

1 **SENATE FLOOR VERSION**

2 February 16, 2015

3 **AS AMENDED**

4 SENATE BILL NO. 127

5 By: David

6 [Oklahoma Health Care Authority - Oklahoma Health
7 Care Authority Board - powers and duties - appoint a
8 Director - Senate confirmation - duties of Director -
9 cooperation - annual report - codification -
10 ~~effective date -~~

11 **emergency]**

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

13 SECTION 1. AMENDATORY 63 O.S. 2011, Section 5007, is
14 amended to read as follows:

15 Section 5007. A. There is hereby created the Oklahoma Health
16 Care Authority Board. On and after July 1, 1994, as the terms of
17 the initially appointed members expire, the Board shall be composed
18 of seven appointed members who shall serve for terms of four (4)
19 years and shall be appointed as follows:

20 1. Two members shall be appointed by the President Pro Tempore
21 of the Senate;

22 2. Two members shall be appointed by the Speaker of the House
23 of Representatives; and

24 3. Three members shall be appointed by the Governor. Two of
the members appointed by the Governor shall be consumers.

1 B. Members appointed pursuant to this paragraph, with the
2 exception of the consumer members, shall include persons having
3 experience in medical care, health care services, health care
4 delivery, health care finance, health insurance and managed health
5 care. Consumer members shall have no financial or professional
6 interest in medical care, health care services, health care
7 delivery, health finance, health insurance or managed care. In
8 making the appointments, the appointing authority shall also give
9 consideration to urban, rural, gender and minority representation.

10 C. 1. As the terms of office of members appointed before July
11 1, 1995, expire, appointments made on or after July 1, 1995, shall
12 be subject to the following requirements:

13 a. One member appointed by the Governor shall be a
14 resident of the First Congressional District. The
15 term of office of the member appointed by the Governor
16 and serving as of ~~the effective date of this act~~ July
17 1, 1998, shall expire on September 1, 2003;

18 b. One member appointed by the President Pro Tempore of
19 the Senate shall be a resident of the Second
20 Congressional District and a consumer. The term of
21 office of the member appointed by the President Pro
22 Tempore of the Senate and serving as of ~~the effective~~
23 ~~date of this act~~ July 1, 1998, shall expire on
24 September 1, 1999;

1 c. One member appointed by the President Pro Tempore of
2 the Senate shall be a resident of the Third
3 Congressional District. The term of office of the
4 member appointed by the President Pro Tempore of the
5 Senate and serving as of ~~the effective date of this~~
6 ~~act~~ July 1, 1998, shall expire on September 1, 2004;

7 d. One member appointed by the Speaker of the House of
8 Representatives shall be a resident of the Fourth
9 Congressional District. The term of office of the
10 member appointed by the Speaker of the House of
11 Representatives and serving as of ~~the effective date~~
12 ~~of this act~~ July 1, 1998, shall expire on September 1,
13 2001;

14 e. One member appointed by the Speaker of the House of
15 Representatives shall be a resident of the Fifth
16 Congressional District and a consumer. The term of
17 office of the member appointed by the Speaker of the
18 House of Representatives and serving as of ~~the~~
19 ~~effective date of this act~~ July 1, 1998, shall expire
20 on September 1, 1998;

21 f. One member appointed by the Governor shall be a
22 resident of the Sixth Congressional District and a
23 consumer. The term of office of the member appointed
24 by the Governor and serving as of ~~the effective date~~

1 ~~of this act~~ July 1, 1998, shall expire on September 1,
2 2000; and

3 g. The second consumer member appointed by the Governor
4 shall be appointed at large. The term of office of
5 the member appointed by the Governor and serving as of
6 ~~the effective date of this act~~ July 1, 1998, shall
7 expire on September 1, 2002.

8 2. Appointments made subsequent to ~~the effective date of this~~
9 ~~act~~ November 1, 2002, shall not be restricted to any particular
10 congressional district. Appointments made after July 1 of the year
11 in which a redrawing of a congressional district becomes effective
12 shall be from the state at large. However, no appointments may be
13 made after July 1 of the year in which such modification becomes
14 effective if such appointment would result in more than two members
15 serving from the same modified district.

16 D. The terms of the members serving on the Board as of ~~the~~
17 ~~effective date of this act~~ July 1, 1998, shall expire on September 1
18 of the year in which the respective terms expire. Thereafter, as
19 new terms begin, members shall be appointed to four-year staggered
20 terms which shall expire on September 1. Should a member serve less
21 than a four-year term, the term of office of the member subsequently
22 appointed shall be for the remainder of the four-year term.

23 E. ~~On and after July 1, 1994, any subsequently appointed~~
24 ~~administrator of the Authority shall be appointed by the Board. The~~

1 ~~administrator shall have the training and experience necessary for~~
2 ~~the administration of the Authority, as determined by the Board,~~
3 ~~including, but not limited to, prior experience in the~~
4 ~~administration of managed health care. The administrator shall~~
5 ~~serve at the pleasure of the Board.~~

6 ~~F.~~ The Board shall have the power and duty to:

7 1. Establish the policies of the Oklahoma Health Care
8 Authority;

9 2. ~~Appoint the Administrator of the Authority;~~

10 3. Adopt and promulgate rules as necessary and appropriate to
11 carry out the duties and responsibilities of the Authority. The
12 Board shall be the rulemaking body for the Authority; and

13 4. 3. Adopt, publish and submit by January 1 of each year to
14 the Governor, the President Pro Tempore of the Senate, and the
15 Speaker of the House of Representatives appropriate administrative
16 policies and the business plan for that year. All actions governed
17 by said administrative policies and annual business plan shall be
18 examined annually in an independent audit.

19 ~~G.~~ F. 1. A vacancy in a position shall be filled in the same
20 manner as provided in subsection A of this section.

21 2. A majority of the members of the Board shall constitute a
22 quorum for the transaction of business and for taking any official
23 action. Official action of the Board must have a favorable vote by
24 a majority of the members present.

1 3. Members appointed pursuant to subsection A of this section
2 shall serve without compensation but shall be reimbursed for
3 expenses incurred in the performance of their duties in accordance
4 with the State Travel Reimbursement Act.

5 ~~H.~~ G. The Board and the Authority shall act in accordance with
6 the provisions of the Oklahoma Open Meeting Act, the Oklahoma Open
7 Records Act and the Administrative Procedures Act.

8 SECTION 2. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 5028 of Title 63, unless there
10 is created a duplication in numbering, reads as follows:

11 A. The Governor shall have the power and duty to appoint a
12 Director who shall serve as executive and administrative officer of
13 the Oklahoma Health Care Authority. The Director shall be appointed
14 wholly on the basis of ability, training and experience qualifying
15 him or her for health care administration. The Director shall
16 serve, subject to the confirmation of the Senate, at the pleasure of
17 the Governor. The salary of the Director shall be fixed by the
18 Governor.

19 B. The Director shall cooperate with the federal Department of
20 Health and Human Services, or other similar agencies created by
21 Congress, in any reasonable manner as may be necessary to qualify
22 for federal aid to states in providing assistance to needy persons
23 in conformity with the provisions of the laws of this state,
24 including the making of reports in the form and containing

1 information as a federal agency may from time to time require, and
2 comply with any other similar federal agency requirements necessary
3 to ensure the correctness and verification of the reports.

4 D. The Director shall compile an annual report, not later than
5 four (4) months after the close of each fiscal year. The report
6 shall be presented to the Governor, the President Pro Tempore of the
7 Senate and the Speaker of the House of Representatives. Annual
8 reports shall provide information about the operations and programs
9 administered by the Authority and shall include, but shall not be
10 limited to:

11 1. Statistical information regarding services provided and the
12 number of persons served by Authority programs;

13 2. Financial data, including a reasonable amount of detailed
14 information regarding revenues and expenditures, and a breakdown and
15 comparison of the Authority budget with actual expenditures;

16 3. Status of the workforce and productivity of the Authority;

17 4. Information about Authority efforts to ensure program
18 accountability and service delivery quality and integrity;

19 5. Demographic data and trends and their anticipated impact on
20 demand for services; and

21 6. Information regarding public and private institution-based
22 services.

23 SECTION 3. ~~This act shall become effective July 1, 2015.~~

24

1 ~~SECTION 4. It being immediately necessary for the preservation~~
2 ~~of the public peace, health and safety, an emergency is hereby~~
3 ~~declared to exist, by reason whereof this act shall take effect and~~
4 ~~be in full force from and after its passage and approval.~~

5 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
6 February 16, 2015 - DO PASS AS AMENDED
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