

1 ENGROSSED SENATE  
2 BILL NO. 267

By: Seifried and Garvin of the  
Senate

3 and

4 Boatman and Fugate of the  
5 House

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

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

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

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

- 21 1. The Consumer Protection Licensing Advisory Council;
- 22 2. The Trauma and Emergency Response Advisory Council;
- 23 3. The Infant and Children's Health Advisory Council;
- 24 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 Senate, three members shall be appointed by the  
2 Speaker of the House of Representatives, and one member shall be  
3 appointed by the Commissioner. Five members shall constitute a  
4 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 Senate shall appoint:

23                   (1) one member who is a licensed radiologist, and  
24

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

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

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

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

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

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

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

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

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

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

1 a. the Governor shall appoint:

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

4 (2) one member who is knowledgeable about childhood  
5 immunizations,

6 b. the President Pro Tempore of the Senate 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 House of Representatives shall  
16 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 Senate shall appoint:

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

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

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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 tribes in this  
5           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           tribe based in this state which maintains a  
17           tribally operated health 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 Senate shall appoint:

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

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

24

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

3 c. the Speaker of the House of Representatives shall  
4 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, 2023.  
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1 Passed the Senate the 14th day of March, 2023.

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3 \_\_\_\_\_  
4 Presiding Officer of the Senate

5 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
6 2023.

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8 \_\_\_\_\_  
9 Presiding Officer of the House  
10 of Representatives