time, part-time, fee or contractual basis, as shall be deemed by the
9 Commissioner necessary, expedient, convenient or appropriate to the
10 performance or carrying out of any of the purposes, objectives or
11 provisions of this Code, or to assist the Commissioner in the
12 performance of official duties and functions.

13 4. Cause investigations, inquiries and inspections to be made,
14 and hold hearings and issue orders pursuant to the provisions of the
15 Administrative Procedures Act, to enforce and make effective the
16 provisions of this Code, and all rules and standards adopted by the
17 ~~State Board of Health~~ Commissioner pursuant to law and the
18 Commissioner or the representative of the Commissioner shall have
19 the right of access to any premises for such purpose at any
20 reasonable time, upon presentation of identification.

21 5. Authorize persons in the State Department of Health to
22 conduct investigations, inquiries and hearings, and to perform other
23 acts that the Commissioner is authorized or required to conduct or
24 perform personally.

1 6. Except as otherwise provided by law, all civil and criminal
2 proceedings under this Code shall be initiated and prosecuted by the
3 district attorney where the violation takes place.

4 7. Issue subpoenas for the attendance of witnesses and the
5 production of books and records at any hearing to be conducted by
6 the Commissioner ~~or the State Board of Health~~; and if a person
7 disobeys any such subpoena, or refuses to give evidence before, or
8 to allow books and records to be examined by, the Commissioner ~~or~~
9 ~~the Board~~ after such person is directed to do so, the Commissioner
10 may file a contempt proceeding in the district court of the county
11 in which the premises involved are situated, or, if no premises are
12 involved, of the county in which such person resides or has a
13 principal place of business, and a judge of such court, after a
14 trial de novo, may punish the offending person for contempt.

15 8. Unless otherwise required by the terms of a federal grant,
16 sell, exchange or otherwise dispose of personal property that has
17 been acquired by the State Department of Health, or any of its
18 components, when such property becomes obsolete or is no longer
19 needed; any money derived therefrom shall be deposited in the Public
20 Health Special Fund.

21 9. Sell films, educational materials, biological products and
22 other items produced by the State Department of Health; and all
23 proceeds therefrom shall be deposited in the Public Health Special
24 Fund.

1 10. Revoke or cancel, or suspend for any period up to one (1)
2 year, any license or permit issued under or pursuant to this Code,
3 or by the Commissioner, when the Commissioner determines that ground
4 therefor as prescribed by this Code exists, or that the holder of
5 such license or permit has violated any law, or any of the
6 provisions of this Code, or any rules or standards of the ~~State~~
7 ~~Board of Health~~ Commissioner filed with the Secretary of State, but
8 the Commissioner shall first afford the holder an opportunity to
9 show cause why the license or permit should not be revoked, canceled
10 or suspended, notice of such opportunity to be given by certified
11 United States Mail to the holder of the license or permit at the
12 last-known address of such holder.

13 11. Accept, use, disburse and administer grants, allotments,
14 gifts, devises, bequests, appropriations and other monies and
15 property offered or given to the State Department of Health, or any
16 component or agency thereof, by any agency of the federal
17 government, or any corporation or individual.

18 12. Be the official agency of the State of Oklahoma in all
19 matters relating to public health which require or authorize
20 cooperation of the State of Oklahoma with the federal government or
21 any agency thereof; coordinate the activities of the State
22 Department of Health with those of the federal government or any
23 department or agency thereof, and with other states, on matters
24 pertaining to public health, and enter into agreements for such

1 purpose, and may accept, use, disburse and administer, for the
2 office of the Commissioner or for the State Department of Health,
3 for any purpose designated and on the terms and conditions thereof,
4 grants of money, personnel and property from the federal government
5 or any department or agency thereof, or from any state or state
6 agency, or from any other source, to promote and carry on in this
7 state any program relating to the public health or the control of
8 disease, and enter into agreements for such purposes.

9 13. The State Commissioner of Health may appoint commissioned
10 peace officers, certified by the Council on Law Enforcement
11 Education and Training, to investigate violations of the Public
12 Health Code and to provide security to Department facilities.

13 14. Pursuant to Section 2 of this act, the State Commissioner
14 of Health shall appoint a Chief Medical Officer who reports directly
15 to the State Commissioner of Health.

16 SECTION 2. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 1-106.4 of Title 63, unless
18 there is created a duplication in numbering, reads as follows:

19 A. The Chief Medical Officer shall serve at the discretion and
20 pleasure of the State Commissioner of Health.

21 B. The Chief Medical Officer must:

22 1. Be a resident of the State of Oklahoma; and

23 2. Be licensed and in good standing as a medical doctor or
24 doctor of osteopathy in Oklahoma.

1 C. With the approval of the State Commissioner of Health, the
2 Chief Medical Officer may maintain a clinical practice to retain
3 expertise and remain current in his or her specialized field.

4 D. The Chief Medical Officer may:

5 1. Advise the Commissioner and agency staff in all matters
6 related to public health and effective delivery of public health
7 services;

8 2. Provide professional judgment, medical and public health
9 guidance to the Commissioner and other department leadership to
10 ensure that health policy and program resource allocation decisions
11 are medically appropriate, that timely prevention actions are taken,
12 and that policy reflects sound medical and public health principles
13 and priorities;

14 3. Actively participate in the development of the agency
15 strategic goals and the state public health improvement plan; and

16 4. Perform other duties as assigned by the Commissioner.

17 SECTION 3. It being immediately necessary for the preservation
18 of the public peace, health or safety, an emergency is hereby
19 declared to exist, by reason whereof this act shall take effect and
20 be in full force from and after its passage and approval.

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