

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2504 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Chris Kannady _____

Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2504

By: Kannady

7
8 PROPOSED COMMITTEE SUBSTITUTE

9 An Act relating to health; amending 63 O.S. 2011,
10 Section 1-210, as last amended by Section 1, Chapter
11 43, O.S.L. 2020 (63 O.S. Supp. 2020, Section 1-210),
12 which relates to city-county boards of health;
13 amending appointing authorities; modifying terms of
14 service; amending 63 O.S. 2011, Section 1-213, which
15 relates to health rules promulgated by certain boards
16 of county commissioners; modifying approval process;
17 limiting scope of rules; amending 63 O.S. 2011,
18 Section 1-214, which relates to agreements and
19 medical directors of city-county health departments;
20 requiring advice of the State Commissioner of Health
21 in certain situations; modifying the appointing,
22 supervision, and removal process for directors of
23 city-county health departments; and providing an
24 effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2011, Section 1-210, as
last amended by Section 1, Chapter 43, O.S.L. 2020 (63 O.S. Supp.
2020, Section 1-210), is amended to read as follows:

Section 1-210. A. There is hereby created in any county of
this state with a population of more than five hundred thousand

1 (500,000), according to the latest Federal Decennial Census, a city-
2 county board of health composed of nine (9) members.

3 B. The membership of the board shall be composed of ~~five~~ four
4 members appointed by the city council of such city, or city
5 commission, whichever applies, ~~and~~ four members appointed by the
6 board of county commissioners of such county, and one member
7 appointed by the State Commissioner of Health. The member appointed
8 by the State Commissioner of Health shall be a resident of the
9 largest city in the county where the city-county board of health is
10 located. Each member shall serve a term of six (6) years, except,
11 that of the members initially appointed by the city council, or city
12 commission, whichever applies, one member initially appointed shall
13 serve a term of two (2) years, one member initially appointed shall
14 serve a term of three (3) years, one member initially appointed
15 shall serve a term of four (4) years, and one member initially
16 appointed shall serve a term of five (5) years, ~~and one member~~
17 ~~initially appointed shall serve a term of six (6) years;~~ provided,
18 however, that in any such city having a city board of health created
19 under its charter provisions, the members of such city board of
20 health and the tenure of the city board of health members of the
21 city-county board of health shall be coterminous with the city board
22 of health. Of the members initially appointed by the board of
23 county commissioners, one member initially appointed shall serve a
24 term of two (2) years, one member initially appointed shall serve a

1 term of three (3) years, one member initially appointed shall serve
2 a term of ~~five (5)~~ four (4) years, and one member initially
3 appointed shall serve a term of ~~six (6)~~ five (5) years. The member
4 initially appointed by the State Commissioner of Health shall serve
5 a term of three (3) years. The appointing authority shall appoint
6 new members as the terms of office of its initial appointees expire.
7 Wherever a city-county board of health is now in existence, the
8 current board members shall be retained, until the termination of
9 their present appointment, ~~by the appointing authorities.~~

10 C. A county board of health in any county of this state with a
11 population of more than two hundred twenty-five thousand (225,000),
12 but not more than five hundred thousand (500,000), according to the
13 latest Federal Decennial Census, may create a city-county board of
14 health as provided in this section composed of members as provided
15 by Section 1-201 of this title.

16 SECTION 2. AMENDATORY 63 O.S. 2011, Section 1-213, is
17 amended to read as follows:

18 Section 1-213. A. The board of county commissioners in any
19 county that qualifies under Section ~~210 of this article~~ 1-210 of
20 this title is hereby authorized and empowered to make and enforce
21 all reasonable rules and regulations with regard to the preservation
22 and promotion of public health; provided, that any such rules or
23 regulations shall have first been recommended or approved by a
24 simple majority vote of the members of the city-county board of

1 health, and further provided that such rules and regulations shall
2 not be ~~inconsistent with~~ more stringent than state laws or rules and
3 regulations of the State Board of Health. Such rules and
4 regulations shall be operative throughout the county, except within
5 the limits of incorporated cities and towns. Any such rules adopted
6 by county commissioners relating to an establishment where food or
7 drink is offered for sale or sold shall not be more stringent than
8 the rules for such establishments adopted by the State Board of
9 Health; provided, that rules adopted prior to May 31, 2008, which
10 directly relate to training and permit requirements for food
11 managers and food handlers and fees related to such establishments
12 shall, in addition to the license fee required by the State Board of
13 Health, be exempt from the provisions of this subsection.

14 B. The board of county commissioners is also authorized to
15 provide for the levying and collection of fees for services
16 performed by such city-county health department outside the
17 boundaries of incorporated cities and towns within such county. Any
18 person who violates any rule or regulation made by such board of
19 county commissioners under the authority of this section shall be
20 guilty of a misdemeanor.

21 SECTION 3. AMENDATORY 63 O.S. 2011, Section 1-214, is
22 amended to read as follows:

23 Section 1-214. A. The board of county commissioners of any
24 county and the governing body of any city which qualify under

1 Section 1-210 of this title shall enter into an agreement providing
2 for the creation of a city-county health department, and such
3 contracting bodies shall by agreement provide for the method of
4 operation thereof, ~~the selection of a director of such department,~~
5 and the proportionate share of personnel and/or money that each
6 shall contribute for the operation and support of such department.

7 B. Unless an agreement made pursuant to subsection A of this
8 section specifically provides otherwise, any judgment against the
9 city-county health department or the city-county board of health
10 shall be treated as a judgment against the county and may be paid
11 from a sinking fund established pursuant to Section 28 of Article X
12 of the Oklahoma Constitution in the manner that other judgments
13 against the county are paid.

14 C. Unless an agreement made pursuant to subsection A of this
15 section specifically provides otherwise, a city-county health
16 department shall have the power to own, acquire, lease, or dispose
17 of real property in the performance of local public health
18 functions, duties, and responsibilities.

19 D. 1. The qualifications of the director shall be determined
20 by the city-county board of health, with the advice of the State
21 Commissioner of Health, and subject to approval by a simple majority
22 of the governing body of the city and the board of county
23 commissioners of the county. The director shall perform his or her
24 duties in consultation with the Commissioner of Health or his or her

1 designee in order to ensure administrative alignment. The director,
2 with the approval of the city-county board of health, the board of
3 county commissioners of the county, and the governing body of the
4 city, or the city manager in cities having a managerial form of
5 government, shall appoint other personnel of the department.

6 2. In the case of a vacancy in the position of director of a
7 city-county health department, the city-county board of health may
8 appoint an interim director for a period not to exceed six (6)
9 months. Within five (5) months of the vacancy, the city-county
10 board of health shall submit to the Commissioner of Health, the
11 mayor of the largest city in the county, and the chair of the board
12 of county commissioners a list of three candidates for permanent
13 appointment. The Commissioner of Health, the mayor, and the chair
14 of the board of county commissioners shall select and appoint a
15 director from among the list provided within one (1) month of
16 receipt of the list. The candidate selected shall be communicated
17 to the city-county board of health by a written letter, signed by at
18 least two of the appointing officials, one of whom must be the
19 Commissioner of Health. In the event that a candidate has not been
20 selected and appointed at the end of six (6) months of vacancy, the
21 Commissioner of Health shall select and appoint a director for the
22 city-county health department from among the list of candidates
23 provided by the board.

24

1 3. The Commissioner of Health may request the removal of a
2 director of a city-county health department by submitting such
3 request in writing to the city-county board of health. The board
4 shall consider a removal request within two (2) months of its
5 receipt. If the board determines by a two-thirds (2/3) vote that
6 removal is warranted, then the director shall be removed.

7 E. The employees of a city-county health department shall
8 possess minimum qualifications as set forth in a system of personnel
9 administration delineating job specifications and a compensation
10 plan adopted by the city-county board of health, and approved by the
11 State Commissioner of Health, the board of county commissioners and
12 the governing body of the city. By March 1, 1991, the city-county
13 health department shall establish a personnel, merit and promotion
14 system which shall be approved by the Commissioner of Public Health.
15 The employees shall also be eligible for membership in any life or
16 health insurance plan of the county and the county retirement
17 program, subject to the same conditions or restrictions that apply
18 to county employees. Any state employees officed or located at or
19 assigned to a city-county health department shall be subject to the
20 state system of personnel administration and shall be eligible for
21 membership in the state employees insurance and retirement programs.

22 F. Such city-county health department shall, under the
23 supervision of the director, enforce and administer all municipal
24 and county ordinances, rules and regulations, and all state laws,

1 and rules and regulations of the State Board of Health pertaining to
2 public health matters in the jurisdiction where it is created, or in
3 any area where it has jurisdiction to operate by agreement.

4 G. A city-county health department may perform any and all
5 health-related services, within the scope of practice, as prescribed
6 by law, by the city-county board of health, or by standards of care
7 for medical services. When a city-county health department provides
8 a health-related service to any person covered by an applicable
9 health insurance plan, the city-county health department may submit
10 a claim for said service to the appropriate insurance company,
11 health maintenance organization or preferred provider organization.
12 Upon receipt of the claim, said insurance company, health
13 maintenance organization or preferred provider organization shall
14 reimburse the city-county health department for the service provided
15 in accordance with the standard and customary rate schedule
16 established by the plan. All health insurance plans, doing business
17 in Oklahoma, shall recognize the public health service delivery
18 model utilized by the city-county health department, as an
19 appropriate provider of services for reimbursement. All insurance
20 reimbursement payments collected shall become a part of the general
21 revenue of the unit of government levying the same.

22 SECTION 4. This act shall become effective November 1, 2021.
23

24 58-1-7540 AB 02/22/21

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24