

**Agenda for the 11:00 a.m., Tuesday, December 9, 2014
Regular Meeting of the Oklahoma State Board of Health**

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Oklahoma State Department of Health
1000 N.E. 10th Street – Room 1102
Oklahoma City, OK 73117-1299

- I. CALL TO ORDER AND OPENING REMARKS
- II. REVIEW OF MINUTES
 - a) **Approval of Minutes for October 7, 2014, Tri-Board Meeting**
- III. APPOINTMENTS
 - b) **Hospital Advisory Council Appointments (Presented by Henry F. Hartsell, Jr.)**
 - Appointments:** Four Members
 - Authority:** 63 O.S., § 1-707
 - Members:** The Advisory Council shall consist of seven (9) nine members. Membership is defined in statute. Two members, who are licensed physicians and have privileges to provide services in hospitals; two members, who are hospital administrators of licensed hospitals; and one member, who is a hospital employee, shall be appointed by the State Board of Health.
- IV. PROPOSED RULEMAKING ACTIONS

Discussion and possible action on the following:

PROTECTIVE HEALTH SERVICE

c) **CHAPTER 265. HEARING AID DEALERS AND FITTERS REGULATION**

[PERMANENT] [EMERGENCY] Presented by Donald D. Maisch

PROPOSED RULES:

Subchapter 3. Examinations

310:265-3-1 [AMENDED]

310:265-3-2 [AMENDED]

AUTHORITY: Oklahoma State Board of Health, Title 63 O.S. Section 1-104; and Title 63 O.S. Section 1-1750.

SUMMARY: The purpose of this rule change is to prevent an increase in examination fees charged to applicants for licenses to fit and deal hearing aids pursuant to Title 63 § 1-1750 et seq. The vendor is requiring that its examination fees be raised from the current \$95.00 as provided in rule, to \$225.00. Additionally, the proposed rule will prevent the Oklahoma State Department of Health from being required by the examination vendor to defend the examination questions and answers against requests made under the Oklahoma Open Records Act. Additionally, the proposed rule prevents the Oklahoma State Department of Health from being financially liable for damages to the examination vendor should the Department not succeed in preventing disclosure under the Oklahoma Open Records Act. The proposed changes accomplish these purposes by deleting the business name of a specific examination vendor, and by allowing for testing guidelines to be drawn from a national examination, if available, rather than from a specifically named society. The changes will facilitate the Department's efforts to compile and offer an examination to license applicant for licensure without fee increases, and without exposing the State of Oklahoma to financial loss related to an Oklahoma Open Records Act disclosure.

PREVENTION AND PREPAREDNESS SERVICES

d) **CHAPTER 406. LICENSED GENETIC COUNSELORS**

[PERMANENT] Presented by Lynette Jordan

PROPOSED RULES:

Subchapter 1. General Provisions

310:406-1-2 [AMENDED]

Subchapter 3. Advisory Committee Operations [REVOKED]

310:406-3-1 [REVOKED]

310:406-3-2 [REVOKED]

310:406-3-3 [REVOKED]

310:406-3-4 [REVOKED]

310:406-3-5 [REVOKED]

Subchapter 23. Enforcement

310:406-23-2 [AMENDED]

310:406-23-5 [AMENDED]

AUTHORITY: Oklahoma State Board of Health, Title 63 O.S. Section 1-104; and Title 63 O.S. Section 1-561 and Title 63 O.S. Section 1-103.a.1.

SUMMARY:

The current rule applies to licensure of genetic counselors in the State of Oklahoma. The proposed changes update language to accurately comply with the Oklahoma Public Health Advisory Council Modernization Act. This change is necessary to bring the regulation in line with the Genetic Counseling Licensure Act and the Oklahoma Public Health Advisory Council Modernization Act which went into effect November 1, 2014. The effect of the rule change would be to clarify the advisory council for this particular licensed profession.

310:406-1-2 The current rule defines the advisory entity as the Genetic Counseling Advisory Committee. The proposal establishes to remove the definition. The new advisory council is outlined in the Oklahoma Public Health Advisory Council Modernization Act. This change is necessary to be in compliance with the changes established in the Oklahoma Public Health Advisory Council Modernization Act. The effect of the Rule change would be to clarify the legal advisory entity as the Infant and Children's Health Advisory Council.

310:406 Subchapter 3 [REVOKED] The current rule identifies the title of the advisory entity as a committee. The proposal revokes the subchapter. This change is needed to be in compliance with the changes established in the Oklahoma Public Health Advisory Council Modernization Act which created the new Infant and Children's Health Advisory Council with advisory responsibilities for licensed genetic counseling. The effect of the Rule change would be to clarify the legal advisory entity as a council.

310:406-3-1 [REVOKED] The current rule creates the Genetic Counseling Advisory Committee. The proposal removes this language. This change is needed to be in compliance with the changes established in the Oklahoma Public Health Advisory Council Modernization Act. The effect of the Rule change would be to clarify the purpose of the newly established council.

310:406-3-2 [REVOKED] The current rule defines the membership of the Genetic Counseling Advisory Committee. The proposal revokes this subchapter. This change is needed because the Oklahoma Public Health Advisory Council Modernization Act establishes the membership of the newly established Infant and Children's Health Advisory Council. The effect of the Rule change would be to revoke the membership of the Genetic Counseling Advisory Committee which is no longer supported in the Act.

310:406-3-3 [REVOKED] The current rule defines the officers of the Genetic Counseling Advisory Committee. The proposal revokes this subchapter. This change is needed because the Oklahoma Public Health Advisory Council Modernization Act already establishes the officers of the newly established Infant and Children's Health Advisory Council. The effect of the Rule change would be to revoke the officer designation of the Genetic Counseling Advisory Committee which is no longer supported in the Act.

310:406-3-4 [REVOKED] The current rule states the "committee" will utilize Robert's Rules of Order Newly Revised, 10th ed. The proposal revokes this subchapter. This change is needed because the Oklahoma Public Health Advisory Council Modernization Act establishes the new Infant and Children's Health Advisory Council.

e) **CHAPTER 667. HOSPITAL STANDARDS**

[PERMANENT] Presented by Timothy Cathey

PROPOSED RULES: Subchapter 59. Classification of Hospital Emergency Services

310:667-59-20 [AMENDED]

AUTHORITY: Oklahoma State Board of Health, Title 63 O.S. Section 1-104; Title 63 O.S. Section 1-270; and Title 63 O.S. Section 1-705.

SUMMARY:

The amendments to OAC 310:667 revise sections of rule within Subchapter 59, Classification of Hospital Emergency Services, to update classification standards for stroke centers. These standards

are intended to stratify hospitals into those hospitals capable of providing comprehensive care for all stroke patients from those with limited or no capability to care for the acutely ill, time sensitive stroke patient.

The proposed rules would allow the Oklahoma State Department of Health (OSDH) to recognize four levels of hospital based stroke care. Level I would be a comprehensive center capable of care for all stroke patients. The Level II would represent the most current standard required to be a primary stroke center. OSDH will recognize certification from a Center for Medicare and Medicaid Services deemed accrediting agency or an OSDH approved organization using nationally recognized guidelines for Level I and II facilities.

The Level III stroke facility will be mainly focused on the acute care of a patient presenting to the emergency room who is likely to benefit from stabilization and expeditious thrombolytic therapy prior to transfer to a higher level of care. The Level IV hospital reflects a facility without the resources to provide acute care for the time sensitive needs of the stroke patient. They would be organized to quickly evaluate, stabilize and arrange transfer of the acute stroke patient. OSDH would recognize a Level III facility by way of a current certification as an Acute Stroke Ready Hospital from a deemed accrediting agency, a department approved nationally recognized guidelines based organization or through OSDH. The Level IV facility would be certified only by OSDH.

COMMUNITY AND FAMILY HEALTH SERVICES

f) **CHAPTER 526. DENTAL SERVICES**

[PERMANENT] Presented by Jana Winfree

PROPOSED RULES:

Subchapter 3. Oklahoma Dental Loan Repayment Program

310:526-3-2 [AMENDED]

310:526-3-3 [AMENDED]

310:526-3-4 [AMENDED]

AUTHORITY: Oklahoma State Board of Health, Title 63 O.S. Sections 1-104 and 1-2710 et seq. as amended by Senate Bill 1664, effective November 1, 2014.

SUMMARY:

310:526-3-2 The current Rule sets forth the description and general operation of the Oklahoma Dental Loan Repayment Program (Program). The proposed action expands the locations of practice sites and increases the maximum amount allowed of individual awards from \$25,000 to \$50,000.

The circumstance for the rule change is compelled by legislation in SB 1664, effective November 1, 2014. The intended effect is to increase Program participation, allow a more competitive compensation, and better utilize available funding.

310:526-3-3 The current Rule establishes eligibility requirements to participate in the Program.

The proposed action allows an exemption from the requirement to practice in a designated dental health professional shortage area for Pediatric Dentistry Specialists or any dentist practicing in a Federally Qualified Health Center (FQHC), FQHC look-alike, county health department, or city-county health department. The intended effect is to include participation by specialists trained to treat the younger Medicaid population and those practicing in specific public health facilities regardless of the practice site location.

310:526-3-4 The current Rule describes the procedures for administering the Program. The proposed action describes what is monitored to determine the dental health professional shortage areas for purposes of the Oklahoma Dental Loan Repayment Program instead of how the determination is calculated. This change is needed to resolve complicated, technical, and outdated language. The purpose is to improve the understanding of shortage area determinations while upholding the intent of the law. The description of annual shortage area calculations will be maintained in agency files to ensure consistency with the use of current available data, current advisory entities, and topical circumstances associated with Medicaid dental providers and enrollees.

V. 2015 LEGISLATIVE AND BUDGET PRIORITIES

Mark Newman, Ph.D., Director, Office of State and Federal Policy; Julie Cox-Kain, M.P.A., Deputy Secretary for Health & Human Services and Senior Deputy Commissioner

VI. COORDINATED RESPONSE EFFORTS TO EMERGING INFECTIOUS DISEASE THREAT

VII. CONSIDERATION OF STANDING COMMITTEES' REPORTS AND ACTION

Executive Committee – Dr. Woodson, Chair

Discussion and possible action on the following:

g) Update

Finance Committee – Ms. Burger, Chair

Discussion and possible action on the following:

h) Update

Accountability, Ethics, & Audit Committee – Dr. Alexopoulos, Chair

Discussion and possible action on the following:

i) Update

Public Health Policy Committee – Dr. Gerard, Chair

Discussion and possible action on the following:

j) Update

VIII. PRESIDENT'S REPORT

Related discussion and possible action on the following:

k) *Proposed 2015 Board of Health Meeting Dates & Locations/Board Work Calendar*

IX. COMMISSIONER'S REPORT

Discussion and possible action

X. NEW BUSINESS

Not reasonably anticipated 24 hours in advance of meeting.

XI. PROPOSED EXECUTIVE SESSION

Proposed Executive Session pursuant to 25 O.S. Section 307(B)(4) for confidential communications to discuss pending department litigation, investigation, claim, or action; pursuant to 25 O.S. Section 307(B)(1) to discuss the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee and pursuant to 25 O.S. Section 307 (B)(7) for discussing any matter where disclosure of information would violate confidentiality requirements of state or federal law.

- Annual performance evaluation for the Office of Accountability Systems Director & Internal Audit Unit Director, and Board of Health Secretary
- OAS Investigation, Number 2014-021
- State's public health investigation, Ebola

Possible action taken as a result of Executive Session.

XII. ADJOURNMENT