

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2504

By: Kannady

4  
5  
6 AS INTRODUCED

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

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

24 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  
(500,000), according to the latest Federal Decennial Census, a city-  
county board of health composed of nine (9) members.

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

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

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

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

16 Section 1-213. A. The board of county commissioners in any  
17 county that qualifies under Section 210 of this ~~article~~ this is  
18 hereby authorized and empowered to make and enforce all reasonable  
19 rules and regulations with regard to the preservation and promotion  
20 of public health; provided, that any such rules or regulations shall  
21 have first been recommended ~~or approved~~ by the city-county board of  
22 health and approved by the State Commissioner of Health or his or  
23 her designee, and further provided that such rules and regulations  
24 shall not be ~~inconsistent with~~ more stringent than state laws or

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

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

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

21 Section 1-214. A. The board of county commissioners of any  
22 county and the governing body of any city which qualify under  
23 Section 1-210 of this title shall enter into an agreement providing  
24 for the creation of a city-county health department, and such

1 contracting bodies shall by agreement and with the advice of the  
2 State Commissioner of Health provide for the method of operation  
3 thereof, ~~the selection of a director of such department,~~ and the  
4 proportionate share of personnel and/or money that each shall  
5 contribute for the operation and support of such department.

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

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

18 D. The qualifications and duties of the director shall be  
19 determined by ~~the city-county board of health, with the advice of~~  
20 ~~the State Commissioner of Health, and subject to approval by the~~  
21 ~~governing body of the city and the board of county commissioners of~~  
22 ~~the county.~~ The director shall serve at the pleasure of the State  
23 Commissioner of Health and shall perform his or her duties under the  
24 supervision of the State Commissioner of Health or his or her

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

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

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

1 public health matters in the jurisdiction where it is created, or in  
2 any area where it has jurisdiction to operate by agreement.

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

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

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23 58-1-5004 AB 01/11/21  
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