

Agenda for the 11:00 am, Thursday, February 12, 2009
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

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 November 13, 2008, Regular Meeting**
2. **Approval of Minutes for December 9, 2008, Special Meeting**

C. FOLLOW-UP ITEMS REQUESTED AT JANUARY MEETING

- a) RN Regional Salaries
- b) Update on Inspection Standards and Public Information

D. APPOINTMENTS

3. **Licensed Marital and Family Therapist Advisory Board** (presented by Nena West / Hank Hartsell)
Appointments: 3 Professional Members and 2 Lay Members
Authority: 59 O.S. § 1925.4(A)(2)
Members: The Advisory Board shall consist of seven members who shall be appointed by the State Commissioner of Health with the advice and consent of the State Board of Health.

E. PROPOSED RULEMAKING ACTIONS

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

DISEASE AND PREVENTION SERVICES

4. **CHAPTER 515. COMMUNICABLE DISEASE AND INJURY REPORTING [AMENDED]**

[PERMANENT] Presented by Lauri Smithee / Julie Cox-Kain

PROPOSED RULES: Subchapter 1. Disease and Injury Reporting Requirements: 310:515-1-1.1 [AMENDED]; 310:515-1-3 [AMENDED]; 310:515-1-4 [AMENDED]; 310:515-1-7 [AMENDED]; 310:515-1-8 [AMENDED].

AUTHORITY: Oklahoma State Board of Health; 63 O.S. 2001, §1-502.and § 1-503

SUMMARY: This rule requires certain diseases be reported to the Oklahoma State Department of Health. Reporting of disease is required by Oklahoma statute, 63 O.S. 2001, Section 1-503. The purpose of disease reporting is to protect the public health.

CHAPTER LAST AMENDED: March 8, 2007 by Permanent Adoption

5. **CHAPTER 525. DIRECT SERVICES TO INDIVIDUALS [AMENDED]**

[PERMANENT] Presented by Lauri Smithee / Julie Cox-Kain

PROPOSED RULES: Subchapter 5. Disease and Prevention Services [NEW]: 310:525-5-1. Purpose [NEW]; 310:525-5-2. Fees [NEW].

AUTHORITY: Oklahoma State Board of Health; 63 O.S. 2001, §1-104 §§ 1-106; and 63 O.S. § 1-106.1

SUMMARY: The rules are being amended to enable fees to be charged for disease and prevention services, such as tuberculosis. Fees may be charged for services that are not directly related to disease control and are performed through the state health department or the county health departments.

CHAPTER LAST AMENDED: February 2, 2006 by Permanent Adoption

FAMILY HEALTH SERVICES

6. CHAPTER 530. FAMILY PLANNING CENTERS [AMENDED]

[PERMANENT] Presented by Suzanna Dooley / Edd Rhoades

PROPOSED RULES: 310:530-1-4 [AMENDED]

AUTHORITY: Oklahoma State Board of Health; 63 O.S. 2001, Sections 1-533 et. seq.

SUMMARY: This proposal amends the existing rule. This action will clarify the process for inclusion of an inflationary adjustment in development of the schedule of fees.

CHAPTER LAST AMENDED: March 18, 2004 by Permanent Adoption

PROTECTIVE HEALTH SERVICES

7. CHAPTER 250. FEE SCHEDULE FOR CONSUMER HEALTH SERVICES [AMENDED]

[PERMANENT] Presented by Vernon Bolz / Hank Hartsell

PROPOSED RULES: Subchapter 3. License Classifications and Associated Fees For Consumer Health Services: 310:250—3-1 [AMENDED]; 310:250-3-2 [AMENDED]; 310:250-3-3 [AMENDED]; 310:250-3-6 [AMENDED].

AUTHORITY: Oklahoma State Board of Health, 63 O.S. Sections 1-104, 1-106.1 and 1-1118 et seq.

SUMMARY: The proposal involves revisions to the rule to increase the fees associated with food service establishments, health facilities, state prisons, schools, non-profit institutions, temporary food services, drug operational permits, and lodging establishments to SubChapter 3 of the present Fee Schedule For Consumer Health Services Regulations. The proposal to Subchapter 3 includes changes to no longer exempt from a license fee, non-profit institutions that use paid employees to operate their establishments, facilities or institutions. Also, the current fee schedule for Public Bathing Place Construction Permits is set forth in Rule in at OAC 310:320-5-5 and is being moved to the License Classifications and Associated Fees for Consumer Health Services. This proposal is necessary to establish all fees assessed by Consumer Protection Division within the Department to be in one location of Rule. This change will help the Consumers of Oklahoma determine the cost of doing business in Oklahoma within in one area and prevent searching documents for fee schedules.

CHAPTER LAST AMENDED: March 13, 2008 by Permanent Adoption

8. CHAPTER 257. FOOD SERVICE ESTABLISHMENTS [AMENDED]

[PERMANENT] Presented by Vernon Bolz / Hank Hartsell

PROPOSED RULES: Chapter 257. Food Service Establishments [AMENDED]

AUTHORITY: Oklahoma State Board of Health; 63 O.S. Section 1-104 et seq., Section 1-1114, and Section 1-1118

SUMMARY: The current Rule sets forth definitions and parameters to safeguard public health and provide to consumers food that is safe, unadulterated and honestly presented. The proposed rule changes involve the addition of language to clarify existing regulations and correct items of reference. The proposed rule changes also address the definition of Food Service Establishment - fee exempt status and no longer "exempt" them from a license fee if they use paid persons to prepare or serve food on its behalf. The Department presently encumbers the cost of inspecting establishments that are currently defined as "fee exempt". The changes to 310:257 will update food service establishment rule that were printed in error and address the risks of morbidity and mortality caused by foodborne infection.

CHAPTER LAST AMENDED: March 9, 2006 by Permanent Adoption

9. CHAPTER 320. PUBLIC BATHING PLACES [AMENDED]

[PERMANENT] Presented by Vernon Bolz / Hank Hartsell

PROPOSED RULES: Subchapter 5. Forms and Tables: 310:320-5-5 [AMENDED]; 310:320-5-5.1 [NEW]

AUTHORITY: Oklahoma State Board of Health; 63 O.S. Sections 1-104 and 1-1014

SUMMARY: The current fee schedule for Public Bathing Place Construction Permits is set forth in Rule in and is being moved to the License Classifications and Associated Fees for Consumer Health

Services. The rule change will clarify that an operator must possess a construction permit in order to operate a public bathing place open to the public, as set forth in the process to apply for a license. This proposal is necessary to establish all fees assessed by Consumer Protection Division within the Department to be in one location of Rule. This change will help the Consumers of Oklahoma determine the cost of doing business in Oklahoma within in one area and prevent searching documents for fee schedules.

CHAPTER LAST AMENDED: March 17, 2005 by Permanent Adoption

10. CHAPTER 641. EMERGENCY MEDICAL SERVICES [AMENDED]

[PERMANENT] Presented by Tom Welin / Hank Hartsell

PROPOSED RULES: Subchapter 3. Ambulance Services: Part 1. General Provisions: 310:641-3-2 [AMENDED]; Part 7. Air Ambulances: 310:641-3-31 [AMENDED]; 310:641-3-32 [AMENDED]; 310:641-3-33 [AMENDED]; 310:641-3-34 [AMENDED]; 310:641-3-35 [AMENDED]; 310:641-3-36 [AMENDED]; 310:641-3-37 [AMENDED]; 310:641-3-38 [AMENDED]; 310:641-3-39 [AMENDED]; Part 9. Specialty Care: 310:641-3-43 [AMENDED]; Part 11. Medical Control: 310:641-3-50 [AMENDED]; Part 19. Inspection, Correction, Actions: 310:641-3-91 [AMENDED]; Subchapter 5. Personnel Licenses and Certification: Part 3. Emergency Medical Personnel Licenses: 310:641-5-11 [AMENDED]; 310:641-5-13 [AMENDED]; 310:641-5-14 [AMENDED]; 310:641-5-14.1 [NEW]; 310:641-5-15 [AMENDED]; 310:641-5-17 [AMENDED]; Part 5. Procedures Authorized: 310:641-5-30 [AMENDED]; Subchapter 7. Training Programs: Part 3. Training Programs: 310:641-7-10 [AMENDED]; 310:641-7-13 [AMENDED]; 310:641-7-15 [AMENDED].

AUTHORITY: Oklahoma State Board of Health; 63 O.S. Section 1-104 and 1-2501 et al.

SUMMARY: The proposed changes establish specific criteria that describe “specialty care” as used in the rule. They eliminate potential for conflict between Oklahoma’s air ambulance standards and prevailing federal law. They ensure appropriate training and equipment for persons providing care during a specialty transport. They clarify the training and documentation required to serve as an EMS medical director. They define the requirements for a sufficient plan of correction including acceptable time frames for responses and corrections and the consequences for failure to respond in accordance with the new requirements. They allow EMTs and EMRs to re-certify and re-license using the process employed by the National Registry of EMTs. They also allow EMTs to submit and receive National Registry re-certification materials prior to Oklahoma re-licensure by extending the licensure period for three months. They establish a simplified re-licensure process for EMTs holding certification by the National Registry of EMTs and a separate re-licensure track for EMTs not holding such certification. They clarify the Department’s discretion to allow an extension of the re-licensure period due to hardship. They establish a process to regain licensure for those persons who have allowed their licenses to lapse for failure to timely renew. They update the scope of practice for EMT-Basic and EMT–Intermediate by specifying additional medications and procedures that may be administered at these two licensure levels. They clarify the types of courses that may be taught in various levels of EMT training institutions. They delete language that is no longer used in the rules. They clarify the period and process for amending rosters for EMT training courses.

CHAPTER LAST AMENDED: March 13, 2008 by Permanent Adoption

11. CHAPTER 664. HOME CARE ADMINISTRATOR CERTIFICATION [AMENDED]

[PERMANENT] Presented by James Joslin / Hank Hartsell

PROPOSED RULES: Subchapter 3. Initial Certificate Process: 310:664-3-3 [AMENDED]; 310:664-3-5 [AMENDED]; 310:664-3-6 [AMENDED]; Subchapter 5. Preparedness Program: 310:664-5-2 [AMENDED]; Subchapter 11. Renewal of Certification: 310:664-11-1 [AMENDED]; 310:664-11-3 [NEW].

AUTHORITY: Oklahoma State Board of Health; 63 O.S. Section 1-104, 63 O.S. 1-106.1, and 63 O.S. Section 1-1962a

SUMMARY: 310:664-3-3, certificate by completion of the OHCAPA (Oklahoma Home Care Administrator Preparedness Assessment), this rule sets forth the requirements and fee for applying for an initial certificate as a Home Care Administrator. 310:664-3-5, deeming application process, this rule sets

forth the requirements and fee for applying for deemed status on the Home Care Administrator registry. 310:664-3-6, provisional certificate, this rule sets forth the requirements and fee for applying for provisional status on the Home Care Administrator registry. 310:664-5-2, approved programs, this rule sets forth the approval process and fee for a Home Care Administrator preparedness program. 310:664-11-1, certification renewal process, this rule sets forth the renewal process and fee for a Home Care Administrator certificate. 310:664-11-3, re-issuance of certificate, this new rule sets forth the process and fee to obtain a duplicate or amended Home Care Administrator certificate. This proposal amends the fees in each of the sections listed to reflect the costs of processing the application. 310:664-11-3, re-issuance of certificate, this new rule sets forth the process and fee to obtain a duplicate or amended Home Care Administrator certificate. These changes are necessary because the current fees do not reflect agency costs. The effect of the Rule change will be to have fees commensurate with the cost of providing the service and having the regulated profession pay for a greater portion of their costs of regulation thereby reducing the re-allocation of funds from other public health services.

CHAPTER LAST AMENDED: March 18, 2007 by Permanent Adoption

E. INTERIM COMMISSIONER'S REPORT

12. a) Legislative Update

G. CONSIDERATION OF STANDING COMMITTEES' REPORTS AND ACTION

13. **Executive Committee**, Mr. Smith, Chair
Discussion and Possible Action on the following:
a) Oklahoma Health Improvement Plan (OHIP)
b) Budget Issues

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, Dr. Diacon, Chair

- a) Update

Public Health Policy Committee – Dr. Krishna, Chair

- a) Update

H. 14. PRESIDENT'S REPORT

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

L. PROPOSED EXECUTIVE SESSION

Executive Session pursuant to 25 O.S. Section 307(B)(4) for confidential communications to discuss pending litigation and investigations; and pursuant to 25 O.S. Section 307(B)(1) to discuss the annual performance evaluations for Commissioner of Health, Ken Feagins, Director, Office of Accountability Systems, and Lloyd Smith, Chief, Internal Audit Unit; and discuss the process and status on search for new Commissioner.

Possible action taken as a result of Executive Session

K. ADJOURNMENT