

Please Note Time Change - Meeting Begins at 11:00 a.m.

**Agenda for the 11:00 am, Thursday, November 8, 2007
Regular Meeting of the Oklahoma State Board of Health**

Posted at www.health.ok.gov
Oklahoma State Department of Health
1000 N. E. 10th Street - Rm. 307
Oklahoma City, OK 73117-1299

*PRELIMINARY COURTESY AGENDA
FINAL AGENDA POSTED 24 HOURS IN ADVANCE OF MEETING*

A. CALL TO ORDER AND OPENING REMARKS

B. REVIEW OF MINUTES

- 1. Approval of Minutes for September 13, 2007, Regular Meeting**
Follow-up on Discussion and Action Items from Previous Meeting

C. APPOINTMENTS

- 2. Home Health Advisory Board** (presented by Tom Welin / Hank Hartsell)
Appointments: 2 Administrator Members, 1 General Public Member, and 1 Physician Member
Authority: 63 O.S. § 1-1970
Members: The members of the Home Health Advisory Board shall be appointed by the State Commissioner of Health with the advice and consent of the State Board of Health from a list of names submitted to the Commissioner by any statewide organization comprised exclusively of home care agencies.
- 3. Hospital Advisory Council** (presented by Tom Welin / Hank Hartsell)
Appointments: 1 Licensed Physician or Practitioner Member and 1 Public Member
Authority: 63 O.S. § 1-707(D)
Members: The Advisory Council shall be composed of nine (9) members appointed by the Commissioner with the advice and consent of the Board.
- 4. Licensed Behavioral Practitioner Advisory Board** (presented by Nena West / Hank Hartsell)
Appointments: 1 Professional Member and 1 Lay Member
Authority: 59 O.S. 2001, § 1933
Members: The Advisory Board shall consist of seven (7) members who shall be appointed by the State Commissioner of Health with the advice and consent of the State Board of Health.
- 5. Fire Extinguisher Industry Committee** (presented by Vernon Bolz / Hank Hartsell)
Appointments: 4 Members
Authority: 59 O.S. § 1820.6
Members: Four members shall be appointed by the State Board of Health. The Board shall appoint the four members within thirty (30) days after the effective date of this act. Three of the appointed members shall have at least five (5) years of experience in the fire extinguisher industry. One of the appointed members shall be a lay member. No member of the Committee shall have any kind of employment relationship with any other member.

D. PROPOSED RULEMAKING ACTIONS

Public Hearing to accept written or oral comments regarding proposed rulemaking actions.

FAMILY HEALTH SERVICES

6. CHAPTER 410.WIC [AMENDED]

[PERMANENT] Presented by Terry Bryce / Dr. Edd Rhoades

PROPOSED RULES: Subchapter 3. VENDOR MANAGEMENT: 310:410-3-2 [AMENDED]; 310:410-3-3 [AMENDED]; Part 3. WIC Vendor Application and Authorization Process: 310:410-3-10 [AMENDED]; 310:410-3-12 [AMENDED]; 310:410-3-13 [AMENDED]; 310:410-3-14 [AMENDED]; Part 7. WIC Vendor Authorization and Responsibilities: 310:410-3-33 [AMENDED]; 310:410-3-34 [AMENDED]; Part 9. WIC Vendor Compliance and Sanctions: 310:410-3-52 [AMENDED].

AUTHORITY: Oklahoma State Board of Health; 62 O.S. 2001, Sections 41.16A

SUMMARY: The proposal continues to clarify and simplify the existing rules as they pertain to retail vendors in the WIC program. The Proposal also updates the existing rules to comply with the new Federal Rules and Regulations pertaining to Cost Containment.

CHAPTER LAST AMENDED: November 4, 2004 by Permanent Adoption

COMMUNITY HEALTH SERVICES

7. CHAPTER 2. PROCEDURES OF THE STATE DEPARTMENT OF HEALTH [AMENDED]

[EMERGENCY] Presented by Mike Brown / Steve Ronck / Nick Slaymaker

PROPOSED RULES: Subchapter 27. Contracts with Charitable Health Care Providers [NEW]

AUTHORITY: Oklahoma State Board of Health; 51 O.S. Section 152.2

SUMMARY: The proposed rules will implement the requirements of Senate Bill 930, codified at 51 O.S.Supp. 2007, Sections 152 and 152.2, as last amended by Section 19, Chapter 368, O.S.L. 2004, which relates to the Governmental Tort Claims Act and authorizes the State Department of Health, or a city-county department of health, to enter into contracts with charitable health care providers who provide health care services to medically indigent persons at, or upon referral from, free clinics. Charitable health care providers acting in good faith who provide health care services pursuant to such contracts would be immune from personal liability. Damages for any claims against the state for alleged negligence committed for services rendered under these contracts are limited as provided in the Oklahoma Governmental Tort Claims Act.

CHAPTER LAST AMENDED: March 8, 2007 by Permanent Adoption

E. FINDING OF EMERGENCY

8. CHAPTER 2. PROCEDURES OF THE STATE DEPARTMENT OF HEALTH [AMENDED]

NEED FOR EMERGENCY ADOPTION: The State Board of Health finds that an emergency rule is required to implement Senate Bill 930 (codified at 51 O.S. 2007, §§ 152 and 152.2), which is effective November 1, 2007. With adoption and approval of this emergency rule a charitable health care provider may contract with the State to provide health care services to medically indigent persons as a state employee, and thus, be immune from personal liability for such contract services provided at or on behalf of a free clinic.

E. PROPOSED EXECUTIVE SESSION

Executive Session pursuant to 25 O.S. Section 307(B)(4) for confidential communications to discuss pending litigation and investigations.

Possible action taken as a result of Executive Session.

G. COMMISSIONER'S REPORT

Discussion and Possible Action on the Following:

9. a) Parental Consent Form for a Minor Seeking Abortion
- b) State Health Plan

c) Tobacco Policy

H. CONSIDERATION OF STANDING COMMITTEES' REPORTS AND ACTION

10. **Executive Committee**, Mr. Smith, Chair

Discussion and Possible Action on the following:

- a) Anticipated Rulemaking for 2008
- b) Creation of a Unified Health Plan – "Oklahoma Health Reform Summit" – Discussion of Other State Plans and Consultant Services
- c) Board's Yearly Priorities

Finance and Audit Committee – Dr. Alexopoulos, Chair

Discussion and Possible Action on the following:

- a) Financial Report
- b) Audit Activities/Audits in Progress

Accountability and Ethics Committee

- a) Update

Public Health Policy Committee - Dr. Deckert, Chair

Discussion and Possible Action on the following:

- a) Continuation of the State of the State's Health Report
- b) Potential Policy Regarding Annual Retreat
- c) Smokefree Oklahoma Resolution

I. LEGISLATIVE REPORT

Annual Report from Kevin Pipes, Director, Office of State and Federal Policy on Upcoming Legislative Issues

J. PRESIDENT'S REPORT

K. NEW BUSINESS- Not reasonably anticipated 24 hours in advance of meeting

L. ADJOURNMENT