Agenda for the 11:00 a.m., Tuesday, January 14, 2014
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 – Room 1102
Oklahoma City, OK 73117-1299

DRAFT AGENDA
FINAL AGENDA POSTED 24 HOURS IN ADVANCE OF MEETING

I. CALL TO ORDER AND OPENING REMARKS

II. REVIEW OF MINUTES

a) Approval of Minutes for December 10, 2013, Regular Meeting

III. PROPOSED RULEMAKING ACTIONS

Reaffirm rulemaking actions approved December 10, 2013: Due to a procedural error in meeting the statutory timeline for rule submission, the following rules Chapters are resubmitted for Board adoption.

PROTECTIVE HEALTH SERVICE

b) CHAPTER 2. PROCEDURES OF THE STATE DEPARTMENT OF HEALTH
[PERMANENT] Presented by James Joslin
PROPOSED RULES:
Subchapter 29. Criminal History Background Checks [NEW]
310:2-29-1. Purpose [NEW]
310:2-29-2. [RESERVED]
310:2-29-3. Implementation [NEW]
310:2-29-4. [RESERVED]
310:2-29-5. Appeals [NEW]
AUTHORITY: Oklahoma State Board of Health; Title 63 O.S. § 1-104; Title 63 O.S. § 1-1947(T)(2) and 1-1947(Y).
SUMMARY: This proposal promulgates new rules in the procedures of the Department of Health as required in amendments to the Long Term Care Security Act (Title 63 O.S. § 1-1944 et. seq.), as adopted in 2012, House Bill 2582. This bill authorized fingerprint based criminal history background checks on those applicants who would be employed in a variety of long–term care settings as defined in the law at Title 63 O.S. Section 1-1945(4). The law at Title 63 O.S. § 1-1947(T)(2) requires that the Department shall specify rules for issuing a waiver of the disqualification or employment denial and further specifies in paragraph (Y) the State Board of Health shall promulgate rules prescribing effective dates and procedures for the implementation of a national criminal history record check for the employers and nurse aide scholarship programs defined in Section 1-1945 of Title 63 of the Oklahoma Statutes.

c) CHAPTER 100. LICENSURE OF CREMATORIES [REVOKED]
[PERMANENT] Presented by James Joslin
PROPOSED RULES: Chapter 100. Licensure of Crematories [REVOKED]
AUTHORITY: Oklahoma State Board of Health; Title 63 O.S. § 1-104; Title 59 O.S. § 396.30.
SUMMARY: This proposal revokes the rules of the Board of Health concerning the licensure of crematories. The duties and functions concerning licensure of crematories were transferred by statutory modification from the Oklahoma State Department of Health to the Oklahoma Funeral Board. The Department's authority for rulemaking was found at Title 63 O.S. 1981, § 1-331 and renumbered as 59 O.S. § 396.30 by Laws 2003, HB 1270, c. 57, § 31, effective April 10, 2003. The Oklahoma Funeral Board has adopted rules for the licensure of crematories [see Title 235 – Oklahoma Funeral Board, Chapter 10 – Funeral Services Licensing, Subchapter 14 – Crematories].

d) CHAPTER 276. HOME INSPECTION INDUSTRY [REVOKED]
[PERMANENT] Presented by James Joslin
PROPOSED RULES: Chapter 276. Home Inspection Industry [REVOKED]

AUTHORITY: Oklahoma State Board of Health, Title 63 O.S. § 1-104; 59 O.S. § 1000.4.
SUMMARY: This proposal revokes the rules of the Board of Health concerning the home inspection industry. Effective November 1, 2008, the authority to "adopt, amend, repeal, and promulgate rules as may be necessary to regulate . . . home inspectors" was transferred from the Oklahoma State Department of Health to the Construction Industries Board [see 59 O.S., § 1000.4]. The Construction Industries Board promulgated emergency rules, effective November 11, 2008, and later superseded those emergency rules with permanent rules, effective July 11, 2009 [see Construction Industries Board rules OAC 158:70 and 158:10-3-5].

e) CHAPTER 658. INDEPENDENT REVIEW ORGANIZATION CERTIFICATION RULES
[PERMANENT] Presented by James Joslin
PROPOSED RULES: Chapter 658. Independent Review Organization Certification Rules [REVOKED]
AUTHORITY: Oklahoma State Board of Health, Title 63 O.S. § 1-104; Title 36 O.S. § 6475.1.
SUMMARY: This proposal revokes the rules of the Board of Health concerning independent review organization certification and external review. Effective August 26, 2011, The Uniform Health Carrier External Review Act, sections 25 through 41 of House Bill 2072 (2011), transferred responsibility for external reviews and approval of independent review organizations to the Oklahoma Insurance Department [see Title 36 O.S. § 6475.1 et. seq.]. The Oklahoma Insurance Department promulgated emergency rules, effective September 12,, 2011, and later superseded those emergency rules with permanent rules, effective July 14, 2012 [see Title 365, Insurance Department, Chapter 10, Subchapter 29 - External Review Regulations.]

f) CHAPTER 675. NURSING AND SPECIALIZED FACILITIES
[PERMANENT] Presented by James Joslin
PROPOSED RULES
Subchapter 9. Resident Care Services
310:675-9-9.1. Medication services [AMENDED]
AUTHORITY: Oklahoma State Board of Health; Title 63 O.S. § 1-104; Title 63 O.S. § 1-1950(C)(1).
SUMMARY: This proposal amends rules promulgated in accordance with 63 O.S. Section 1-1950(C)(1) which authorized the State Board of Health to promulgate rules necessary for proper control and dispensing of nonprescription drugs in nursing facilities. Section 310:675-9-9.1(i) addresses those procedures for maintaining nonprescription drugs for dispensing from a common or bulk supply. This proposed rule amendment deletes the requirement in OAC 310:675-9-9.1(i)(8) which limits the bulk nonprescription drugs that nursing facilities may maintain for residents. The current requirement provides that only oral analgesics, antacids, and laxatives may be dispensed from bulk supplies. This change will allow nursing facilities to maintain bulk supplies of other nonprescription drugs, such as cough medicines.

PREVENTION AND PREPAREDNESS SERVICES

g) CHAPTER 515. COMMUNICABLE DISEASE AND INJURY REPORTING
[PERMANENT] Presented by Toni Frioux
PROPOSED RULES: Subchapter 1. Disease and Injury Reporting Requirements
310:515-1-3 Diseases to be reported immediately [AMENDED]
310:515-1-4 Additional diseases, conditions, and injuries to be reported [AMENDED]
AUTHORITY: Oklahoma State Board of Health, Title 63 O.S. § 1-104; and Title 63 O.S., §§ 1-502 and 1-503.
SUMMARY: The proposal updates the existing rules in accordance with recommendations from the Council of State and Territorial Epidemiologists (CSTE), the Centers for Disease Control and Prevention, and local health care partners pertaining to reportable diseases. The proposal amends the lists of reportable diseases, regarding diseases or conditions that are required to be reported to the Department. These changes minimally increase the reporting burden placed upon clinicians, have no impact on the reporting burden placed upon laboratories, and do not adversely affect the public health disease control and prevention activities.

h) CHAPTER 550. NEWBORN SCREENING PROGRAM
[PERMANENT] Presented by Toni Frioux
PROPOSED RULES:
Subchapter 1. General Provisions
310:550-1-1 [AMENDED]
310:550-1-2 [AMENDED]
Subchapter 3. Testing Of Newborns

310:550-3-1 [AMENDED]
Subchapter 5. Specimen Collection
310:550-5-1 [AMENDED]
310:550-5-2 [AMENDED]
Subchapter 7. Hospital Recording
310:550-7-1 [AMENDED]
Subchapter 13. Parent And Health Care Provider Education
310:550-13-1 [AMENDED] Subchapter
17. Follow-Up For Physicians
310:550-17-1 [AMENDED]
Subchapter 19. Reporting
310:550-19-1 [AMENDED]
Subchapter 21. Information
310:550-21-1 [AMENDED]
Appendix A Instructions For Filter Paper Sample Collection [REVOKED]
Appendix A Instructions For Filter Paper Sample Collection [NEW] Appendix B
Report Form [REVOKED]
Appendix B Report Form [NEW] Appendix C
Refusal Form [REVOKED] Appendix C
Refusal Form [NEW]
Appendix D Recommended Pulse Oximetry Screening Protocol [NEW]
Appendix E Pulse Oximetry Result Form [NEW]
AUTHORITY: Oklahoma State Board of Health, Title 63 O.S. Section 1-104; and Title 63 O.S. Sections 1-534, 1-550.5, and 1-705.
SUMMARY: This proposal requests amendatory language to the existing rule to include Severe Combined Immunodeficiency Syndrome (SCID) as a new test in the core panel of 29 genetic disorders for newborn screening (NBS) in Oklahoma, as recommended by the Advisory Committee on Heritable Disorders in Newborns and Children – Recommended Uniform Screening Panel (January 21, 2010). This proposal also adds Pulse Oximetry screening for the detection of Critical Congenital Heart Disease to existing newborn screening rules as legislated by HB 1347 (2013) [63 O.S. § 1-550.5]. The new law requires inpatient or ambulatory health care facilities licensed by the State Department of Health that provide birthing and newborn care services to perform a pulse oximetry screening on every newborn in its care prior to discharge from the birthing facility. In addition, minor changes to the newborn screening report form that is submitted by the infant's specialist or primary care provider to include additional information based on new clinical practice and the requisition/collection form to bring the rules up to date with practice. Additional documents include a recommended pulse oximetry screening protocol and a pulse oximetry screening result form.

i) CHAPTER 667. HOSPITAL STANDARDS
[PERMANENT] Presented by Toni Frioux
PROPOSED RULES: Subchapter 19. Medical Records Department
310:667-19-2 [AMENDED]
AUTHORITY: Oklahoma State Board of Health, Title 63 O.S. Section 1-104; and Title 63 O.S. Sections 1- 534, 1-550.5, and 1-705.
SUMMARY: This proposal requests amendatory language to the existing rule to include Severe Combined Immunodeficiency Syndrome (SCID) as a new test in the core panel of 29 genetic disorders for newborn screening (NBS) in Oklahoma, as recommended by the Advisory Committee on Heritable Disorders in Newborns and Children – Recommended Uniform Screening Panel (January 21, 2010). This proposal also adds Pulse Oximetry screening for the detection of Critical Congenital Heart Disease to existing newborn screening rules as legislated by HB 1347 (2013) [63 O.S. § 1-550.5]. The new law requires inpatient or ambulatory health care facilities licensed by the State Department of Health that provide birthing and newborn care services to perform a pulse oximetry screening on every newborn in its care prior to discharge from the birthing facility. In addition, minor changes to the newborn screening report form that is submitted by the infant's specialist or primary care provider to include additional information based on new clinical practice and the requisition /collection form to bring the rules up to date with practice. Additional documents include a recommended pulse oximetry screening protocol and a pulse oximetry screening result form.

COMMUNITY AND FAMILY HEALTH SERVICES

j) 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]

AUTHORITY: Oklahoma State Board of Health; Title 63 O.S. Sections 1-103a.1 and 1-104; and Title 70 O.S. Section 1210.284.

SUMMARY:

310:526-3-2(b) The current Rule sets forth the description and operation of the Oklahoma Dental Loan Repayment Program (Program). The proposed action allows flexibility in selecting the number and types of participants and in the time period for participation in the Program. The circumstance for the Rule change is compelled by legislation, HB 2587, effective November 1, 2012. The intended effect is to allow the Advisory Committee and Department to select the appropriate number of participants based on funding and the appropriate type of participant (Oklahoma University College of Dentistry faculty or non-faculty), and allow the service obligation period to be adjusted.

310:526-3-2(d) The current Rule states that each award shall be distributed by a two-party draft made payable to the dentist and the loan agency. The proposed action states that each award shall be distributed in accordance with state law. The circumstance for the Rule change is because state preference is to distribute awards by direct deposit and the intended effect is to streamline administration of the Program. 310:526-3-3(b)(3) and (e)(5) The current Rule sets forth eligibility requirements for participants. The non-faculty participant agrees that Medicaid patients will represent 30% of all patient visits at a minimum. The proposal clarifies the count will be by number of patient visits. The rule change takes into consideration that dental software used by participants favors this type of reporting and the Department's intent to facilitate this reporting requirement.

k) CHAPTER 531. VISION SCREENING

[PERMANENT] Presented by Ann Benson

PROPOSED RULES:

Subchapter 1. General provisions

310:531-1-2. Authority [AMENDED]

310:531-1-3. Definitions [AMENDED]

Subchapter 3. Advisory Committee

310:531-3-1. Purpose [REVOKED]

310:531-3-2. Advisory Committee [REVOKED]

310:531-3-3. Rules of Order [REVOKED]

Subchapter 5. Vision Screening Standards for Children

310:531-5-2. Oklahoma Vision Screening Standards [AMENDED}

310:531-5-3. Approval of ~~Vision Screening Providers~~ vision screening providers [AMENDED]

310:531-5-5. Re-approval of vision screening providers [AMENDED]

310:531-5-6. Approval of ~~trainers of vision screening providers~~ vision screening trainers [AMENDED]

310:531-5-7. Re-approval of ~~trainers of vision screening providers~~ vision screening trainers [AMENDED]

310:531-5-8. Approval of ~~trainers of vision screening trainers~~ vision screening trainers of trainers [AMENDED]

310:531-5-9. Re-approval of ~~trainers of vision screening trainers~~ vision screening trainers of trainers [AMENDED]

Subchapter 7. Registry Enforcement for Vision Screening

310:531-7-2. Grounds for discipline [AMENDED]

310:531-7-3. Complaint investigation [AMENDED]

310:531-7-4. Summary removal [AMENDED]

310:531-7-5. Appearance before the Advisory Committee [REVOKED]

310:531-7-6. Right to a hearing

[AMENDED] Subchapter 9. Sports Eye

Safety Resource

310:531-9-1. Purpose [REVOKED]

310:531-9-2. Eye safety resource [REVOKED]

AUTHORITY: Oklahoma State Board of Health; Title 63 O.S. Sections 1-103a.1 and 1-104; and Title 70 O.S. Section 1210.284.

SUMMARY: The proposed rule changes implement provisions of Section 44, House Bill 1467, which creates the Infant and Children's Health Advisory Council, and Section 79, which replaces the Vision Screening Advisory Committee established in 70 O.S. 2011, Section 1210.284, with the Infant and Children's Health Advisory Council and eliminates the role of the Advisory Committee in carrying out programmatic activities. The proposed rule changes delineate the responsibilities of the Department in carrying out statewide vision screening for children.

IV. STRATEGIC MAP UPDATE PRESENTATION: Mark Newman, Ph.D., Director, Office of State and Federal Policy

V. CONSIDERATION OF STANDING COMMITTEES' REPORTS AND ACTION

Executive Committee – Dr. Krishna, Chair
Discussion and possible action on the following:
l) Update

Finance Committee – Dr. Woodson, Chair
Discussion and possible action on the following:
m) Update

Accountability, Ethics, & Audit Committee – Ms. Wolfe, Chair
Discussion and possible action on the following:
n) Update

Public Health Policy Committee – Dr. Gerard, Chair
Discussion and possible action on the following:
o) Update

VI. PRESIDENT'S REPORT

Related discussion and possible action on the following:
p) Update

VII. COMMISSIONER'S REPORT

Discussion and possible action

VIII. NEW BUSINESS

Not reasonably anticipated 24 hours in advance of meeting

IX. 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 Commissioner of Health

Possible action taken as a result of Executive Session.

X. ADJOURNMENT