

1 **SENATE FLOOR VERSION**

2 March 2, 2023

3 SENATE BILL NO. 267

By: Seifried and Garvin of the
Senate

4 and

5 Boatman and Fugate of the
6 House

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

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

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

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

- 23 1. The Consumer Protection Licensing Advisory Council;
- 24 2. The Trauma and Emergency Response Advisory Council;
3. The Infant and Children's Health Advisory Council;
4. The Advancement of Wellness Advisory Council; and

1 5. The Home Care, Hospice and Palliative Care Advisory Council.

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

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

23 3. The Advancement of Wellness Advisory Council shall consist
24 of ten (10) members. Three members shall be appointed by the

1 Governor, three members shall be appointed by the President Pro
2 Tempore of the Senate, three members shall be appointed by the
3 Speaker of the House of Representatives, and one member shall be
4 appointed by the Commissioner. Five members shall constitute a
5 quorum.

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

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

19 a. the Governor shall appoint:

20 (1) one member who is a licensed radiologist
21 assistant, and

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

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

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

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

24

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:
24

- 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.

21 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
22 March 2, 2023 - DO PASS
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