



2009 *LEGISLATIVE SUMMARY*



2009 Legislative Summary for the Oklahoma Health Care Authority

The 2009 legislative summary for the Oklahoma Health Care Authority highlights the bills that have impacted the agency's budget, programs and its employees. Many bills related to Medicaid and health care in general were filed this session. However, many issues were overwhelmed by the declining state revenue and the massive amount of federal money flowing to states from the American Reinvestment and Recovery Act.

In order to finish State Fiscal Year 2009 on the positive side of the ledger and to ensure the agency had the cash flow to pay providers timely, **House Bill 1198** provided a supplemental appropriation of \$30 million from Recovery Act funds. **Senate Bill 131** provided the budget limitations for the agency authorizing a nearly \$4.7 billion program in state and federal dollars, including the transfer of \$316 million from the Recovery Act funds. The bill also authorized 444.5 full-time equivalent employees; no change from the previous year. **Senate Bill 216**, the general appropriation bill, identified the portion of state revenues sources for matching the federal Medicaid dollars.

Two agency request bills were successfully passed. **Senate Bill 757** created a health information infrastructure advisory board comprised of state agency partners to develop a strategic plan to best leverage health information technology among the agencies and other entities. **Senate Bill 699** amended the Oklahoma Medicaid False Claims Act to comply with federal requirements to receive enhanced financial recoveries related to false claim actions.

Other request bills were not approved. **House Bill 2113** never received a hearing. It would have clarified reimbursement requirements for providers to protect members from balance billing tactics. **Senate Bill 404** would have authorized a bond issue to fund a new OHCA building. **Senate Bill 496** would have increased the Medicaid Income Pension Trust limits to the median nursing home rate. It passed the Senate but failed to be heard in the House likely due to the fiscal impact. **Senate Bill 673** amended statutes related to the agency's peer review and judicial review processes. This bill was close to passage; however, a representative of a provider group raised concerns with which we do not agree. We will continue to work on this language in the interim and pursue this bill again next session.

Several bills will impact how the agency conducts business in the future. **House Bill 1170** created the Oklahoma Information Services Act and the position of Chief Information Officer for the state. This person will have authority over information technology and telecommunications. This will impact our IT purchasing procedures as well as potentially our IT administrative staff limits. **House Bill 1603**, also known as the Tort Reform bill, added language reducing Medicaid recoveries to take into account the cost of procuring the judgment or settlement. This section requires OHCA to seek federal approval for these changes. **House Bill 1734** resulted from a recent audit of Oklahoma Department of Human Services and it directs OKDHS to collaborate with the OHCA to develop a medical "passport" system containing electronic medical records for children in state custody. **House Bill 2026** directs the agency to work with the Oklahoma Insurance Department and the Oklahoma State Board of Health to establish a system of counseling and enrolling uninsured people

to an appropriate insurance product. This bill also authorizes the agency to offer a high-deductible health insurance plan with a health savings account as part of the Insure Oklahoma program. **House Joint Resolution 1042** proposes a constitutional amendment designating English as the common language of the state. If approved by voters, it would require all official actions of the state to be conducted in English, unless otherwise required by federal law. **Senate Bill 135** creates a new licensed provider, behavior analyst or assistant behavior analyst, intended to acquire skills necessary to treat children with autism spectrum disorders. The governor vetoed **Senate Bill 934** that would have impacted the agency's ability to manage antipsychotics through the drug utilization review process. **Senate Bill 987** increased the burial trust exemption from \$7,500 to \$10,000 for exclusion in determining a person's qualifications for Medicaid services. **Senate Concurrent Resolution 13** requires state agencies to report and receive approval for expenditure of funds from the federal Recovery Act. **Senate Resolution 8** commends the President and Congress for their support of the State Children's Health Insurance Program.

There were a few bills that will impact our staff personally. **House Bill 1111** authorizes the Office of State Finance and each executive state agency to make available a Web-based system for employees to access their personnel information by July 1, 2010. This bill also sets forth guidelines for agencies to convert to a multi-monthly payroll system. **House Bill 1032** amends the process to use a state-issued purchase card. **House Bill 2016** creates the state Trip Optimizer system that limits in-state mileage reimbursement and provides methodology to use agency, motor pool, rental and personal vehicles. **Senate Bill 384** allows state employees to use voluntary payroll deductions to purchase long-term care insurance. **Senate Bill 670** changes shared leave to an hour-to-hour basis regardless of the wage levels of the donating or receiving employees.

We have an interest in many other bills that do not have such a direct impact on the agency including **House Bill 1012** that recreates the Oklahoma Partnership for School Readiness Board in which the OHCA CEO or their appointee serves. **House Bill 1065** directs the Oklahoma State Department of Health to create a consumer services guide for assisted living services. **House Bill 1729** makes the informal dispute resolution panel offered by OSDH for long-term care facilities a permanent program and no longer a pilot. **House Bill 1736** modified home health certifications and created new definitions under the Home Care Act. **House Bill 1893** authorized OKDHS to establish an Aging and Disability Resource Consortium initiative with Aging Services Division as the lead. **House Bills 2028 and 2029** are Title 10 bills directing action by OKDHS. OHCA has an interest in these bills as we work with OKDHS to provide health care services to children in the OKDHS system. **House Concurrent Resolution 1037** encourages the Oklahoma Insurance Department to create a "vaccination ombudsman" to help providers procure serums and reimbursement. **Senate Bill 267** permits the Tobacco Settlement Endowment Trust Fund to be used for capital and operating expenses at the OU and OSU medical schools for their residency training programs.

The agency will continue to track more than 130 dormant bills that will be available for consideration next session. The subject matter of some of those bills


may likely be discussed between sessions through interim studies. At the time of this report, there have been several interim studies requested by the House of Representatives related to the OHCA and we are waiting to hear which requests will be approved by the Speaker to move forward. The President Pro Tempore of the Senate announced their list on June 24. Senator Gumm was approved to study the impact of the Medicaid Income Pension Trust. Senator Sweeden was approved to study the OHCA reimbursement policy for wound VAC therapy, a procedure to treat pressure sores usually found in long-term care settings.

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July 16, 2009 OHCA MEDICAL ADVISORY COMMITTEE MEETING Bill Portfolio - 2009 OHCA LEGISLATIVE SUMMARY REPORT

39 Bills On Report

HB1012  **Short Title:** An Act relating to sunset; amending Section 3, Chapter 121, O.S.L. 2003, as last amended by Section 1, Chapter 111, O.S.L. 2007 (10 O.S. Supp. 2008, Section 640.1), which relates to the Oklahoma Partnership for School Readiness Board; re-creating the Board; and modifying termination date. (Amended by House)

Paraphrase: HB1012, by Rep. John A. Wright, R-Broken Arrow and Sen. Cliff Aldridge, R-Midwest City, recreates the Oklahoma Partnership for School Readiness Board through July 1, 2013. (Amended by House)

Effective Date: 08/26/2009 **Emergency:** No

Principal Authors: Wright, John A. (H); Aldridge, Cliff (S)

Status: Governor Action - Signed **Status Date:** 04/13/2009

HB1032

Short Title: An Act relating to state government; creating the Oklahoma State Government Modernization Act of 2009; stating legislative purpose; requiring certain persons to provide a list of certain purchase card expenditures; directing Office of State Finance to publish list; amending 62 O.S. 2001, Section 41.5q, as amended by Section 11, Chapter 266, O.S.L. 2006 (62 O.S. Supp. 2008, Section 41.5q), which relates to state fiscal affairs; modifying definition; creating procedures for the development of online licensing and permitting; providing for exemption process from online licensing and permitting; amending 74 O.S. 2001, Sections 85.5, as last amended by Section 3, Chapter 96, O.S.L. 2008, 85.7, as last amended by Section 4, Chapter 96, O.S.L. 2008, 85.13, as amended by Section 5, Chapter 96, O.S.L. 2008, 85.22, as amended by Section 6, Chapter 96, O.S.L. 2008, 85.39, 85.41, as amended by Section 5, Chapter 483, O.S.L. 2002, 85.42, as last amended by Section 1, Chapter 276, O.S.L. 2008, 85.43 and 85.45j (74 O.S. Supp. 2008, Sections 85.5, 85.7, 85.13, 85.22, 85.41 and 85.42), which relate to The Oklahoma Central Purchasing Act; modifying dollar threshold related to certain purchasing procedures; modifying powers of State Purchasing Director; modifying terminology for certain purchasing officials; authorizing State Purchasing Director to renegotiate certain contracts; modifying limits for transactions with state purchase card; requiring annual report by State Purchasing Director; modifying provisions related to dollar threshold for emergency acquisitions; providing certain restriction regarding things of value inapplicable based upon administrative rules of Ethics Commission; modifying formalities regarding execution of certain statements; modifying procedures related to certification of


certain professional services contracts; deleting certain requirements for use of affidavit; repealing 40 O.S. 2001, Section 418.2, as last amended by Section 16, Chapter 354, O.S.L. 2007 (40 O.S. Supp. 2008, Section 418.2), which relates to the Workers Safety Policy Council; providing for codification; and providing for noncodification. (Amended by House, Amended by Senate, Committee Substitute)

Paraphrase: HB1032, by Rep. Jason Murphey, R-Guthrie and Sen. Randy Brogdon, R-Owasso, requires the director of central purchasing to provide the Office of State Finance monthly a complete listing in electronic format of all transactions occurring with the aid of a state purchase card. It updates language related to fees for online financial transactions. It requires the list to include the name of the purchaser and purchasing agency, amount of purchase and all available descriptions of items purchased. It also directs state agencies, boards and commissions within the executive department responsible for licensing or permitting to use the portal system to allow for Web-based application and renewal application for any license or permit issued by that agency. It directs each department to submit a yearly report to OSF. It directs the director of OSF to authorize certain exemptions in cases where providing the information online might present an unreasonable risk to process our applicant. The bill also authorizes state agencies to make purchases of up to \$5,000. It states that state agencies with certified procurement officers can make purchases of up to \$100,000. It authorizes the director of Department of Central Services to promulgate rules for the conditions for determining the acquisition limits of state agencies, as well as for the form and manner of verification by suppliers that they are eligible to do business with the state. The bill also authorizes the purchasing director, prior to canceling a contract, to authorize the renegotiation of the terms of that contract. It directs the purchasing director to submit a report to the governor, speaker of the House and president pro tempore of the Senate, on the realized savings. The report shall include justification for any failure to issue a mandatory statewide contract for any items comprising \$5,000,000 or more in state spending. The bill also raises from \$25,000 to \$50,000, the threshold for the requiring submission of a report to the state purchasing director on the submission of bids by suppliers. (Amended by House, Amended by Senate, Committee Substitute)

Effective Date: 08/26/2009 **Emergency:** No

Principal Authors: Murphey, Jason (H); Brogdon, Randy (S)

Status: Governor Action - Signed **Status Date:** 05/27/2009

HB1065  **Short Title:** An Act relating to public health and safety; amending 63 O.S. 2001, Sections 1-890.2, as amended by Section 1, Chapter 347, O.S.L. 2007 and 1-890.3 (63 O.S. Supp. 2008, Section 1-890.2), which relate to the Continuum of Care and Assisted Living Act; adding definition; requiring development of certain consumer guide; requiring results of certain inspections be posted on website; and providing an effective date.


Paraphrase: HB1065, by Rep. George Faught, R-Muskogee and Sen. Brian Crain, R-Tulsa, directs the Oklahoma State Board of Health to develop rules to post on the Department of Health's Web site a consumer guide or similar resource to assist individuals and families in understanding the services provided by assisted living centers and to compare and select

facilities. It also directs the board to develop rules for posting results of routine inspections and complaint investigations of assisted living centers.

Effective Date: 11/01/2009 **Emergency:** No

Principal Authors: Faight, George (H); Crain, Brian (S)

Status: Governor Action - Signed **Status Date:** 04/17/2009


HB1111  **Short Title:** An Act relating to public finance; amending 62 O.S. 2001, Section 7.6, which relates to a payroll fund; providing for utilization of centralized payroll reporting; defining term; providing for a multi-monthly payroll system; and declaring an emergency. (Amended by House, Amended by Senate, Appropriation Bill, Emergency Measure)

Paraphrase: HB1111, by Rep. Scott Martin, R-Norman, Rep. Jason Murphey, R-Guthrie, Sen. Clark Jolley, R-Edmond, and Sen. David Myers, R-Ponca City, directs the Office of State Finance and each executive state agency to make available beginning July 1, 2010, to all state employees a centralized, Web-based system to access their personal employment and compensation-related information. It allows the director of state finance to waive such access for executive agencies if timely access is unavailable. It also directs executive state agencies, except for institutions within the Oklahoma State Regents for Higher Education, converting to a multi-monthly payroll system to consult with OSF. It sets forth guidelines for the conversion to a multi-monthly payroll system. (Amended by House, Amended by Senate)

Effective Date: 05/27/2009 **Emergency:** Yes

Principal Authors: Martin, Scott (H); Murphey, Jason (H); Jolley, Clark (S); Myers, David (S)

Status: Governor Action - Signed **Status Date:** 05/27/2009


HB1114  **Short Title:** An Act relating to public health and safety; defining terms; making certain acts unlawful; exempting certain acts; stating punishment; providing for codification; and providing an effective date. (Amended by House, Amended by Senate)

Paraphrase: HB1114, by Rep. Pam Peterson, R-Tulsa and Sen. Todd Lamb, R-Edmond, makes it unlawful for any person or public or private entity to take part in the performance of human cloning. It also makes it unlawful to ship, transfer or receive products of human cloning for any purpose. It makes violations of the act a misdemeanor. (Amended by House, Amended by Senate)

Effective Date: 11/01/2009 **Emergency:** No

Principal Authors: Peterson, Pam (H); Lamb, Todd (S)

Status: Governor Action - Signed **Status Date:** 05/21/2009

HB1131  **Short Title:** An Act relating to state government personnel; amending 74 O.S. 2001, Section 840-5.10, as last amended by Section 1, Chapter 316, O.S.L. 2006 (74 O.S. Supp. 2008,

Section 840-5.10), which relates to unclassified service and personnel; adding certain positions from CompSource Oklahoma; providing an effective date; and declaring an emergency. (Amended by House, Amended by Senate, Emergency Measure)

Paraphrase: HB1131, by Rep. Scott Martin, R-Norman, Rep. Kenneth Miller, R-Edmond, Sen. Mike Johnson, R-Kingfisher, and Sen. David Myers, R-Ponca City, adds premium auditors and safety consultants to the list of unclassified positions. (Amended by House, Amended by Senate, Appropriation Bill)

Effective Date: 07/01/2009 **Emergency:** Yes

Principal Authors: Martin, Scott (H); Miller, Kenneth (H); Johnson, Mike (S); Myers, David (S)

Status: Governor Action - Signed **Status Date:** 06/02/2009

HB1170

Short Title: An Act relating to technology; creating the Oklahoma Information Services Act; creating the position of Chief Information Officer; providing for the appointment of the Chief Information Officer; making the Chief Information Officer the Secretary of Information Technology and Telecommunications; establishing jurisdictional areas of responsibilities; establishing salary of the Chief Information Officer; establishing qualifications of the Chief Information Officer; providing for salary and expenses of the Chief Information Officer to be budgeted through the Office of State Finance; requiring the Chief Information Officer to complete an assessment within certain time frame; directing the Chief Information Officer to issue a report setting out a plan of action; specifying certain content; requiring presentation of the report; authorizing the Chief Information Officer to contract for certain assistance; granting the Chief Information Officer with authority over the functions and personnel of the Information Services Division of the Office of State Finance; specifying duties of the Information Services Division; requiring the Chief Information Officer to implement the plan of action upon certain approval; providing for oversight of implementation of the plan of action; requiring certain amount of net savings to be realized within certain time period; stating certain procurement duties of the Chief Information Officer; making the Information Services Division and Chief Information Officer subject to certain laws for certain purposes; authorizing the Chief Information Officer to delegate certain duties; authorizing the Chief Information Officer to designate certain statewide contracts; requiring the Chief Information Officer to implement certain charges upon certain approval; establishing certain duties related to an interoperable radio communications system for state agencies; requiring the Chief Information Officer to implement a plan on open source technology and products; directing all state agencies and employees to cooperate and assist the Chief Information Officer; requiring the Chief Information Officer to prepare and submit an annual report on certain cost savings; providing definition of certain term; amending 62 O.S. 2001, Section 41.3, which relates to the Office of State Finance; changing administrative control of the Information Services Division; deleting obsolete division; amending 62 O.S. 2001, Sections 41.5a, as last amended by Section 1, Chapter 266, O.S.L. 2006, 41.5a-1, as amended by Section 2, Chapter 266, O.S.L. 2006, Section 1, Chapter 340, O.S.L. 2008, 41.5e, as last amended by Section 3, Chapter 266, O.S.L. 2006, 41.5f, as amended by Section 1, Chapter 148, O.S.L. 2007, 41.5h, as amended by Section 4, Chapter 266, O.S.L. 2006, 41.5i and 41.5j, as last amended by Sections 2 and 3

of Enrolled Senate Bill No. 1153 of the 1st Session of the 52nd Oklahoma Legislature, 41.5m, as amended by Section 9, Chapter 266, O.S.L. 2006, 41.5p, as amended by Section 10, Chapter 266, O.S.L. 2006, 41.5q, as amended by Section 11, Chapter 266, O.S.L. 2006, 41.5r, 41.5s, as amended by Section 12, Chapter 266, O.S.L. 2006, Section 2, Chapter 128, O.S.L. 2004, as amended by Section 3, Chapter 391, O.S.L. 2005, Section 4, Chapter 128, O.S.L. 2004 (62 O.S. Supp. 2008, Section 41.5t.2), as last amended by Section 1 of Enrolled Senate Bill No. 871 of the 1st Session of the 52nd Oklahoma Legislature, Section 4, Chapter 391, O.S.L. 2005, as amended by Section 1, Chapter 310, O.S.L. 2006 and Section 15, Chapter 266, O.S.L. 2006 (62 O.S. Supp. 2008, Sections 41.5a, 41.5a-1, 41.5a-4, 41.5e, 41.5f, 41.5h, 41.5m, 41.5p, 41.5q, 41.5s, 41.5t, 41.5u and 41.5v), which relate to the duties and responsibilities of the Information Services Division of the Office of State Finance; changing references to the Director of the Office of State Finance and the Office of State Finance; updating statutory language and citations; deleting obsolete language; modifying and adding certain duties of the Information Services Division; modifying enforcement and agency compliance requirements of minimum information security and internal control standards; changing maximum amount for prior approval of certain acquisitions; expanding technology and applications to be included in agency plan; modifying means for submission of plans; adding certain locations and structures to communications system; expanding technology and applications to be included in the coordinated statewide planning; adding dollar amount limit on certain communications, telecommunications and equipment acquisitions; adding certain equipment to certain purchasing restriction; clarifying application of certain provisions; requiring the Information Services Division to manage the state portal system; requiring state entities to file certain records; prohibiting state agencies from developing an electronic portal system with certain authorization; changing name of the State Governmental Internet Application Review Board; modifying membership; adding certain duties; updating name of certain project and position; modifying membership of the Electronic and Information Technology Accessibility Advisory Council; deleting certain limitation; limiting the expenditure of state funds for certain technology during certain time period; prohibiting the creation or replacement of certain technology positions during certain time period; amending 74 O.S. 2001, Section 10.3, as last amended by Section 1, Chapter 428, O.S.L. 2005 (74 O.S. Supp. 2008, Section 10.3), which relates to the cabinet system of the Governor; designating certain cabinet area; making the Chief Information Officer the Secretary of certain cabinet area; amending 74 O.S. 2001, Section 85.5, as last amended by Section 3, Chapter 96, O.S.L. 2008 (74 O.S. Supp. 2008, Section 85.5), which relates to the powers and duties of the State Purchasing Director; authorizing the Chief Information Officer to make certain acquisitions; authorizing the Chief Information Officer to designate certain statewide and mandatory statewide contracts; repealing Section 5, Chapter 391, O.S.L. 2005 (62 O.S. Supp. 2008, Section 41.5a-2), which relates to the Task Force for the Study of Computer Information Officers; providing for codification; providing for noncodification; providing for recodification; and making certain sections effective upon certain appointment. (Amended by House, Amended by Senate, Appropriation Bill)

Paraphrase: HB1170, by Rep. David Derby, R-Owasso and Sen. Glenn Coffee, R-Oklahoma City, creates the Oklahoma Information Services Act and the position of chief information officer, to be appointed by the governor, to have authority over the Information Services


Division of the Office of State Finance. It states that the CIO is to serve as secretary of information technology and telecommunications. It sets the salary of the CIO at not less than \$130,000 and not more than \$160,000. It requires the first CIO to be appointed by Jan. 1, 2010. It establishes criteria for selection of a CIO. The bill also requires the CIO to complete within 12 months of appointment an assessment of the implementation of the transfer, coordination and modernization of all information technology and telecommunications systems of all state agencies in the state. It also requires the CIO to issue a report setting out a plan of action to be presented to the governor, House speaker and Senate president pro tempore. It allows the CIO to contract with private consultants to assist in the assessment and development of a plan of action report. It sets forth the duties of the Information Services Division of OSF. The measure requires the CIO to receive the approval of the State Governmental Technology Applications Review Board before implementing the plan of action, and it requires the board to oversee implementation of the plan. The bill also states that implementation of the plan of action for the Department of Human Services is to be delayed until July 1, 2011. The measure also states that the net savings realized through the reallocation and consolidation of information technology and telecommunications resources and personnel must be realized within two years from the appointment of the CIO and is to be at a minimum not less than 15 percent of the overall statewide information technology and telecommunications expenditures made by all state agencies during fiscal year 2009. It directs the CIO to act as the information technology and telecommunications purchasing director for all state agencies. It subjects the CIO and the Information Services Division of OSF to the Oklahoma Central Purchasing Act and the Public Competitive Bidding Act of 1974, the Oklahoma Lighting Energy Conservation Act and the Public Building Construction and Planning Act. The measure also decreases from \$25,000 to \$10,000 the maximum amount of state funds executive branch agencies may use on computer hardware, software or any contract for information technology services or equipment without written authorization from the CIO. The bill also modifies the definition of "Capitol Complex" as it relates to installation of communication and intercommunications to include buildings that house state agencies located within 4 miles of the Capitol Complex and any location used for the administration of the information technology and telecommunications infrastructure and security for the state. It directs the Information Services Division of OSF to manage the installation, maintenance and administration of the state portal system. It prohibits state agencies, boards, commissions or other authorities from entering into agreements for development of, enhancement to or maintenance of an electronic portal system without the written authorization of the Information Services Division. It also changes reference to the State Governmental Internet Applications Review Board to the State Governmental Technology Applications Review Board, the authority of which is to include oversight for implementation of the plan of action developed by the CIO. It also modifies membership of the board. It also modifies membership of the Electronic and Information Technology Accessibility Advisory Council to include the CIO rather than the director of OSF. The bill also repeals language relating to the creation of a Task Force for the Study of Computer Information Officers. The measure clarifies that "state agencies" does not include institutions within the Oklahoma State System of Higher Education, the Oklahoma State Regents for Higher Education and OneNet, thus excluding them from the provisions of the Oklahoma Information Services Act. (Amended by House, Amended by Senate,

Appropriation Bill)

Effective Date: // **Emergency:** No

Principal Authors: Derby, David (H); Coffee, Glenn (S)

Status: Governor Action - Signed **Status Date:** 06/02/2009


HB1198  **Short Title:** An Act relating to the Oklahoma Health Care Authority; making a transfer between funds in the Oklahoma Health Care Authority; stating purpose; exempting certain funds from fiscal year limitations; and declaring an emergency. (Amended by House, Amended by Senate, Appropriation Bill, Emergency Measure)

Paraphrase: HB1198, by Rep. Scott Martin, R-Norman, Rep. Kenneth Miller, R-Edmond, Sen. Mike Johnson, R-Kingfisher, and Sen. David Myers, R-Ponca City, authorizes the Oklahoma Healthcare Authority to transfer \$30 million from the American Recovery and Reinvestment Act Fund to the CMIA Programs Disbursing Fund. (Amended by House, Amended by Senate)

Effective Date: 05/22/2009 **Emergency:** Yes

Principal Authors: Martin, Scott (H); Miller, Kenneth (H); Johnson, Mike (S); Myers, David (S)

Status: Governor Action - Signed **Status Date:** 05/22/2009

HB1603  **Short Title:** An Act relating to civil procedure; creating the Comprehensive Lawsuit Reform Act of 2009; requiring filing of certain affidavit with petition in professional negligence actions; providing contents; providing for time extensions for filing of affidavit; requiring plaintiff to provide defendant with certain information; providing for dismissal of action without prejudice in certain circumstances; authorizing the court to decline to exercise jurisdiction under the doctrine of forum non conveniens; providing factors to be considered; authorizing a plaintiff to request an indigency exemption from requirement to file certain affidavit; providing procedure; requiring payment of application fee and establishing amount; authorizing deferral of all or part of fee in certain circumstances; providing for deposit of fees into the Court Clerk's Revolving Fund; requiring quarterly reports; requiring promulgation of rules governing determination of indigency; providing procedure for determination of indigency; amending 12 O.S. 2001, Sections 683 and 684, as amended by Sections 3 and 4, Chapter 368, O.S.L. 2004 (12 O.S. Supp. 2008, Sections 683 and 684), which relate to dismissal; modifying procedure for dismissals; authorizing the court to order payment of costs; amending Section 7, Chapter 368, O.S.L. 2004 (12 O.S. Supp. 2008, Section 727.1), which relates to interest on judgments; modifying time of accrual of prejudgment interest on certain actions; modifying method of computing interest; amending 12 O.S. 2001, Section 990.4, as last amended by Section 6, Chapter 1, O.S.L. 2005 (12 O.S. Supp. 2008, Section 990.4), which relates to stays of enforcement of judgments; modifying grounds for obtaining stay of enforcement; limiting amount of appeal bond; authorizing the court to enter certain orders; providing that appeal bonds shall not be required for appeals of punitive damages after a certain date; amending 12 O.S. 2001, Section 993, which relates to appeals from certain orders; modifying grounds for interlocutory appeals; providing for recovery of certain payments; providing procedures;

providing for computations; providing for determination of recovery amounts; granting certain authority to the Oklahoma Health Care Authority; amending 12 O.S. 2001, Sections 2004, as amended by Section 7, Chapter 402, O.S.L. 2002, 2008, 2009, 2011, as amended by Section 10, Chapter 368, O.S.L. 2004, Section 1, Chapter 370, O.S.L. 2004, as amended by Section 10, Chapter 12, O.S.L. 2007 and 2023 (12 O.S. Supp. 2008, Sections 2004, 2011 and 2011.1), which relate to the Oklahoma Pleading Code; providing that action is dismissed without prejudice if service of process is not timely; modifying monetary threshold for which amount of damages is not specified; providing for motions to clarify damages for limited purpose; providing for amended pleading in certain circumstances; modifying definition; providing requirements for orders entered after certain date certifying class action; providing for review of orders; providing for trial court jurisdiction over class action cases; providing for notice for class action cases; modifying notice requirements; limiting class membership; requiring court approval for proposed settlement, voluntary dismissal or compromise in class actions; providing procedures and requirements for motions filed after certain date; providing procedure for appointment of class counsel; providing factors to be considered in appointment of class counsel; authorizing certain orders by the court regarding class counsel; providing for interim counsel; providing for award of attorney fees and nontaxable costs in class actions; providing procedure and requirements for claims for award of attorney fees and costs; providing factors to be considered in motions filed after certain date; providing for appointment of counsel or referral of issue of referee; providing requirements for appointed attorney; providing factor to be considered in determining fair and reasonable fee; providing for noncash payments in certain circumstances; providing procedure for summary judgment; amending 12 O.S. 2001, Sections 2702 and 2703, as amended by Section 55, Chapter 468, O.S.L. 2002 (12 O.S. Supp. 2008, Section 2703), which relate to the Oklahoma Evidence Code; providing requirements for expert testimony; providing that certain facts or data shall not be disclosed to the jury, with exception; amending 12 O.S. 2001, Section 3226, as last amended by Section 3, Chapter 519, O.S.L. 2004 (12 O.S. Supp. 2008, Section 3226), which relates to discovery; authorizing certain initial disclosures; exempting certain categories of procedures from initial disclosure; providing times for disclosures; providing for objections; providing information to be used in making initial disclosures; amending Section 17, Chapter 139, O.S.L. 2005 (12A O.S. Supp. 2008, Section 1-304), which relates to the obligation of good faith; providing that a breach of the obligations of good faith shall not give rise to a separate tort cause of action; requiring the Supreme Court to establish qualification rules for determination of indigency by a certain date; amending Section 18, Chapter 368, O.S.L. 2004 (23 O.S. Supp. 2008, Section 15), which relates to joint and several liability in civil actions based on fault and not arising out of contract; modifying exemption; modifying exclusion from application; providing for compensation in civil actions arising from claims of bodily injury; providing that economic damages shall not be subject to limitation; providing limit on amount of noneconomic damages, with exceptions; providing there shall be no limit on noneconomic damages in certain circumstances; requiring the jury to return a general verdict accompanied by specific answers to interrogatories; providing procedures for entering judgments; providing procedures regarding determination of noneconomic damages; providing exclusion for actions brought under The Governmental Tort Claims Act and for wrongful death actions; defining terms; providing for Health Care Indemnity Fund awards; stating legislative intent; creating the Health Care Indemnity Fund Task Force; stating purpose; providing duties; providing for composition; providing for meetings; providing for travel

reimbursement; authorizing hiring of actuarial and other professional services; requiring quorum for final action; requiring report by certain date; amending 47 O.S. 2001, Sections 11-1112, as last amended by Section 1, Chapter 361, O.S.L. 2005 and 12-420, as amended by Section 13, Chapter 50, O.S.L. 2005 (47 O.S. Supp. 2008, Sections 11-1112 and 12-420), which relate to child passenger restraint systems and seat belts; eliminating prohibitions against admissibility of certain evidence in civil actions unless plaintiff is under certain age; amending 63 O.S. 2001, Section 1-1709.1, as last amended by Section 2, Chapter 558, O.S.L. 2004 (63 O.S. Supp. 2008, Section 1-1709.1), which relates to peer review information; modifying definition; modifying information that is not private, confidential and privileged; providing that certain information shall not be subject to discovery; modifying information that is subject to discovery; amending 63 O.S. 2001, Sections 683.9 and 683.13, as amended by Sections 9 and 12, Chapter 329, O.S.L. 2003 (63 O.S. Supp. 2008, Sections 683.9 and 683.13), which relate to the Emergency Management Act of 2003; modifying definition; providing certain exclusion; creating the Uniform Emergency Volunteer Health Practitioners Act; providing short title; defining terms; providing for application; authorizing the State Department of Health to regulate volunteer health practitioners in a declared emergency; requiring certain consultation and compliance of specified host entities; setting requirements for a volunteer health practitioner registration system; permitting certain confirmation; requiring certain notification; authorizing host entities to refuse the services of a volunteer health practitioner; permitting certain volunteer health practitioners to practice in this state during a declared emergency; prohibiting certain volunteer health practitioners from certain protections; defining terms; clarifying credentialing or privileging standards; requiring adherence to certain scopes of practice; prohibiting the providing of services outside a practitioner's scope of practice; authorizing the Department or a host entity to restrict certain services; providing certain protection; permitting certain licensing boards to impose administrative sanctions; requiring certain reporting; requiring certain consideration; providing for certain rights, privileges or immunities; permitting the Department to incorporate certain volunteer health practitioners; authorizing the State Board of Health to promulgate rules; requiring consideration for uniformity; amending 76 O.S. 2001, Section 31, which relates to civil immunity for volunteers; modifying definition; modifying circumstances under which immunity exists; creating the Common Sense Consumption Act; providing short title; stating legislative intent; defining terms; providing immunity from civil liability for certain claims; providing exception; providing pleading requirements; providing for stay of discovery and other proceedings in certain circumstances; providing scope of claims covered; amending 76 O.S. 2001, Section 50.2, which relates to the Oklahoma Livestock Activities Liability Limitation Act; modifying definitions; adding definition; stating legislative findings; limiting liability of certain manufacturers; limiting liability of certain associations; clarifying applicability of certain provisions; providing that a manufacturer or seller shall not be liable for inherently unsafe products; providing that claim that product is inherently unsafe is affirmative defense; providing procedures and requirements for defense to apply; defining term; making evidence regarding measures taken after injury inadmissible; creating the Asbestos and Silica Claims Priorities Act; providing legislative findings; stating purposes; defining terms; providing elements of proof and proceedings for asbestos or silica claims; providing that certain evidence does not create a presumption; providing that certain evidence is inadmissible; providing for discovery; providing for consolidation of claims; authorizing the court to decline to exercise jurisdiction in certain

circumstances; providing for venue; providing a statute of limitations; establishing two-disease rule; providing scope of applicability of the Asbestos and Silica Claims Priorities Act; creating the Innocent Successor Asbestos-Related Liability Fairness Act; defining terms; providing limitations on successor asbestos-related liabilities; providing method for establishing fair market value of gross assets; providing for adjustment of fair market value; providing scope of act; providing date of application; prohibiting certain persons from being involved in due process hearings; creating the School Protection Act; stating purpose; defining terms; prohibiting certain acts and providing penalties therefor; providing for award of costs and reasonable attorney fees, with exception; authorizing expert witness fees; providing that insurance policies do not constitute waiver of any defense; prohibiting certain acts and making violations subject to out-of-school suspension; providing penalty is in addition to criminal liability; providing that certain education employees shall be entitled to leave of absence without loss of benefits; providing that the School Protection Act is in addition to and does not limit or amend The Governmental Tort Claims Act; amending 70 O.S. 2001, Section 24-101.3, as last amended by Section 2, Chapter 210, O.S.L. 2006 (70 O.S. Supp. 2008, Section 24-101.3), which relates to out-of-school suspensions; requiring out-of-school suspension for certain acts; amending 51 O.S. 2001, Section 155, as last amended by Section 1, Chapter 381, O.S.L. 2004 (51 O.S. Supp. 2008, Section 155), which relates to The Governmental Tort Claims Act; expanding grounds for which the state or a political subdivision shall not be liable; repealing Section 1, Chapter 368, O.S.L. 2004 (5 O.S. Supp. 2008, Section 7.1), which relates to attorney fees in class actions; repealing Sections 5 and 7, Chapter 390, O.S.L. 2003 (63 O.S. Supp. 2008, Sections 1-1708.1E and 1-1708.1G), which relate to the Affordable Access to Health Care Act; repealing Section 19, Chapter 473, O.S.L. 2003 (63 O.S. Supp. 2008, Section 6602), which relates to licensing and appointment of health personnel during catastrophic health emergencies; providing for severability; providing for codification; and providing an effective date. (Amended by House, Amended by Senate)

Paraphrase: HB1603, by Rep. Daniel Sullivan, R-Tulsa and Sen. Glenn Coffee, R-Oklahoma City, creates the Comprehensive Lawsuit Reform Act of 2009. It states that in any civil action for professional negligence, the plaintiff must attach to the petition an affidavit that includes a written opinion from a qualified expert that the claim has merit. If such an affidavit is not filed, a court may dismiss the petition without prejudice. It sets forth procedures for a plaintiff to request an indigency exemption from providing an affidavit of merit. It requires such person to submit an appropriate application and a nonrefundable application fee of \$40. It allows a court to defer all or part of the fee. It directs the Supreme Court to promulgate rules governing determination of indigency by Dec. 1, 2009. The measure also states that a court may decline to exercise jurisdiction and stay, transfer or dismiss the action if it is in the best interest of justice and the convenience of the parties. It allows actions to be dismissed by the plaintiff without court order by filing a notice of dismissal at any time before service by the adverse party of an answer or motion for summary judgment, whichever is first, or filing a stipulation for dismissal signed by all parties appearing in the action. It states that if a plaintiff files a notice of dismissal after discovery has commenced, the action will not be dismissed without prejudice without the consent of the defendant. The bill also modifies the language related to prejudgment interest, stating that beginning Nov. 1, 2009, prejudgment interest shall begin to accrue 24 months after the suit resulting in the judgment was commenced. It directs that

postjudgment and prejudgment interest be calculated using a rate equal to the average U.S. Treasury Bill rate of the preceding calendar year. It allows parties to obtain a stay of enforcement of a judgment, decree or final order during the time in which an appeal may be commenced or while an appeal is pending in any court inside or outside of the state. It also prohibits bonds filed when seeking a stay of enforcement from exceeding \$25 million. The measure exempts appeals of punitive damages from an appeal bond requirement. The measure adds language related to Medicaid reducing its recovery to take account of the cost of procuring the judgment or settlement, setting forth procedures for the Oklahoma Health Care Authority to seek recovery. The measure sets forth language related to computation of the recovery if a Medicaid payment is less than the judgment or settlement amount and computation of the recovery if Medicaid payments equal or exceed the judgment or settlement amount. It places an additional cap of 10 percent of the net worth of the judgment debtor on bonds in any action or litigation brought involving a signatory, successor of a signatory or affiliate of a signatory of the Master Settlement Agreement or the Smokeless Tobacco Master Settlement Agreement. The bill modifies language related to claims for relief, changing reference from \$10,000 to a section of law under the U.S. Code. It prohibits damages sought in excess of \$10,000 but less than that set forth in the U.S. Code from exceeding the amount set forth in the pleadings, unless a good-faith-based change in circumstances arises. The bill modifies the definition of "frivolous" for purposes of a court's determination of whether a claim is frivolous. It modifies language related to filings of class actions. It requires a court order determining a class action entered on or after Nov. 1, 2009, to define the class and the class claims, issues or defenses and appoint class counsel. It states that such orders are subject to a de novo standard of review by an appellate court reviewing the order. For certified classes, the court may direct appropriate notice to the class. It limits class membership on actions filed after Nov. 1, 2009, to individuals or entities who are residents of the state or non residents who own an interest in property in the state that is relevant to the action or who have a significant portion of the nonresident's cause of action arising from conduct within the state. The measure also modifies language related to dismissal or compromise in class actions, stating that claims, issues or defenses of a certified class may be settled, dismissed or compromised only with the court's approval. It sets forth procedures for such motions filed after Nov. 1, 2009. It also sets forth new language regarding class counsel, stating that a court-certified class must appoint counsel. It allows a court to award reasonable attorney fees and nontaxable costs in a certified class action. The bill also modifies language related to opinion testimony, allowing a qualified expert to testify in the form of an opinion if the testimony is based on sufficient facts or data, is the product of reliable principles and methods and if the witness has applied the principles and methods reliably to the facts of the case. The measure modifies language related to joint and several liability. It makes inapplicable a requirement that a defendant be joint and severally liable for damages if the percentage of responsibility attributed to the defendant is greater than 50 percent on actions brought by or on behalf of the state. It removes language that previously exempted political subdivisions of the state and actions in which no comparative negligence was found to be attributable to the plaintiff. The bill also states that in any civil action arising from a claimed bodily injury, there is no limitation on an award for economic loss. It also modifies the cap on noneconomic damages, instituting a \$400,000 cap on noneconomic damages for civil actions arising from a claimed bodily injury, regardless of the number of parties against whom the action is brought or the number of actions brought. The measure also


states that upon establishment of a Health Care Indemnity Fund, any damages awarded that exceed the \$400,000 limitation are to be paid from the fund; however, such provision does not apply to any action that accrues before the date of enactment of the fund, which is to be established pursuant to the recommendations of a task force. The fund is to include professional liability insurance coverage requirements in an amount no less than \$1 million for physicians and maintain availability of \$20 million annually. The measure states legislative intent to purchase reinsurance of up to \$20 million to cover judgments through the fund. It states that there is no limit on noneconomic damages that may be awarded in civil actions arising from a claimed bodily injury resulting from professional negligence against a physician if a judge and jury finds by clear and convincing evidence that the plaintiff or injured person suffered permanent and substantial physical abnormality or disfigurement, loss of use of a limb, loss of or substantial impairment to a major body organ or system; or the plaintiff or injured person has suffered permanent and physical functional injury that prevents him/her from being able to independently care for himself/herself and perform life sustaining activities; or the defendant's acts or failures to act were in reckless disregard for the rights of others, grossly negligent, fraudulent or intentional or with malice. It places no limit on the amount of noneconomic damages that may be awarded in an action arising from claimed bodily injury not resulting from professional negligence against a physician if it is found by a preponderance of the evidence that one of the three previous scenarios existed. It also sets forth guidelines for the court to enter judgments for economic damages and noneconomic damages. In jury-tried actions, the jury is not to be instructed with regard to the limit on noneconomic damages. It states that the limits are not to apply to actions brought under the Governmental Tort Claims Act or actions for wrongful death. The measure also creates an eight-member Health Care Indemnity Fund Task Force to study a mechanism for creating a health care indemnity fund to pay a portion of damages awarded by a court or settled and approved by a court in professional negligence cases against physicians. It requires the task force to report its findings to the Senate president pro tempore and House speaker by May 1, 2011. It removes the language related to admission of evidence of a remarriage or social situation of a surviving spouse of a decedent in actions to recover damages for injuries resulting in death. The bill modifies the language related to evidence of violations of child passenger restraint system requirements, allowing admission of such evidence in a civil action or proceeding for damages unless the plaintiff is a child under age 16. It prohibits peer review information discovered pursuant to a claim of independent negligence against a health care facility from being used as evidence unless a judge or jury first find the professional to have been negligent in providing health care to the patient in the facility. It allows credentialing and recredentialing data to be used if the civil action claims alleges the health care facility was independently negligent as a result of permitting the health care professional to provide services. The bill creates the Uniform Emergency Volunteer Health Practitioners Act, allowing the Department of Health to limit, restrict or otherwise regulate the duration of practice, geographical areas, types of practice and any other matters of volunteer health practitioners. It allows volunteer health practitioners registered with a registration system and who is licensed and good standing to practice in Oklahoma while an emergency declaration is in effect. The measure creates a Common Sense Consumption Act, the intent of which is to prevent frivolous lawsuits against manufacturers, packers, distributors, carriers, holders, sellers, marketers or advertisers of food products that comply with statutory and regulatory requirements. It states that no firearm

manufacturer, distributor or seller who lawfully manufactures, distributes or sells firearms is liable to a person or entity, or to the estate, successors or survivors of either, for any injuries suffered, including wrongful death and property damage, because of the use of a firearm by another. It states a legislative finding that the unlawful use of firearms, rather than their lawful manufacture, distribution or sale, is the proximate cause of any injury arising from their unlawful use. It prevents an association from being liable to any person or entity for any injury suffered, including wrongful death and property damage, because of the use of a firearm sold or manufactured by any licensee who is a member of the association. The measure modifies language related to product liability, stating that a manufacturer or seller is not liable if the product is inherently unsafe and known to be unsafe by the ordinary consumer. The bill also creates the Asbestos and Silica Claims Priorities Act, establishing elements of proof for asbestos or silica claims, requiring a claimant in any civil action alleging an asbestos or silica claim to file a detailed narrative medical report and diagnosis with a claim. It requires such claimants with pending claims on Nov. 1, 2009, to file the written medical report and supporting test results within 180 days of Nov. 1, 2009, or within 60 days prior to the commencement of a trial, whichever comes first. It sets forth information that must be included in new asbestos or silica claims. It requires all asbestos and silica claims to be filed individually and prohibits claims on behalf of a group or class of persons. It sets forth other guidelines governing asbestos and silica claims. The bill also creates the Innocent Successor Asbestos-Related Liability Fairness Act, limiting the cumulative successor asbestos-related liabilities of an innocent successor corporation to the fair market value of the total gross assets of the transferor determined as of the time of the merger or consolidation. It adds language relating to the Oklahoma Livestock Activities Liability Limitation Act, adding language related to agritourism activities. The measure also repeals language related to expert affidavits in medical liability actions, prejudgment interest and emergency powers regarding licensing and appointment of health personnel. It makes provisions of the bill severable, providing that if any part or provision is held void, it does not affect or impair the remaining parts or provisions. (Amended by House, Amended by Senate)

Effective Date: 11/01/2009 **Emergency:** No

Principal Authors: Sullivan, Daniel (H); Coffee, Glenn (S)

Status: Governor Action - Signed **Status Date:** 05/21/2009


HB1729  **Short Title:** An Act relating to public health and safety; amending Section 4, Chapter 347, O.S.L. 2007 (63 O.S. Supp. 2008, Section 1-1914.12), which relates to an alternative informal dispute resolution pilot program; modifying pilot program to be dispute resolution panel; eliminating procedural requirements for pilot program; and providing an effective date. (Amended by House)

Paraphrase: HB1729, by Rep. Doug Cox, R-Grove and Sen. Brian Crain, R-Tulsa, takes from pilot to permanent the informal dispute resolution panel to be offered by the State Department of Health for long-term care facilities. The bill deletes language relating to the pilot programs. (Amended by House)

Effective Date: 11/01/2009 **Emergency:** No

Principal Authors: Cox, Doug (H); Crain, Brian (S)

Status: Governor Action - Signed **Status Date:** 04/17/2009

HB1734 

Short Title: An Act relating to children; amending 10 O.S. 2001, Section 405, as amended by Section 4, Chapter 296, O.S.L. 2008 (10 O.S. Supp. 2008, Section 405), which relates to the Oklahoma Child Care Facilities Licensing Act; excepting certain facilities from licensing by the Department of Human Services; amending 10 O.S. 2001, Section 601.3, which relates to the Oklahoma Commission on Children and Youth; providing for licensing of certain facilities; amending 10 O.S. 2001, Section 7001-1.3, as last amended by Section 11 of Enrolled House Bill No. 2028 of the 1st Session of the 52nd Oklahoma Legislature, and as recodified by Section 211 of Enrolled House Bill No. 2028 of the 1st Session of the 52nd Oklahoma Legislature, which relates to the Oklahoma Children's Code; modifying definitions; amending 10 O.S. 2001, Section 7003-1.1, as amended by Section 17 of Enrolled House Bill No. 2028 of the 1st Session of the 52nd Oklahoma Legislature, and as recodified by Section 213 of Enrolled House Bill No. 2028 of the 1st Session of the 52nd Oklahoma Legislature, which relates to assessment and investigations; eliminating requirement of certain statement in certain circumstance; amending 10 O.S. 2001, Section 7003-2.1, as last amended by Section 18 of Enrolled House Bill No. 2028 of the 1st Session of the 52nd Oklahoma Legislature, and as recodified by Section 226 of Enrolled House Bill No. 2028 of the 1st Session of the 52nd Oklahoma Legislature, which relates to protective custody; modifying standard for removal of a child; directing certain persons to implement a joint response system; specifying process; requiring certain report; requiring certain determination before a court makes an emergency custody order; modifying where a child is taken when in custody; providing for certain administrative order; providing for in-home placement and services; amending 10 O.S. 2001, Section 7003-3.5, as amended by Section 24 of Enrolled House Bill No. 2028 of the 1st Session of the 52nd Oklahoma Legislature, and as recodified by Section 232 of Enrolled House Bill No. 2028 of the 1st Session of the 52nd Oklahoma Legislature, which relates to service of summons; stating certain affidavit may be evidence of certain acts; amending 10 O.S. 2001, Section 7003-5.4, as amended by Section 36 of Enrolled House Bill No. 2028 of the 1st Session of the 52nd Oklahoma Legislature, and as recodified by Section 278 of Enrolled House Bill No. 2028 of the 1st Session of the 52nd Oklahoma Legislature, which relates to information that accompanies a child placed outside the home; creating a Passport program; specifying information to be included; providing for certain cooperation; stating duties of the Department; amending 10 O.S. 2001, Section 7004-1.1, as amended by Section 60 of Enrolled House Bill No. 2028 of the 1st Session of the 52nd Oklahoma Legislature, and as recodified by Section 277 of Enrolled House Bill No. 2028 of the 1st Session of the 52nd Oklahoma Legislature, which relates to powers and duties of the Department of Human Services; specifying priority in placements; amending 10 O.S. 2001, Section 7004-3.1, as amended by Section 67 of Enrolled House Bill No. 2028 of the 1st Session of the 52nd Oklahoma Legislature, and as recodified by Section 303 of Enrolled House Bill No. 2028 of the 1st Session of the 52nd Oklahoma Legislature, which relates to children's shelters and youth services shelter facilities; providing for the transition of the use of shelters; providing for certain report; amending 10 O.S. 2001,

Section 7103, as last amended by Section 79 of Enrolled House Bill No. 2028 of the 1st Session of the 52nd Oklahoma Legislature, and as recodified by Section 212 of Enrolled House Bill No. 2028 of the 1st Session of the 52nd Oklahoma Legislature, which relates to the Oklahoma Child Abuse Reporting and Prevention Act; establishing statewide abuse and neglect hotline; requiring training; requiring certain system; expanding duty to all persons; requiring referral; amending 10 O.S. 2001, Section 7106, as last amended by Section 83 of Enrolled House Bill No. 2028 of the 1st Session of the 52nd Oklahoma Legislature, and as recodified by Section 216 of Enrolled House Bill No. 2028 of the 1st Session of the 52nd Oklahoma Legislature, which relates to investigation of child abuse or neglect; clarifying persons authorized to release certain records; amending 10 O.S. 2001, Section 7209, as last amended by Section 101 of Enrolled House Bill No. 2028 of the 1st Session of the 52nd Oklahoma Legislature, and as recodified by Section 284 of Enrolled House Bill No. 2028 of the 1st Session of the 52nd Oklahoma Legislature, which relates to deleting certain records check; amending 10 O.S. 2001, Section 7221, as last amended by Section 108 of Enrolled House Bill No. 2028 of the 1st Session of the 52nd Oklahoma Legislature, and as recodified by Section 286 of Enrolled House Bill No. 2028 of the 1st Session of the 52nd Oklahoma Legislature, which relates to the Oklahoma Foster Care and Out-of-Home Placement Act; requiring certain visit; providing for state and federal criminal history records check; specifying procedures; directing the Department of Human Services to implement a plan of reorganization of certain offices; providing for the Department to establish a formal curriculum for training; requiring certain needs assessment; stating intent of Legislature to fund salary increases; providing for recruitment of staff; stating intent of Legislature to increase foster parent reimbursement rate; directing the Department to develop an agency-wide process for background checks; creating the Children's Services Oversight Committee; providing for membership; providing for vacancies; providing for designation of chair; specifying quorum; specifying administrative support; providing for travel reimbursement; providing for duties; requiring certain report; amending 10 O.S. 2001, Section 7305-1.8, which relates to detention homes; providing for the establishment of group homes; providing for codification; providing for noncodification; providing an effective date; and declaring an emergency. (Amended by House, Amended by Senate, Emergency Measure, Committee Substitute)

Paraphrase: HB1734, by Rep. Ron Peters, R-Tulsa and Sen. Brian Crain, R-Tulsa, modifies definitions under the Oklahoma Child Care Facilities Licensing Act. It requires shelters managed by the Department of Human Services be certified by the Oklahoma Commission on Children and Youth. It removes language related to the issuance of provisional licenses to child care facilities. It directs OCCY to establish a system of certifying shelters managed and operated by DHS. It modifies, adds and removes definitions under the Oklahoma Children's Code. The bill requires DHS to conduct a safety assessment or investigation upon receipt of a report that a child may be abused or neglected and requires DHS to forward a report to any district attorney's office that may have jurisdiction to file a petition. It modifies requirements for DHS to make a referral to the appropriate local law enforcement to conduct a criminal investigation. The measure exempts DHS from any further investigation after making a referral to law enforcement except under certain circumstances. The bill allows a child to be taken into custody prior to the filing of a petition by a peace officer or court employee without a court order if DHS determines after conducting a safety assessment that the child is not safe. It allows a


child to be removed upon application to a district attorney if an application shows there is an imminent threat of safety to the child due to abuse or neglect and a continuation of the child in the home or with the caretaker of the child is contrary to the child's welfare. If DHS determines there is not an imminent threat of safety, the bill directs DHS to move for a court-supervised in-home placement and to provide services to maintain in-home care and remedy. It allows a court to issue an emergency order authorizing medical or behavioral health evaluation or treatment for children if a parent, legal guardian or custodian is unwilling or unavailable to consent to such treatment. It allows a DHS employee to take custody of a child pursuant to a court order if the child is located in a hospital, school or day care facility and it is believed custody can occur without a risk to the child or the DHS employee. It changes references from "mental" health to "behavioral" health. It establishes circumstances under which a court may enter an emergency custody order removing a child from his/her home and directs that children taken into custody under emergency orders be first taken to a kinship care home or other emergency foster care home or, if no such home is available, to a shelter. The bill directs DHS to use a safety assessment protocol and risk assessment protocol when conducting an assessment or investigation of an allegation of abuse or neglect. It grants immunity from civil or criminal liability to peace officers, court employees, court-appointed special advocates, DHS employees and any other persons acting under the direction of the court who in good faith transports any child. It allows a person responsible for a child who is arrested on an unrelated charge to designate another person to take physical custody of the child. The bill directs DHS to establish a Passport Program for children in DHS custody to provide for a Passport - which is to be a compilation of significant information for each child, including education, physical and behavioral health records - to accompany each child to wherever the child resides as long as he/she is in DHS custody. It modifies language related to dispositional and adjudication hearings and directs a court to establish an initial permanency plan for a child and determine if reunification services are appropriate for a child and his/her family. The bill directs which dispositional orders may be made in accordance with the safety of a child. It also modifies the duties of DHS, directing the agency in providing for the temporary care and treatment of children to place them in a foster home, group home or, if no such home is available, in a shelter or any licensed facility. It directs DHS to monitor school attendance for children who have attained the minimum age for compulsory attendance. It directs DHS to receive notice of all court proceedings regarding any child in its custody and, upon application, allows DHS to intervene as a party to any court proceedings pertaining to the care and custody of the child. The bill also directs DHS to implement a plan to phase out use of the Pauline Mayer Children's Shelter in Oklahoma City and the Laura Dester Children's Shelter in Tulsa and in the alternative use kinship foster homes and emergency foster homes. It requires DHS to monitor and report to the Legislature and governor monthly the daily average shelter population, and it requires quarterly reports on the projected savings of phasing out use of shelters. It directs DHS to establish a statewide hotline for the reporting of child abuse or neglect within the Child and Family Services Division, and it allows DHS to contract with third parties to train hotline workers. The measure requires DHS or the child-placing agency to visit each foster child a minimum of one time per month, with no less than two visits per quarter in the foster placement. It also directs DHS to implement a plan of reorganization of the offices servicing the two largest counties in the state. It directs DHS to establish a formal curriculum for the training of workers on items such as safety and risk assessment protocol. The bill also directs the

central office program divisions of DHS to conduct an area-level services needs assessment, at least annually, to determine the needs of families and children in each area, and it directs DHS to increase the number of types of in-home services accordingly. The bill also requires DHS to develop a process to consolidate requirements for all home-based licensing within the agency, across the divisions of child care, developmental disabilities and child and family services. It directs DHS to maintain limits on the number of children for which a person is authorized to care. The bill also creates a six-member Children's Services Oversight Committee until Jan. 1, 2011, to provide oversight of the implementation of recommendations made pursuant to the DHS audit. It requires DHS to provide a report to the committee at least biannually. In the Senate, provisions concerning depositions were removed. The bill also was amended to remove provisions requiring the department to transfer the SWIFT Adoption program to the Field Operations Division and integrate and re-assign personnel to decrease workloads and use efficiencies among programs. (Amended by House, Amended by Senate, Emergency Measure, Committee Substitute)

Effective Date: 07/01/2009 **Emergency:** Yes

Principal Authors: Peters, Ron (H); Crain, Brian (S)

Status: Governor Action - Signed **Status Date:** 05/27/2009


HB1736  **Short Title:** An Act relating to public health and safety; amending 63 O.S. 2001, Sections 1-1961, as amended by Section 1, Chapter 249, O.S.L. 2004 and 1-1962, as amended by Section 2, Chapter 249, O.S.L. 2004 (63 O.S. Supp. 2008, Sections 1-1961 and 1-1962), which relate to the Home Care Act; modifying definitions; prohibiting a home care agency from placing a supportive home assistant unless certain requirements are satisfied; providing for the promulgation of rules; requiring certain training plan; providing for content; providing for certain supervisory visits; providing for certain background checks; prohibiting the employment of certain persons; and providing an effective date. (Amended by House, Amended by Senate)

Paraphrase: HB1736, by Rep. Ron Peters, R-Tulsa and Sen. John Ford, R-Bartlesville, provides definitions for "standby assistance" and "supportive home assistant" within the Home Care Act. It prohibits home care agencies from placing individuals in the role of supportive home assistant with a client on a full-time, temporary, per diem or other basis unless he/she has completed agency-based supportive home assistant training taught by a registered nurse. The assistants are required to demonstrate competency by testing through an independent entity. It directs home care agencies to develop a written training plan. It also requires criminal history background checks and checks of the nurse aide registry on assistants. It prohibits home care agencies from employing a supportive home assistant listed on the Department of Human Services' Community Services Worker Registry. (Amended by House, Amended by Senate)

Effective Date: 11/01/2009 **Emergency:** No

Principal Authors: Peters, Ron (H); Ford, John (S)

Status: Governor Action - Signed **Status Date:** 06/01/2009

HB1742  **Short Title:** An Act relating to children; amending 10 O.S. 2001, Section 401, as amended by Section 1, Chapter 158, O.S.L. 2002 (10 O.S. Supp. 2008, Section 401), which relates to the Oklahoma Child Care Facilities Licensing Act; correcting statutory reference; amending 10 O.S. 2001, Section 402, which relates to definitions; modifying definitions; amending 10 O.S. 2001, Section 403, as amended by Section 1, Chapter 187, O.S.L. 2004 (10 O.S. Supp. 2008, Section 403), which relates to exemptions from application of act; modifying exemptions; amending 10 O.S. 2001, Section 404, as last amended by Section 2, Chapter 296, O.S.L. 2008 (10 O.S. Supp. 2008, Section 404), which relates to minimum requirements and desirable standards; eliminating specific required standards; eliminating provision allowing certain homes to be maintained on the basis of permits; amending 10 O.S. 2001, Section 404.1, as last amended by Section 3, Chapter 296, O.S.L. 2008 (10 O.S. Supp. 2008, Section 404.1), which relates to a criminal history records search; requiring an Oklahoma State Courts Network search for certain persons; exempting specific persons from certain requirement; amending 10 O.S. 2001, Section 405, as amended by Section 4, Chapter 296, O.S.L. 2008 (10 O.S. Supp. 2008, Section 405), which relates to the issuance of a license; eliminating issuance of a provisional license; amending Section 8, Chapter 296, O.S.L. 2008 (10 O.S. Supp. 2008, Section 405.2), which relates to the online child care database; eliminating requirement for certain web-based assessment tool; amending 10 O.S. 2001, Section 406, as last amended by Section 6, Chapter 296, O.S.L. 2008 (10 O.S. Supp. 2008, Section 406), which relates to investigations; modifying agency division designation; repealing 10 O.S. 2001, Section 419, which relates to a report to the Governor and reports to the Director of Human Services; repealing 10 O.S. 2001, Section 430, which relates to augmentation of the STARS child care component; and declaring an emergency. (Amended by House, Amended by Senate, Emergency Measure)


Paraphrase: HB1742, by Rep. Ron Peters, R-Tulsa and Sen. Patrick Anderson, R-Enid, provides a definition of "child care center" under the Oklahoma Child Care Facilities Licensing Act to mean a facility that provides care and supervision for children and that operates for more than 30 hours per week. It also modifies other definitions and removes definitions. It removes language defining the Oklahoma School of Science and Mathematics as a boarding school. It removes language relating to standards for residential child care facilities. It requires the Department of Human Services to conduct a Oklahoma records search for all employees and persons age 18 or older residing in a child care center, family child care home, large family child care home, part-day program, school-age program or summer day camp prior to the issuance of a permit or license. The bill requires child care facilities, prior to the employment of any person, to submit to DHS a request for an Oklahoma records search. It also removes language allowing for the issuance of provisional licenses. It repeals language requiring reports from the director of public welfare to the governor and augmentations to the child care component of the Statewide Temporary Assistance Responsibility System and other child care assistance benefits. The bill also exempts from licensing requirements child care facilities that provide care and supervision for 15 or few hours per week. It exempts hospitals contracting with the Oklahoma Health Care Authority from a requirement to submit records search documentation to DHS. It also removes language requiring DHS to develop by July 1, 2011, a Web-based assessment tool for the public to evaluate child care center compliance. The bill repeals statute related to DHS evaluating and increasing as needed the child care

reimbursement rate for both metropolitan and rural areas of the state. (Amended by House, Amended by Senate, Emergency Measure)

Effective Date: 05/21/2009 **Emergency:** Yes

Principal Authors: Peters, Ron (H); Anderson, Patrick (S)

Status: Governor Action - Signed **Status Date:** 05/21/2009

HB1755 

Short Title: An Act relating to state government; authorizing CompSource Oklahoma to develop a pilot program; stating purpose; providing duration of pilot program; providing that program will become permanent under certain circumstances; requiring annual reports; exempting CompSource Oklahoma from compliance with certain laws and requirements; requiring CompSource Oklahoma to comply with certain procedures; requiring CompSource Oklahoma to keep certain records and documentation; making certain transactions subject to audit; amending 61 O.S. 2001, Section 60, as last amended by Section 5, Chapter 271, O.S.L. 2006 (61 O.S. Supp. 2008, Section 60), which relates to consultant and construction contract forms; providing exception to mandatory use; amending 61 O.S. 2001, Section 65, as last amended by Section 12, Chapter 271, O.S.L. 2006 (61 O.S. Supp. 2008, Section 65), which relates to consultant and construction contracts; providing exception from certain requirements; amending 61 O.S. 2001, Section 129, which relates to the Public Competitive Bidding Act of 1974; exempting certain contracts from the Public Competitive Bidding Act of 1974; amending 61 O.S. 2001, Section 207.2, as last amended by Section 6, Chapter 319, O.S.L. 2008 (61 O.S. Supp. 2008, Section 207.2), which relates to contracts with architects, engineers and land surveyors; expanding exceptions; amending 62 O.S. 2001, Sections 41.5a and 41.5e, as last amended by Sections 1 and 3, Chapter 266, O.S.L. 2006, 41.5f, as amended by Section 1, Chapter 148, O.S.L. 2007, 41.5j, as last amended by Section 3 of Enrolled Senate Bill No. 1153 of the 1st Session of the 52nd Oklahoma Legislature, 41.7c, 41.29, as last amended by Section 2, Chapter 311, O.S.L. 2008 and 45.2 (62 O.S. Supp. 2008, Sections 41.5a, 41.5e, 41.5f and 41.29), which relate to budget law; providing exemptions from certain restrictions and requirements; amending 74 O.S. 2001, Section 62.3, as last amended by Section 1, Chapter 234, O.S.L. 2005 (74 O.S. Supp. 2008, Section 62.3), which relates to the Oklahoma Surplus Property Act; providing an exemption; amending 74 O.S. 2001, Section 63, as amended by Section 7, Chapter 319, O.S.L. 2008 (74 O.S. Supp. 2008, Section 63), which relates to the general powers and authority of the Department of Central Services; providing that the Department of Central Services shall not have authority or responsibility for certain property; amending 74 O.S. 2001, Sections 78a and 78b, which relate to requisition and disposal of state vehicles; excluding CompSource Oklahoma from requisition and disposal requirements under certain circumstances; amending 74 O.S. 2001, Section 85.3A, as amended by Section 8, Chapter 319, O.S.L. 2008 (74 O.S. Supp. 2008, Section 85.3A), which relates to The Oklahoma Central Purchasing Act; expanding exempted entities; and providing for codification. (Amended by House, Amended by Senate)


Paraphrase: HB1755, by Rep. Scott Martin, R-Norman and Sen. Clark Jolley, R-Edmond, permits CompSource Oklahoma to develop a pilot program, which may operate for up to three years, to capture savings and improve services through exemption from certain purchasing and

acquisition statutory provisions and rules from certain budget filings and information systems conversions. It states that the program is to become permanent if it remains in existence and written authorization for continuation is provided by the governor during the 2012 legislative session. The measure also directs CompSource to provide an annual report to the Senate president pro tempore, House speaker and governor on its procurement processes and improved services and savings. The measure also states that CompSource is not required to comply with the Oklahoma Central Purchasing Act, but it must observe internal purchasing procedures approved by the purchasing director of the Department of Central Services. It also states that the agency is not required to comply with provisions of the Public Competitive Bidding Act of 1974, Public Building Construction and Planning Act and consulting services through the Construction and Properties Division of DCS, but it must observe internal procurement and bidding procedures. It states that the agency is not required to comply with the Oklahoma Surplus Property Act but must observe internal property disposition procedures. It also exempts CompSource from fleet management statutes. It further exempts CompSource from requirements of the Office of State Finance related to annual budget work program filing, budget requests and information systems and telecommunications plans. It does require the agency to file annual audited financial statements. It also exempts CompSource from conversion to CORE Phase II OSF requirements. (Amended by House, Amended by Senate)

Effective Date: 08/26/2009 **Emergency:** No

Principal Authors: Martin, Scott (H); Jolley, Clark (S)

Status: Governor Action - Signed **Status Date:** 06/02/2009


HB1893  **Short Title:** An Act relating to poor persons; authorizing the Aging Services Division of the Department of Human Services to develop and implement an Aging and Disability Resource Consortium initiative; providing duties and powers; stating purpose; providing for codification; and providing an effective date.

Paraphrase: HB1893, by Rep. Pam Peterson, R-Tulsa and Sen. Patrick Anderson, R-Enid, authorizes the Department of Human Services' Aging Services Division to work collaboratively with other national, state and local agencies and community groups to establish a single-point-of-entry concept for aging and disability groups in Oklahoma, referred to as an Aging and Disability Resource Consortium initiative, with the Aging Services Division designated as lead agency. The consortium is charged with streamlining access to long-term support services and assisting disabled and elderly Oklahomans in making informed decisions about their service and support options.

Effective Date: 11/01/2009 **Emergency:** No

Principal Authors: Peterson, Pam (H); Anderson, Patrick (S)

Status: Governor Action - Signed **Status Date:** 04/20/2009

HB1956  **Short Title:** An Act relating to state government; providing for the Oklahoma Statutes 2011 and annual cumulative supplements; providing for selection of a publisher; providing for procedure


for publication; providing for codification; and providing an effective date. (Amended by House, Amended by Senate)

Paraphrase: HB1956, by Rep. Chris Benge, R-Tulsa and Sen. Glenn Coffee, R-Oklahoma City, directs that "Oklahoma Statutes 2011" and annual cumulative supplements be compiled, codified, annotated, printed and published by a publisher selected by the chief clerk of the House from bids submitted. (Amended by House, Amended by Senate)

Effective Date: 11/01/2009 **Emergency:** No

Principal Authors: Benge, Chris (H); Coffee, Glenn (S)

Status: Governor Action - Signed **Status Date:** 06/01/2009


HB1975  **Short Title:** An Act relating to health care coverage legislation; specifying time period for introduction of bills mandating certain health coverage; providing exception to time period for introduction; requiring report assessing impacts of certain health coverage; providing requirements of report; requiring actuarial analysis for report; authorizing the Legislative Service Bureau to enter into certain contracts; providing for codification; and providing an effective date. (Amended by House)

Paraphrase: HB1975, by Rep. Lewis Moore, R-Arcadia and Sen. Bill Brown, R-Broken Arrow, requires that any bill that mandates health coverage by an insurance, hospital or other organization as part of a policy to be introduced in odd-numbered years and passed in even-numbered years. The bill provides an exception in case of an unforeseen emergency and such a bill may be considered if three-fourths of each house votes to allow the bill to be considered. It requires the primary author of the bill to submit a report prepared by an actuary to the House or Senate committee or subcommittee to which the proposal has been assigned. It requires the report to assess the financial impact of mandated coverage, including the extent to which the coverage would increase or decrease the premium and administrative expenses for policyholders. It authorizes the Legislative Service Bureau to enter into a contract with a person or entity to perform actuarial services. It states that a report on a similar bill or proposal in a different jurisdiction is insufficient. (Amended by House)

Effective Date: 11/01/2009 **Emergency:** No

Principal Authors: Moore, Lewis (H); Brown, Bill (S)

Status: Governor Action - Veto **Status Date:** 04/30/2009

HB2016  **Short Title:** An Act relating to the State Travel Reimbursement Act; requiring state agencies, boards, commissions and other entities to use the Trip Optimizer System; providing purpose and application; providing exception; providing for codification; and providing an effective date. (Amended by House, Amended by Senate, Emergency Measure)

Paraphrase: HB2016, by Rep. Kenneth Miller, R-Edmond and Sen. Mike Johnson, R-Kingfisher, requires each state agency, board, commission or other entity organized within the executive department to use the Trip Optimizer system of the Department of Central Services

when computing the optimum method and cost for travel by state employees using motor vehicles that are owned or leased by the agency or an employee. The bill exempts an agency that employs persons who use personal vehicles as part of regular duties and who are reimbursed for travel expenses by the agency. (Amended by House, Amended by Senate, Emergency Measure)

Effective Date: 07/01/2009 **Emergency:** Yes

Principal Authors: Miller, Kenneth (H); Johnson, Mike (S)

Status: Governor Action - Signed **Status Date:** 05/11/2009

HB2026

Short Title: An Act relating to public health; creating the Health Care for Oklahomans Act; directing the Insurance Commissioner to advise and aid certain board; authorizing the Commissioner to promulgate certain rules; providing for duties of certain board; providing for certain duties of the Commissioner; directing the Commissioner to initiate certain program; requiring certain referral; defining terms; permitting health carriers to offer certain plans to specified persons; requiring certain statement; providing for certain disclosure; requiring certain insurers to offer specified policies; directing health carriers to file certain rates; providing for the adoption of certain rules; amending 56 O.S. 2001, Section 1010.1, as last amended by Section 1, Chapter 412, O.S.L. 2008 (56 O.S. Supp. 2008, Section 1010.1), which relates to the premium assistant program; authorizing the purchase of certain high-deductible plan; providing for codification; and providing an effective date. (Amended by House, Amended by Senate)


Paraphrase: HB2026, by Rep. Kris Steele, R-Shawnee and Sen. Brian Crain, R-Tulsa, creates the Health Care for Oklahomans Act, directing the Oklahoma Health Care Authority, in collaboration with the Insurance Department, to establish the Health Care for the Uninsured Board (HUB) to review and establish a system of certification for insurance programs; establish a system for credentialing certified insurance programs; establish a system of counseling, including a Web site for individuals who are without health insurance and are not on Medicaid; and establish a system whereby if an individual qualifies for a subsidy under the premium assistance program, that person is able to become enrolled in the HUB. It directs the insurance commissioner in collaboration with the Oklahoma Health Care Authority, to initiate a program to encourage enrollment of individuals not covered by insurance or Medicaid. It directs health care providers to refer uninsured individuals to HUB. The bill allows insurance carriers to provide standard health benefit plans to individuals under 40 years of age that do not include state-mandated health benefits provided a standard disclaimer is included at the beginning of a plan document. It requires insurance providers offering standard health plans to provide policyholders with a written disclosure statement listing state-mandated benefits not included in the policy and provide notice that purchase of a standard benefit plan may limit future health coverage options. It directs policyholders to sign a disclosure statement for initial coverage to be retained in the records of the insurer who must provide the signed statement to the Oklahoma Insurance Department upon request of the insurance commissioner. It requires health carriers offering one or more standard health benefit plans to offer at least one accident or health insurance policy with state-mandated benefits. It directs health carriers to file with the Oklahoma Insurance Department the rates used for the standard health benefit plan. It directs

the insurance commissioner to adopt rules to implement these directives. It authorizes the Oklahoma Health Care Authority as part of the premium assistance program an option to purchase a high-deductible health insurance plan compatible with a health savings account. (Amended by House, Amended by Senate)

Effective Date: 11/01/2009 **Emergency:** No

Principal Authors: Steele, Kris (H); Crain, Brian (S)

Status: Governor Action - Signed **Status Date:** 05/06/2009

HB2028 

Short Title: An Act relating to children; amending 10 O.S. 2001, Section 15, which relates to support of stepchildren; deleting obsolete language; amending 10 O.S. 2001, Section 21.1, as last amended by Section 1, Chapter 94, O.S.L. 2007 (10 O.S. Supp. 2008, Section 21.1), which relates to custody or guardianship; deleting legislative intent; deleting stated conditions for when a court may deny custody to a noncustodial parent; prohibiting certain contributions from being considered in satisfaction of support obligation; providing for custody to be awarded to a parent unless a nonparent proves certain circumstances; prohibiting modification of custody except in certain circumstances; amending 10 O.S. 2001, Section 22.1, which relates to foster care by grandparents or other relatives; modifying agency designation; amending 10 O.S. 2001, Section 22.2, which relates to the Investing in Stronger Oklahoma Families Act; modifying agency designation; amending 10 O.S. 2001, Section 24, which relates to the Oklahoma Indigent Defense System; modifying statutory references; amending 10 O.S. 2001, Section 24.1, which relates to volunteer attorneys for indigent children; deleting obsolete language; amending 10 O.S. 2001, Section 170.1, which relates to authorization to consent to medical or dental care; clarifying language; amending 10 O.S. 2001, Section 1211, as amended by Section 3, Chapter 415, O.S.L. 2004 (10 O.S. Supp. 2008, Section 1211), which relates to juvenile law and issues training; limiting certain training requirements to certain persons; modifying certain training requirements; requiring each judicial district to develop rules; specifying time limit; amending 10 O.S. 2001, Sections 7001-1.1, 7001-1.2 and 7001-1.3, as last amended by Section 1, Chapter 258, O.S.L. 2006 (10 O.S. Supp. 2008, Section 7001-1.3), which relate to the Oklahoma Children's Code; modifying legislative intent; modifying definitions; amending 10 O.S. 2001, Sections 7002-1.1, as amended by Section 1, Chapter 69, O.S.L. 2005, 7002-1.2, 7002-2.1, 7002-2.2 and 7002-3.1 (10 O.S. Supp. 2008, Section 7002-1.1), which relate to jurisdiction; expanding scope of circumstances in which a court may assume jurisdiction; eliminating certain person from jurisdiction; authorizing a court to assume jurisdiction and take certain action in an emergency; providing for an automatic stay of certain action in certain circumstance; stating that certain orders in a deprived proceeding control over any conflicting order; specifying certain procedure; specifying procedures for venue; providing for transfer of venue in certain circumstance; limiting transfer; specifying residence; stating procedure for transfer; giving the court discretion in appointing a guardian ad litem in certain circumstances; authorizing the court to appoint a certain guardian ad litem in certain circumstance; specifying procedure for appointment of guardian ad litem or guardian; deleting certain persons authorized to bring a civil action in certain circumstances; amending 10 O.S. 2001, Section 7003-1.1, which relates to assessment and investigations; modifying procedures

and responsibilities after referral; eliminating requirement of certain statement in certain circumstance; amending 10 O.S. 2001, Sections 7003-2.1, as last amended by Section 5, Chapter 3, O.S.L. 2003, 7003-2.4, as last amended by Section 2, Chapter 293, O.S.L. 2008 and 7003-2.5 (10 O.S. Supp. 2008, Sections 7003-2.1 and 7003-2.4), which relate to protective custody; modifying circumstances in which a child may be taken into custody; requiring certain information to be in certain application; providing for a child to be taken into custody from a hospital in certain circumstance; deleting legislative intent; modifying determinations to be made in order; providing for certain alternative placements; deleting requirement for placement protocol for at-risk infants; providing immunity from liability for certain persons transporting a child; providing for certain presumption; providing for certain designation in certain circumstance; authorizing the Department to provide certain notice for emergency custody hearing; modifying certain content of notice; deleting provisions relating to the emergency custody hearing; deleting certain required form; deleting certain time limitation; deleting certain notice; deleting certain order; providing immunity from liability for health care providers in certain circumstances; amending 10 O.S. 2001, Sections 7003-3.1, as amended by Section 17, Chapter 327, O.S.L. 2002, 7003-3.3, 7003-3.4, 7003-3.5, 7003-3.6 and 7003-3.7, as last amended by Section 1, Chapter 268, O.S.L. 2007 (10 O.S. Supp. 2008, Sections 7003-3.1 and 7003-3.7), which relate to adjudication; specifying certain relief to be requested in petition; deleting certain required statements in petition; deleting certain provisions relating to termination of parental rights; specifying procedure for amendments; providing for a postadjudication petition in certain circumstances; providing limitation; specifying procedures when issuing a summons; modifying certain required content; providing for certain waiver of service; modifying certain notice proceedings and content; authorizing court-appointed counsel in certain circumstance; deleting certain time limitation; deleting provision authorizing access to certain information by attorney; providing reimbursement for certain travel; deleting limitation on certain application; deleting requirements for court-appointed special advocates; amending 10 O.S. 2001, Sections 7003-4.1, as amended by Section 4, Chapter 205, O.S.L. 2006, 7003-4.2, 7003-4.3, 7003-4.4, 7003-4.5, 7003-4.6 and 7003-4.7, as amended by Section 1, Chapter 237, O.S.L. 2002 (10 O.S. Supp. 2008, Sections 7003-4.1 and 7003-4.7), which relate to adjudicative hearings; authorizing certain proceedings to be held via teleconference; eliminating certain condition for certain testimony; modifying procedures relating to oral statements; requiring certain procedure for the taking of testimony of a child when facilities are available; providing for certain recess; specifying standard of proof, requiring certain persons to register with the court when a child has been adjudicated deprived; modifying circumstances in which reasonable efforts are not required to return child home; specifying time for permanency hearing; modifying procedures and circumstances for filing for termination of parental rights; amending 10 O.S. 2001, Sections 7003-5.2, 7003-5.3, as last amended by Section 2 of Enrolled Senate Bill No. 339 of the 1st Session of the 52nd Oklahoma Legislature, 7003-5.4, 7003-5.4a, 7003-5.5, as last amended by Section 3 of Enrolled Senate Bill No. 339 of the 1st Session of the 52nd Oklahoma Legislature, 7003-5.5a, as amended by Section 1, Chapter 452, O.S.L. 2004, 7003-5.6, as last amended by Section 4 of Enrolled Senate Bill No. 339 of the 1st Session of the 52nd Oklahoma Legislature, 7003-5.6a, 7003-5.6b, 7003-5.6d, as last amended by Section 5 of Enrolled Senate Bill No. 339 of the 1st Session of the 52nd Oklahoma Legislature, 7003-5.6e, as last amended by Section 4, Chapter 452, O.S.L. 2004, 7003-5.6f and 7003-5.6h, as amended by Section 1, Chapter 75, O.S.L. 2005 (10 O.S. Supp. 2008,

Sections 7003-5.5a, 7003-5.6e and 7003-5.6h), which relate to dispositional hearings and orders; deleting certain provisions relating to medical care; specifying time frame for individualized service plan; providing for evidentiary hearing in certain circumstance; specifying content of individualized service plan; specifying certain information to be provided to a court; deleting certain requirements for disease screenings; modifying definition; requiring a showing of good cause before delaying dispositional hearing; specifying procedures for hearing; modifying procedures for trial home reunification; specifying content of certain written report; modifying procedures for permanency hearing; providing for memorialization of hearing; specifying plans authorized to be ordered by court; modifying procedures relating to written agreements with birth relatives in certain adoptions; specifying steps to preserve sibling contact; providing for postadoption agreements; modifying considerations in adoption determination; amending 10 O.S. 2001, Sections 7003-6.2, as last amended by Section 2, Chapter 268, O.S.L. 2007, 7003-6.2A, as amended by Section 6, Chapter 205, O.S.L. 2006, 7003-6.3 and 7003-6.4 (10 O.S. Supp. 2008, Section 7003-6.2 and 7003-6.2A), which relate to modification and appeals of decrees or orders; deleting certain procedures during an appeal; providing for decision by court to be made on a priority basis; defining certain term; amending 10 O.S. 2001, Section 7003-7.1, as amended by Section 19, Chapter 327, O.S.L. 2002 (10 O.S. Supp. 2008, Section 7003-7.1), which relates to persons or agencies receiving custody; specifying applicable persons; deleting requirement for certain form; modifying procedures for medical care; amending 10 O.S. 2001, Sections 7003-8.1, as last amended by Section 1, Chapter 27, O.S.L. 2008, 7003-8.2, 7003-8.3, 7003-8.4, 7003-8.5, 7003-8.6, 7003-8.7, as amended by Section 1, Chapter 198, O.S.L. 2004, and Section 2, Chapter 198, O.S.L. 2004, as last amended by Section 1, Chapter 99, O.S.L. 2008 (10 O.S. Supp. 2008, Sections 7003-8.1, 7003-8.7 and 7003-8.8), which relate to provisions affecting court proceedings and custody; modifying considerations when placing child with foster parent; modifying definition; modifying certain population count for appointment of referees; providing for reasonable compensation to be fixed by judge; specifying procedures for referees; specifying that the Oklahoma Child Support Services handle certain matters; amending 10 O.S. 2001, Sections 7004-1.1, 7004-1.3, 7004-1.5, 7004-1.6, 7004-1.7 and Section 7, Chapter 205, O.S.L. 2006, as amended by Section 4, Chapter 159, O.S.L. 2008 (10 O.S. Supp. 2008, Section 7004-1.8), which relate to powers and duties of the Department of Human Services; modifying procedures; specifying procedures for travel; providing for annual report on progress of certain program; amending 10 O.S. 2001, Section 7004-2.1, which relates to grants and contracts for community-based services and care for deprived children; clarifying language; amending 10 O.S. 2001, Section 7004-3.1, 7004-3.2, as amended by Section 20, Chapter 327, O.S.L. 2002, 7004-3.4, as amended by Section 6, Chapter 445, O.S.L. 2002 and 7004-3.5 (10 O.S. Supp. 2008, Sections 7004-3.2 and 7004-3.4), which relate to children's shelters and youth services shelter facilities; deleting specific requirements for certain rules and policies; providing for use of physical force; amending 10 O.S. 2001, Sections 7005-1.1, 7005-1.2, 7005-1.3, as amended by Section 1, Chapter 153, O.S.L. 2005, 7005-1.6 and Section 4, Chapter 351, O.S.L. 2007, as amended by Section 3, Chapter 293, O.S.L. 2008 (10 O.S. Supp. 2008, Sections 7005-1.3 and 7005-1.9), which relate to children's records; making the provision of certain forms discretionary; modifying definitions; providing for the production of safety-analysis records; authorizing the establishment of certain fees; specifying certain disclosure is not prohibited; authorizing the redaction of certain names before disclosure of certain records; amending 10 O.S. 2001,

Sections 7006-1.1, 7006-1.2 and 7006-1.3, which relate to the termination of parental rights; clarifying procedures for termination; eliminating notice that termination does not terminate duty to support child; providing for the vacation of an order to terminate parental rights; amending 10 O.S. 2001, Section 7103, as amended by Section 1 of Enrolled House Bill No. 1738 of the 1st Session of the 52nd Oklahoma Legislature, Section 15, Chapter 205, O.S.L. 2006, and 10 O.S. 2001, Sections 7105, as amended by Section 2, Chapter 184, O.S.L. 2005, 7105.1, 7106, as amended by Section 16, Chapter 205, O.S.L. 2006, 7107, 7108, as amended by Section 1, Chapter 435, O.S.L. 2004, 7109, 7110, as last amended by Section 5, Chapter 258, O.S.L. 2006, 7110.1, as amended by Section 3, Chapter 487, O.S.L. 2002, 7110.2, as last amended by Section 6, Chapter 258, O.S.L. 2006, 7111, 7113 and 7115.1 (10 O.S. Supp. 2008, Sections 7104.1, 7105, 7106, 7108, 7110, 7110.1 and 7110.2), which relate to the Oklahoma Child Abuse Reporting and Prevention Act; expanding duty to all persons; expanding scope of persons authorized to conduct certain investigation; eliminating priority basis investigations; providing for the documentation of whether certain persons have accessed services after specific amount of time; providing requirements to protect certain confidential information; requiring certain statement in notice; modifying council designation; amending 10 O.S. 2001, Sections 7202, 7204, as amended by Section 6 of Enrolled Senate Bill No. 339 of the 1st Session of the 52nd Oklahoma Legislature, 7204.1, 7205, 7206, as amended by Section 3, Chapter 159, O.S.L. 2008, 7206.1, 7207, 7208, as amended by Section 7, Chapter 445, O.S.L. 2002, 7209, as last amended by Section 1, Chapter 159, O.S.L. 2008, 7210, 7211, 7212, 7213, 7214, 7218 and 7221, as amended by Section 2, Chapter 159, O.S.L. 2008 (10 O.S. Supp. 2008, Sections 7206, 7208, 7209 and 7221), which relate to the Oklahoma Foster Care and Out-of-Home Placement Act; deleting legislative intent; deleting provisions relating to delinquent children; specifying circumstance in which the preference of a child may be given in determining placement; providing for foster parent to give certain oral or written report to the court; specifying minimum visits by the Department with the foster child; amending Section 2 of Enrolled Senate Bill No. 894 of the 1st Session of the 52nd Oklahoma Legislature, which relates to sexual assault; deleting certain statutory reference; modifying procedures for certain assessments; defining terms; providing for certain authorization for medical treatment; consolidating and clarifying provisions relating to medical treatment of a child in the custody of the Department; specifying procedures for placement preferences; specifying procedures for deprived proceedings; clarifying that courts may order alleged perpetrators out of home of child; providing for certain alternative dispute resolution; providing for certain Department immunity in certain circumstances; providing for certain use immunity for in-court testimony; specifying procedures for permanent guardianship; providing procedures for the transfer and transport of a child; prohibiting the filing of social records in the court record; consolidating court-appointed special advocate training requirements and court procedures; directing inclusion; repealing 10 O.S. 2001, Section 4, which relates to support and education; repealing 10 O.S. 2001, Section 5.1, which relates to the death of a custodial parent; repealing 10 O.S. 2001, Section 5A, which relates to visitation rights between siblings; repealing 10 O.S. 2001, Section 6, which relates to the custody of a child born out of wedlock; repealing 10 O.S. 2001, Section 7, which relates to allowance out of child's property for support and education; repealing 10 O.S. 2001, Section 8, which relates to parent without control over child's property; repealing 10 O.S. 2001, Section 9, which relates to abuse of parental authority; repealing 10 O.S. 2001, Section 10, which relates to cessation of parental authority; repealing 10 O.S. 2001,

Section 11, which relates to public action for support of deceased parent's child; repealing 10 O.S. 2001, Section 12, which relates to maintenance of poor persons by parents; repealing 10 O.S. 2001, Section 14, which relates to compensation for support of child; repealing 10 O.S. 2001, Section 16, which relates to services and support after majority; repealing 10 O.S. 2001, Section 17, which relates to relinquishment of rights by parent; repealing 10 O.S. 2001, Section 18, which relates to payment of minor's wages; repealing 10 O.S. 2001, Section 21.2, which relates to definitions; repealing 10 O.S. 2001, Section 21.3, which relates to right to custody; repealing 10 O.S. 2001, Section 21.4, which relates to authority to surrender, assign, relinquish or otherwise transfer custody; repealing 10 O.S. 2001, Section 21.5, as amended by Section 1, Chapter 286, O.S.L. 2006 (10 O.S. Supp. 2008, Section 21.5), which relates to permanent custody to adult relative within the third degree; repealing 10 O.S. 2001, Section 21.6, which relates to right to authorize medical care; repealing 10 O.S. 2001, Section 23, which relates to the National Youth Administration; repealing Section 1, Chapter 141, O.S.L. 2008 (10 O.S. Supp. 2008, Section 7002-1.3), which relates to jurisdiction over matters necessary to finalize permanency plan; repealing 10 O.S. 2001, Section 7003-2.2, which relates to emergency medical treatment or mental health care; repealing 10 O.S. 2001, Section 7003-2.3, which relates to authorization of medical or mental health treatment; repealing 10 O.S. 2001, Section 7003-5.1, as amended by Section 2, Chapter 351, O.S.L. 2007 (10 O.S. Supp. 2008, Section 7003-5.1), which relates to dispositional hearings and orders; repealing 10 O.S. 2001, Section 7003-7.2, which relates to children becoming unmanageable; repealing 10 O.S. 2001, Section 7004-1.2, which relates to Management Information System; repealing 10 O.S. 2001, Section 7004-1.4, which relates to mental health services for children; repealing 10 O.S. 2001, Section 7004-3.3, which relates to use of physical force; repealing 10 O.S. 2001, Section 7005-1.4, as last amended by Section 3, Chapter 351, O.S.L. 2007 (10 O.S. Supp. 2008, Section 7005-1.4), which relates to disclosure of Department of Human Services records without court order; repealing 10 O.S. 2001, Section 7005-1.5, which relates to release of Department of Human Services records to Indian tribes; repealing 10 O.S. 2001, Section 7005-1.7, which relates to the federal Child Abuse Prevention and Treatment Act; repealing 10 O.S. 2001, Section 7006-1.4, which relates to custody with authority to consent to adoption after termination of parental rights; repealing 10 O.S. 2001, Section 7006-1.5, which relates to action to adopt not to be combined with action to terminate parental rights; repealing 10 O.S. 2001, Section 7006-1.6, which relates to deprived children in custody; repealing Section 9, Chapter 205, O.S.L. 2006, Sections 10, 11, 12 and 13, Chapter 205, O.S.L. 2006, as amended by Sections 4, 5, 6 and 7, Chapter 293, O.S.L. 2008 and Section 14, Chapter 205, O.S.L. 2006 (10 O.S. Supp. 2008, Sections 7008-1.1, 7008-1.2, 7008-1.3, 7008-1.4, 7008-1.5 and 7008-1.6), which relate to the Oklahoma Children and Juvenile Law Reform Committee; repealing 10 O.S. 2001, Section 7101, which relates to short title for the Oklahoma Child Abuse Reporting and Prevention Act; repealing 10 O.S. 2001, Section 7102, as last amended by Section 5, Chapter 351, O.S.L. 2007 (10 O.S. Supp. 2008, Section 7102), which relates to public policy; repealing 10 O.S. 2001, Section 7104, as last amended by Section 1 of Enrolled Senate Bill No. 894 of the 1st Session of the 52nd Oklahoma Legislature, which relates to report of criminally inflicted injuries; repealing 10 O.S. 2001, Sections 7201, 7202.4, 7203, 7203.1, 7203.2 and 7206.3, which relate to foster care; providing for codification; providing for noncodification; providing for recodification; and declaring an emergency. (Amended by House, Amended by Senate, Emergency Measure)

Paraphrase: HB2028, by Rep. Kris Steele, R-Shawnee and Sen. Harry Coates, R-Seminole, modifies language related to child support, stating that a stepparent is not required to maintain his or her spouse's children from a prior relationship. It removes language related to legislative intent for placing a child with a family member and directs a court to award custody or guardianship of a child to a parent, unless a nonparent proves by clear and convincing evidence that the parent willfully failed, refused or neglected to contribute to the child's support or the child has been left in the physical custody of a nonparent for one year or more, excluding parents on active duty, and the parent has not maintained regular visitation or communication with the child. It establishes that incidental or token financial contributions shall not be considered in determination of whether a parent has satisfied his/her obligations or in a determination of whether a parent or parents have regularly maintained visitation or communication. It creates a rebuttable presumption that a parent is affirmatively unfit under certain conditions. The bill modifies language related to modifications to custody determinations. It removes language making the Indigent Defense System responsible for cases of indigent children. It directs the Supreme Court to establish by rule education and training requirements for judges, which are to include juvenile law, child abuse and neglect, foster care and out-of-home placement, domestic violence, behavioral health treatment and similar topics. It requires judges with juvenile docket responsibility to attend at least 12 hours of training per calendar year. It requires district attorneys, assistant district attorneys, public defenders, assistant public defenders, attorneys employed by or under contract with the Oklahoma Indigent Defense System, court-appointed or retained attorneys or attorneys employed by or under contract with a district court whose duties include juvenile docket responsibility to complete at least six hours of education and training annually in courses related to such topics. It directs each judicial district to develop and administer procedures and rules regarding such courses with the chief judge or designee judge ensuring the mandate is carried out within one year. The measure states legislative intent that the Children's Code provides the foundation and process for state intervention into the parent-child relationship when circumstances of a family threaten the safety of a child and to properly balance the interests of the parties. The bill directs a district court to obtain jurisdiction over any child who is or is alleged to be deprived, allowing the court to issue any temporary order or grant any interlocutory relief and staying all other action pending or thereafter commenced that concerns custody, support or visitation. It grants a judge presiding over a deprived action the authority to make a final determination in the matter and preside over any separate action necessary to finalize a child's court-approved permanency plan, including adoption, guardianship or other custody proceeding. It defines a venue of deprived allegation to be the county where the child is found or resides, where alleged acts occurred or where a parent or sibling has a deprived action pending. It prohibits dismissal of deprived action if filed in the wrong venue and directs transfer to the proper venue unless venue is waived. It authorizes most transfers of deprived action from a county outside a child's residence to the county of residence at any stage in proceedings after the petition is filed. It prohibits transfer of a deprived action if a petition or motion to terminate parental rights has been filed until the conclusion of the termination proceeding. It directs the deprived action be transferred to a county where proceedings are pending concerning custody of siblings. It permits the transfer of a case to a venue where the evidence or witnesses are located when the interests of justice or convenience of the parties

require and permits, following adjudication, the receiving court to transfer the case back to the county of the child's legal residence. It defines the residence of a child and custodial order when none is present. It permits the court to request the transfer of a case to a county where a child resides provided prior to transfer the court contacts the judge in the other venue to confirm acceptance of the transfer. The bill directs a transfer order and certified copies of all documents of record be transmitted to the receiving court with names and addresses of all parties entitled to notice of any further proceedings upon receipt of written confirmation of transfer acceptance. It directs the receiving court upon case transfer to set a hearing date not more than 30 days following the date the venue change occurred. It directs a court to refer allegations of abuse or neglect to the Department of Human Services for assessment or investigation. It directs appointment of a guardian ad litem of the estate of a child when the child is in the emergency or temporary custody of DHS. When a child is in the permanent legal custody of DHS, the bill requires the director to serve as legal guardian until an attorney guardian ad litem is appointed. It stipulates circumstances under which DHS is responsible for further investigation after making a referral to law enforcement. The bill allows a child to be taken into custody prior to the filing of a petition by a peace officer if he/she suspects that the child is in need of immediate protection due to abuse or neglect or the circumstances or surroundings of the child's home or care would present imminent danger. The measure sets forth criteria that must be met for a court to enter an emergency custody order removing a child from his/her home. It grants immunity from civil or criminal liability to any peace officer, court employee, DHS employee, court-appointed special advocate or other person acting under the direction of the court who in good faith transports a child. It allows a parent or person responsible for a child who is arrested on a charge or warrant other than child abuse or neglect or child endangerment to designate another person to take physical custody of a child. It grants immunity from civil or criminal liability to physicians or health care providers acting pursuant to consent or court-ordered authorizing treatment. It modifies required contents for a petition in a proceeding alleging a child to be deprived and directs the court to liberally allow amendments to add or modify factual allegations up until seven days prior to the hearing. It sets forth guidelines for a court summons pursuant to a petition. It allows service of summons to be made by personal delivery, by mail or by publication and requires the court to hold the adjudication hearing more than 48 hours after the service of summons or if the summons is not served within the state, the adjudication hearing must be held more than five days after the summons is mailed. It allows proceedings held pursuant to the Oklahoma Children's Code to be conducted via teleconference. The measure sets forth guidelines for proceedings in which a child age 12 or younger is alleged to be deprived and provides a statement or testimony. The bill establishes circumstances when efforts to remove a child from home or to reunify a child with family are not required. It sets forth exceptions allowing a district attorney to not file a petition for a deprived child. It directs DHS or licensed child-placing agency to prepare and maintain a written individualized service plan for any child that has been adjudicated a deprived child, which must be furnished to the court and made available to counsel, any applicable tribe or the licensed child-placing agency having custody or responsibility for the child. It allows an evidentiary hearing to be held if any part of the plan is disputed. The bill directs a court to determine an initial permanency plan for the child and if aggravated circumstances exist and whether reunification services are appropriate for a child and his/her family. The bill directs the court to determine if reunification is indicated and if efforts are being made to place the child in

accord with the concurrent permanency plan. It directs the court to order a trial home reunification by returning the child to the care of a parent or legal guardian from whom the child was removed for a maximum of six months and directs DHS to monitor the reunification. It directs the court to re-evaluate the status of the child every 90 days when DHS has documented a compelling reason why a petition to terminate parental rights to a child is not in the best interests of the child. The bill expands the information to be included in a DHS report on the child. It directs a court to conduct a permanency hearing to determine the appropriate permanency goal for a child and order completion of all steps necessary to finalize the permanent plan. When a child has been in out-of-home care for 12 months or more, the bill allows the court to require that DHS facilitate a meeting within 30 days of a permanency hearing to discuss recommendations regarding the child's permanency plan that will be reported to and reviewed by the court. The bill prescribes ongoing contact with siblings and other family members for children who have been placed for adoption. It modifies language related to postadoption agreements. The bill prescribes guidelines for persons, institutions or agencies other than DHS that receive custody of a child under a court order. The measure allows judges in counties with a population of 80,000 or more and where funding is available to appoint a suitable person to act as referee on a full-time or part-time basis. It sets forth guidelines concerning child support. It modifies language related to DHS rules governing facilities where children may be placed. It establishes requirements for foster care payment under Title IV-E of the Social Security Act. It directs that DHS safety analysis records be produced in a child custody or visitation case when a parent, legal guardian or child who is the subject of the record obtains a court order directing their production. It provides averments required for inclusion in a motion for production of safety records. It identifies elements of the safety analysis records that may be redacted or omitted and directions to protect confidentiality and provides exemptions. It provides for dismissal of a confidential records request and for judicial review. The bill authorizes entities compelled to provide confidential records to require payment of fees, including a research fee not exceeding \$20 per hour and a copy fee not exceeding 50 cents per page and \$5 per copy of each video tape or disk and provides for exceptions. The bill provides a list of persons who may inspect juvenile court records without a court order. It prohibits a court from terminating the rights of a child unless the child has been adjudicated to be deprived either prior to or concurrently with a proceeding to terminate parental rights and termination of parental rights is in the best interests of the child. It prescribes legal grounds for termination of parental rights. The measure modifies language related to reports of child abuse or neglect. It directs physicians or surgeons making reports of abuse or neglect to provide copies of the results of examinations on the child or any other notes, X-rays or records relevant to the case and it allows DHS to request, without a court order, copies of all prior medical records. It modifies language related to disclosure of confidential records or information by DHS pursuant to a law or court order. It modifies language related to foster placement. The bill requires DHS or child-placing agency to visit each foster care child a minimum of one time per month, with no less than two visits per quarter in the foster placement. The bill requires a child-placing agency to conduct an assessment of a child in its custody designed to establish an appropriate plan for placement upon any voluntary out-of-home placement of a child by a parent into foster care with an agency. The bill authorizes the attorney general, the district attorney of the appropriate district and any other law enforcement official having jurisdiction to bring civil actions against any

person, officer or department, board, commission or other entity to enforce the provisions of the Oklahoma Children's Code or any law protecting or applying to a child removed from parental custody by order of the court. It allows a peace officer, court employee or court to authorize emergency medical treatment of a child as necessary. If the child is placed in DHS custody, the bill grants DHS the authority to consent to routine and ordinary medical care and treatment. It prohibits DHS from consenting to a child's abortion, sterilization, termination of life support or a "do not resuscitate" order. It requires consent of a parent or legal guardian for extraordinary medical care and treatment unless treatment is related to the abuse or neglect or the parent or legal guardian is unavailable or refuses to consent to such care. It requires a court to conduct an emergency custody hearing within two judicial days following the child being taken into protective or emergency custody. It states that when awarding custody or determining placement of a child, preference is to be given to relatives and persons who have a kinship with the child and directs every attempt be made to place siblings in the same home. It provides criteria for determination of the appropriate custodian or placement for a child. It provides directives for identification of and placement with relatives and identifies information required of and provided to them. The bill directs the district attorney's office and DHS to maintain records concerning a child in protective custody who is released prior to the emergency custody hearing. It provides directive for filing petitions for a deprived child. It allows a court to enter an order restraining an alleged perpetrator of physical or sexual abuse from having contact with the child at an emergency custody hearing or when a petition has been filed alleging abuse. It provides directives for issuance of restraining orders. It prescribes cases in which the Oklahoma Discovery Code and the Rules for District Courts of Oklahoma apply to juvenile proceedings. It authorizes the court to order or involved parties to voluntarily participate in an alternative dispute resolution process. It provides for application for use immunity for testimony, records, documents, other physical objects and statements during a court-ordered psychological evaluation or treatment program. It directs the court to hold an adjudication hearing not more than 90 days after filing of a petition alleging that a child is deprived and providing not less than 20 days' notice prior to the hearing to the child and child's parents, guardian or other legal custodian and provides for release of the child and expiration of an emergency custody order. It directs the court to determine a child to be deprived based on sworn testimony in a nonjury trial. It provides the kinds of dispositional orders that may be made in accordance with the best interests of the child and the elements required for inclusion in the dispositional orders. It requires dispositional orders to show reasonable efforts have been made to provide for the safe return of the child to his/her home and provides exceptions. The bill allows a court to order counseling and treatment for a child and his/her parents in cases where the child has been adjudicated to be deprived due to repeated absence from school. It allows a court to establish a permanent guardianship between a child and a relative or other adult if guardianship is in the child's best interests and if certain conditions are met. It directs the district attorney or child's attorney to file a motion for permanent guardianship with the juvenile court. It also allows the court to place the child in the legal custody of DHS and to determine whether adoption is in the best interests of the child. It provides for the modification or termination of a permanent guardianship. It authorizes the district attorney or child's attorney to give verbal notice to the court of an objection to the order of the court and an intention to seek review of that order. It authorizes the court to place the child in the custody of DHS and gives authority to approve or disapprove specific placement of a child, but it does not grant

authority to order specific placement. The bill authorizes the court, when DHS determines adoption to be in the best interest of a child, to order the district attorney to show cause why it should not file a petition or motion to terminate a parent-child legal relationship. It authorizes the court, upon termination of parental rights and a child's placement with an individual or agency or DHS, to grant authority to the entity to consent to adoption of the child. It provides for failure of parental rights termination. It authorizes a child to apply for reinstatement of previously terminated parental rights of his/her parents under certain circumstances and provides conditions and is retroactive. It exempts the district attorney, DHS and DHS employees from liability for civil damages resulting from any act or omission in providing services unless the act or omission constitutes gross negligence. It charges DHS and the Office of Juvenile Affairs with responsibility for the completion of and costs of the foster parent eligibility assessment and any national criminal history records search. It requires any court-appointed special advocate (CASA) available for appointment to complete education and training courses in juvenile law, child abuse and neglect and other issues relating to children, including but not limited to risk factors that identify domestic abuse and potential violence and the relationship between alcohol or drug abuse and violence, safe visitation and supervised visitation arrangements and standards for a child and parties. It prohibits the assignment of a case to a CASA before certain conditions are met and provides requirements for a CASA. It directs the county sheriff or his/her designee to provide transportation to a child subject to a deprived proceeding and directs DHS to provide reimbursement. The bill also repeals and recodifies several sections of laws within Title 10, the Children's Code. (Amended by House, Amended by Senate, Emergency Measure)

Effective Date: 05/21/2009 **Emergency:** Yes

Principal Authors: Steele, Kris (H); Coates, Harry (S)

Status: Governor Action - Signed **Status Date:** 05/21/2009

HB2029

Short Title: An Act relating to the Oklahoma Juvenile Code; amending 10 O.S. 2001, Sections 7301-1.1, 7301-1.2 and 7301-1.3, as amended by Section 1, Chapter 320, O.S.L. 2006 (10 O.S. Supp. 2008, Section 7301-1.3), which relate to general provisions and definitions of the Oklahoma Juvenile Code; specifying duties of district attorney; updating statutory references; adding and modifying scope of certain definitions; amending 10 O.S. 2001, Section 7302-1.1, as last amended by Section 2, Chapter 320, O.S.L. 2006 (10 O.S. Supp. 2008, Section 7302-1.1), which relates to the Board of Juvenile Affairs; updating language; amending 10 O.S. 2001, Sections 7302-3.1, as last amended by Section 5, Chapter 1, O.S.L. 2007, 7302-3.2, 7302-3.5, as amended by Section 8, Chapter 320, O.S.L. 2006, Section 4, Chapter 4, O.S.L. 2002, as amended by Section 9, Chapter 320, O.S.L. 2006, 7302-3.8, as amended by Section 11, Chapter 320, O.S.L. 2006, and 7302-3.11, as amended by Section 14, Chapter 320, O.S.L. 2006 (10 O.S. Supp. 2008, Sections 7302-3.1, 7302-3.5, 7302-3.6a, 7302-3.8 and 7302-3.11), which relate to powers and duties of the Office of Juvenile Affairs; updating language and agency designation; deleting certain specified program requirements; amending 10 O.S. 2001, Section 7302-4.1, which relates to the Juvenile Detention Improvement Revolving Fund; updating agency designation; amending 10 O.S. 2001, Sections 7302-5.1, as amended by

Section 15, Chapter 320, O.S.L. 2006, 7302-5.2, as amended by Section 21, Chapter 327, O.S.L. 2002, 7302-5.3, as amended by Section 22, Chapter 327, O.S.L. 2002 and 7302-5.4, as amended by Section 3, Chapter 124, O.S.L. 2006 (10 O.S. Supp. 2008, Sections 7302-5.1, 7302-5.2, 7302-5.3 and 7302-5.4), which relate to supervision and placement of juveniles; clarifying scope of certain juvenile services; updating language and agency designation; modifying certain age limitation; amending 10 O.S. 2001, Sections 7302-6.1, as amended by Section 23, Chapter 327, O.S.L. 2002, 7302-6.2, as amended by Section 3, Chapter 213, O.S.L. 2003, 7302-6.3, as last amended by Section 7, Chapter 1, O.S.L. 2007, 7302-6.4, 7302-6.5, 7302-6.6, as amended by Section 5, Chapter 124, O.S.L. 2006, 7302-6.7, 7302-6.8, 7302-6.9, as amended by Section 6, Chapter 124, O.S.L. 2006 and 7302-6.10 (10 O.S. Supp. 2008, Sections 7302-6.1, 7302-6.2, 7302-6.3, 7302-6.6 and 7302-6.9), which relate to facilities and training programs of the Office of Juvenile Affairs; updating language and agency designation; deleting obsolete language; modifying name of certain facility; amending 10 O.S. 2001, Sections 7302-7.1, as amended by Section 8, Chapter 421, O.S.L. 2004, 7302-7.2, as amended by Section 9, Chapter 421, O.S.L. 2004, 7302-7.3, as last amended by Section 10, Chapter 421, O.S.L. 2004, 7302-7.4, as last amended by Section 3, Chapter 266, O.S.L. 2007 and 7302-7.5, as amended by Section 12, Chapter 421, O.S.L. 2004 (10 O.S. Supp. 2008, Sections 7302-7.1, 7302-7.2, 7302-7.3, 7302-7.4 and 7302-7.5), which relate to the Delinquency and Youth Gang Intervention and Prevention Act; updating language and agency designation; clarifying certain duties of the Office of Juvenile Affairs; modifying eligibility requirement for certain contracts; amending 10 O.S. 2001, Section 7302-8.1, which relates to the Juvenile Offender Victim Restitution Work Program; updating agency designation; amending 10 O.S. 2001, Sections 7302-9.1, 7302-9.2, as amended by Section 2 of Enrolled House Bill No. 1676 of the 1st Session of the 52nd Oklahoma Legislature, 7302-9.3, 7302-9.4 and 7302-9.6, as amended by Section 3 of Enrolled House Bill No. 1676 of the 1st Session of the 52nd Oklahoma Legislature, which relate to the Serious and Habitual Juvenile Offender Act; modifying name of act; updating agency designation; deleting certain definitions; modifying scope of tracking program components; modifying statutory references; amending 10 O.S. 2001, Sections 7303-1.1, as amended by Section 24, Chapter 327, O.S.L. 2002, 7303-1.2, as amended by Section 7, Chapter 124, O.S.L. 2006, 7303-1.3, as last amended by Section 1, Chapter 176, O.S.L. 2007, 7303-1.4, as amended by Section 3, Chapter 473, O.S.L. 2002, 7303-1.5, 7303-1.6 and 7303-1.7, as amended by Section 26, Chapter 327, O.S.L. 2002 (10 O.S. Supp. 2008, Sections 7303-1.1, 7303-1.2, 7303-1.3, 7303-1.4 and 7303-1.7), which relate to custody proceedings; clarifying certain custody provisions; providing and modifying statutory references; modifying personal jurisdiction requirements; deleting certain jurisdiction and case transfer provisions; providing age limitation for filing of juvenile proceeding; requiring juveniles be tried in juvenile proceedings; providing for the transfer of certain cases to the juvenile division of the district court; deleting jurisdiction requirements and proceedings for municipalities; deleting municipal juvenile facility requirements; deleting municipal penalty guidelines; deleting municipal court records requirements; modifying preliminary inquiry procedures; deleting juvenile proceeding petition requirements; authorizing use of informal adjustment agreements; stating requirements and guidelines for use of informal adjustment agreements; allowing modification of informal adjustment agreements under certain circumstance; authorizing assessment of fees; requiring remittance of fee to certain revolving fund; stating purpose of fee; deleting certain time limitation; deleting certain definition; providing

time limitations and procedures for filing certain petition; providing procedures for service of summons; clarifying medical examination and evaluation provisions; deleting certain investigation requirement; amending 10 O.S. 2001, Section 7303-3.1, which relates to custodial interrogations; updating agency designation; requiring custodial interrogation of youthful offenders to conform with certain requirements; clarifying provisions related to court appointments of counsel; deleting certain prohibited act; amending 10 O.S. 2001, Sections 7303-4.2, 7303-4.3, as amended by Section 1, Chapter 75, O.S.L. 2004 and 7303-4.6, as last amended by Section 8, Chapter 124, O.S.L. 2006 (10 O.S. Supp. 2008, Sections 7303-4.3 and 7303-4.6), which relate to adjudicatory and certification hearings; authorizing reimbursement of certain expenses; requiring court to sustain or dismiss petition upon certain finding; deleting certain juvenile proceeding guidelines and certification procedures; authorizing court to require participation in certain programs during deferral period; deleting certain delinquency proceeding guidelines and definitions; amending 10 O.S. 2001, Sections 7303-5.1, 7303-5.2, as amended by Section 27, Chapter 327, O.S.L. 2002, 7303-5.3, as last amended by Section 9, Chapter 124, O.S.L. 2006, 7303-5.4, as amended by Section 6, Chapter 473, O.S.L. 2002, 7303-5.5, as amended by Section 2, Chapter 226, O.S.L. 2005, Section 3, Chapter 226, O.S.L. 2005, Section 5, Chapter 226, O.S.L. 2005, Section 6, Chapter 226, O.S.L. 2005 and Section 7, Chapter 226, O.S.L. 2005 (10 O.S. Supp. 2008, Sections 7303-5.2, 7303-5.3, 7303-5.4, 7303-5.5, 7303-5.6, 7303-5.8, 7303-5.9 and 7303-5.10), which relate to dispositional hearings and juvenile drug court programs; modifying statutory references; modifying guidelines for disposition orders; updating agency designation; clarifying restitution and community service provisions; authorizing court to order participation in Juvenile Drug Court Program; prohibiting the use of arrest, detention or adjudication information for any public or private purposes; authorizing use of teleconference communications for review hearing; defining phrase; limiting scope of juvenile drug courts to the treatment of adjudicated juveniles; providing guidelines for determining eligibility for drug court program; requiring drug court investigation; deleting certain eligibility guidelines; modifying juvenile drug court investigation requirements; specifying written treatment plan provisions; prohibiting admissibility of statements obtained during drug court proceedings; providing an exception; modifying and deleting certain final eligibility considerations; providing certain sanctions for failing to accept personal jurisdiction; deleting certain time limitations; deleting progress hearing and notice requirements; deleting plea agreement restrictions; authorizing court to order payment of certain juvenile drug court program fees; amending 10 O.S. 2001, Section 7303-6.2, which relates to appeals to the appellate courts; modifying procedures in which appeals may be taken; amending 10 O.S. 2001, Sections 7303-7.4, 7303-7.5 and 7303-7.6, which relate to contempt of court proceedings, referees and reimbursement for certain costs; providing time limitation for punishment in a juvenile detention center; decreasing county population limit for referee appointments; requiring judge to determine reasonable compensation for referees; modifying duties and powers of referees; providing for service of findings and orders made by referees; stating procedures for review of orders; providing for the adoption or modification of certain report; stating when orders and findings become effective; providing exceptions; modifying procedures for reimbursement of costs and expenses; updating agency designation; deleting certain payment, reimbursement and disbursement procedures; deleting certain powers of the court; amending 10 O.S. 2001, Sections 7303-8.1, as amended by Section 28, Chapter 327, O.S.L. 2002, 7303-8.2, 7303-8.3, 7303-8.4, as amended by Section 29, Chapter 327, O.S.L.

2002 and 7303-8.6, as amended by Section 10, Chapter 124, O.S.L. 2006 (10 O.S. Supp. 2008, Sections 7303-8.1, 7303-8.4 and 7303-8.6), which relate to placements for adjudicated children; modifying requirements for inpatient treatment and evaluations; updating agency designations; deleting placement procedures for outpatient and inpatient care; amending 10 O.S. 2001, Sections 7304-1.1, as last amended by Section 9, Chapter 3, O.S.L. 2003 and 7304-1.3 (10 O.S. Supp. 2008, Section 7304-1.1), which relates to the detention or confinement of children; increasing time limitation for orders requiring secure detention; modifying categories that require secure detention of a child; updating agency designations; modifying statutory references; directing certain juvenile offenders be given priority status for detention beds; deleting obsolete language; amending 10 O.S. 2001, Sections 7305-1.1, as last amended by Section 1, Chapter 385, O.S.L. 2008, 7305-1.3, 7305-1.7, as last amended by Section 2, Chapter 385, O.S.L. 2008 and 7305-1.10 (10 O.S. Supp. 2008, Sections 7305-1.1 and 7305-1.7), which relate to juvenile bureaus and citizens' advisory committees; deleting certain duty required of the Department of Juvenile Justice; deleting requirement that prohibits the disclosure of certain information; modifying salary limitations for certain supervisors and employees; deleting approval requirement for mileage reimbursement; deleting reporting requirements for certain expenses incurred by directors and counselors; modifying statutory references; amending 10 O.S. 2001, Sections 7306-1.1, 7306-2.1, 7306-2.2, as last amended by Section 1, Chapter 277, O.S.L. 2008, 7306-2.3, 7306-2.4, as last amended by Section 2, Chapter 277, O.S.L. 2008, 7306-2.5, as last amended by Section 11, Chapter 1, O.S.L. 2007, 7306-2.6, as amended by Section 5, Chapter 286, O.S.L. 2006, Section 2, Chapter 239, O.S.L. 2006, 7306-2.8, as amended by Section 6, Chapter 286, O.S.L. 2006, 7306-2.9, as last amended by Section 1 of Enrolled Senate Bill No. 270 of the 1st Session of the 52nd Oklahoma Legislature, 7306-2.10, as last amended by Section 4, Chapter 277, O.S.L. 2008, Section 1, Chapter 144, O.S.L. 2006, as amended by Section 5, Chapter 277, O.S.L. 2008, 7306-2.11, as last amended by Section 6, Chapter 277, O.S.L. 2008 and 7306-2.12, as amended by Section 10, Chapter 286, O.S.L. 2006 (10 O.S. Supp. 2008, Sections 7306-2.2, 7306-2.4, 7306-2.5, 7306-2.6, 7306-2.7a, 7306-2.8, 7306-2.10, 7306-2.10a, 7306-2.11 and 7306-2.12), which relate to reverse certification and the Youthful Offender Act; updating language; modifying statutory references; providing for appointment of attorney regardless of attempted waiver and upon determination of indigency; updating agency designation; authorizing use of teleconference communication for certain hearings; defining phrase; amending 10 O.S. 2001, Sections 7307-1.1, 7307-1.2, as last amended by Section 2, Chapter 324, O.S.L. 2008, 7307-1.3, 7307-1.4, as last amended by Section 2, Chapter 156, O.S.L. 2007, 7307-1.5, as amended by Section 2, Chapter 191, O.S.L. 2007, 7307-1.7, 7307-1.8, as amended by Section 13, Chapter 434, O.S.L. 2003 and 7307-1.9 (10 O.S. Supp. 2008, Sections 7307-1.2, 7307-1.4, 7307-1.5 and 7307-1.8), which relate to juvenile records; modifying statutory references; clarifying scope of certain definition; modifying certain confidentiality requirement; updating agency designation; clarifying what juvenile court records may be expunged; amending 10 O.S. 2001, Sections 7308-1.1, 7308-1.3, as amended by Section 2, Chapter 164, O.S.L. 2002, 7308-1.4, as amended by Section 3, Chapter 164, O.S.L. 2002 and 7308-1.5, as amended by Section 4, Chapter 164, O.S.L. 2002 (10 O.S. Supp. 2008, Sections 7308-1.3, 7308-1.4 and 7308-1.5), which relate to the Juvenile Sex Offender Registration Act; updating language; modifying statutory references; amending Section 1, Chapter 147, O.S.L. 2004 (10 O.S. Supp. 2008, Section 7309-1.1), which relates to the

Interstate Compact for Juveniles Act; updating language; authorizing certain municipalities to assume jurisdiction in certain juvenile cases; authorizing municipalities to enter into interlocal agreements; providing for the detainment of juveniles under certain circumstances and pursuant to certain restrictions; prohibiting placement of juveniles in adult detention facilities; providing for temporary detainment pursuant to certain conditions; defining phrase; requiring certification of municipal juvenile facilities; directing establishment of certification standards for municipal juvenile facilities; providing for the assessment of fines and community service for juveniles; providing penalties for failure to complete community service; providing for suspension of driver licenses and driving privileges; providing for confidentiality of certain records; directing certain funds be earmarked for certain purposes; prohibiting the filing of social records; providing procedures for filing social records; authorizing disclosure of records when permitted by law; amending Section 1, Chapter 387, O.S.L. 2005, 12 O.S. 2001, Section 95, as last amended by Section 4, Chapter 99, O.S.L. 2008 and Section 2, Chapter 405, O.S.L. 2003, as amended by Section 1, Chapter 445, O.S.L. 2004 (12 O.S. Supp. 2008, Sections 39, 95 and 2611.4), which relate to civil procedure; modifying statutory references; amending 19 O.S. 2001, Sections 215.33, as last amended by Section 1, of Enrolled Senate Bill No. 539 of the 1st Session of the 52nd Oklahoma Legislature and Section 1, Chapter 110, O.S.L. 2003, as amended by Section 1, Chapter 355, O.S.L. 2004 (19 O.S. Supp. 2008, Section 339.6), which relate to counties and county officers; modifying statutory references; amending Sections 1, Chapter 81, O.S.L. 2008 and 20 O.S. 2001, Section 1304, as amended by Section 6, Chapter 390, O.S.L. 2002 (20 O.S. Supp. 2008, Sections 128 and 1304), which relate to courts; modifying statutory references; amending 21 O.S. 2001, Sections 13.1, as last amended by Section 1, Chapter 199, O.S.L. 2007, 142.18, 567A, 701.7, as last amended by Section 2, Chapter 186, O.S.L. 2006, 852, as last amended by Section 14, Chapter 407, O.S.L. 2008, 852.1, as amended by Section 1 of Enrolled Senate Bill No. 1138 of the 1st Session of the 52nd Oklahoma Legislature, 888, as last amended by Section 9, Chapter 261, O.S.L. 2007, 1115, as last amended by Section 18, Chapter 261, O.S.L. 2007 and 1123, as last amended by Section 14, Chapter 3, O.S.L. 2008 (21 O.S. Supp. 2008, Sections 13.1, 142.18, 701.7, 852, 888, 1115 and 1123), which relate to crimes and punishments; modifying statutory references; amending 22 O.S. 2001, Sections 20, Section 3, Chapter 53, O.S.L. 2005, as amended by Section 4, Chapter 156, O.S.L. 2007, 60.4, as last amended by Section 1, Chapter 34, O.S.L. 2006, 60.6, as last amended by Section 2, Chapter 403, O.S.L. 2008, 152, as last amended by Section 1 of Enrolled House Bill No. 1008 of the 1st Session of the 52nd Oklahoma Legislature, 471.1, as amended by Section 1, Chapter 37, O.S.L. 2008, 991a, as last amended by Section 3 of Enrolled Senate Bill No. 518 of the 1st Session of the 52nd Oklahoma Legislature, and 1089.1 (22 O.S. Supp. 2008, Sections 58, 60.4, 60.6 and 471.1), which relate to criminal procedure; modifying statutory references; amending 30 O.S. 2001, Sections 1-115, as amended by Section 3, Chapter 69, O.S.L. 2005 and 2-103 (30 O.S. Supp. 2008, Section 1-115), which relate to guardian and ward; modifying statutory references; amending Section 9, Chapter 400, O.S.L. 2002 and 43 O.S. 2001, Section 112, as last amended by Section 1, Chapter 34, O.S.L. 2007 (43 O.S. Supp. 2008, Sections 104.1 and 112), which relate to marriage; modifying statutory references; amending 43A O.S. 2001, Sections 5-502, as last amended by Section 25, Chapter 97, O.S.L. 2006, 5-504, as last amended by Section 4, Chapter 130, O.S.L. 2003, 5-507, as last amended by Section 29, Chapter 97, O.S.L. 2006, 5-510, as last amended by Section 10, Chapter 130, O.S.L. 2003 and 5-511, as last amended by

Section 11, Chapter 130, O.S.L. 2003 (43A O.S. Supp. 2008, Sections 5-502, 5-504, 5-507, 5-510 and 5-511), which relate to mental health; modifying statutory references; amending 51 O.S. 2001, Section 152, as last amended by Section 1, Chapter 348, O.S.L. 2008 (51 O.S. Supp. 2008, Section 152), which relates to officers; modifying statutory references; amending 56 O.S. 2001, Section 1025.1, as last amended by Section 1, Chapter 71, O.S.L. 2008 (56 O.S. Supp. 2008, Section 1025.1), which relates to poor persons; modifying statutory references; amending 57 O.S. 2001, Sections 138, as last amended by Section 12, Chapter 358, O.S.L. 2004, 216, 582, as last amended by Section 22, Chapter 261, O.S.L. 2007, 584, as last amended by Section 28, Chapter 261, O.S.L. 2007 and Section 3, Chapter 358, O.S.L. 2004, as amended by Section 3, Chapter 162, O.S.L. 2008 (57 O.S. Supp. 2008, Sections 138, 582, 584 and 593), which relates to prisons and reformatories; modifying statutory references; amending 63 O.S. 2001, Sections 1-227.4, as last amended by Section 5, Chapter 147, O.S.L. 2007, 1-705, Section 12, Chapter 200, O.S.L. 2005, as last amended by Section 6, Chapter 161, O.S.L. 2007 and 2-503.2, as last amended by Section 8, Chapter 226, O.S.L. 2005 (63 O.S. Supp. 2008, Sections 1-227.4, 1-740.2 and 2-503.2), which relate to public health and safety; modifying statutory references; amending 70 O.S. 2001, Sections 1-113, as amended by Section 2, Chapter 453, O.S.L. 2002, 3-104, 5-144, as last amended by Section 1, Chapter 205, O.S.L. 2005, 10-106 and 10-109 (70 O.S. Supp. 2008, Sections 1-113 and 5-144), which relate to schools; modifying statutory references; amending Section 4, Chapter 348, O.S.L. 2005, and 74 O.S. 2001, Sections 85.12, as last amended by Section 77, Chapter 1, O.S.L. 2007, 85.58F, 150.5, as last amended by Section 1, Chapter 121, O.S.L. 2008, 317, as amended by Section 1, Chapter 432, O.S.L. 2004 and 1221, as amended by Section 2, Chapter 485, O.S.L. 2002 (74 O.S. Supp. 2008, Sections 18p-4, 85.12, 150.5, 317 and 1221), which relate to state government; modifying statutory references; directing the inclusion and designation of a new title in the Oklahoma Statutes and supplements; repealing 10 O.S. 2001, Section 7302-2.5, which relates to reports made to the State Department of Education; repealing 10 O.S. 2001, Sections 7303-2.1, 7303-2.2, 7303-4.5, Section 4, Chapter 226, O.S.L. 2005, 7303-6.1, 7303-6.3, 7303-7.1, 7303-7.2, 7303-7.3 and 7303-8.5, as amended by Section 30, Chapter 327, O.S.L. 2002 (10 O.S. Supp. 2008, Sections 7303-5.7 and 7303-8.5), which relate to custody and court proceedings; providing for codification; providing for noncodification; providing for recodification; and declaring an emergency. (Amended by House, Amended by Senate, Emergency Measure)


Paraphrase: HB2029, by Rep. Kris Steele, R-Shawnee and Sen. Harry Coates, R-Seminole, modifies language related to the Oklahoma Juvenile Code. It directs district attorneys to prosecute any case within the purview of the Oklahoma Juvenile Code. It modifies definitions to include "behavioral health," "behavioral health facility" and "responsible adult." It modifies the definition of "child" or "juvenile" to include any person under age 18, excluding those charged and convicted under the Youthful Offender Act or those certified as adults. It modifies language related to Office of Juvenile Affairs programs for children at risk of becoming delinquent. It directs OJA to provide intake and probation services for juveniles in all counties not having a juvenile bureau and parole services. The bill allows OJA to enter into agreements under the Interlocal Cooperation Act for delinquency and gang intervention and prevention programs. It modifies language related to the Juvenile Offender Tracking Program, including procedures for identifying juvenile offenders. It allows children who appear to be in need of treatment, as

defined by the Inpatient Mental Health and Substance Abuse Treatment of Minors Act, to be admitted to a behavioral health treatment facility. It expands a county district court's jurisdiction to include an adult person living in the home of the child. It grants a county district court jurisdiction upon the filing of a petition alleging the child to be delinquent or upon the assumption of custody. The measure allows a juvenile proceeding to be filed before the child becomes 18 or within one year after the date of the 18th birthday if the underlying act would constitute a felony. The bill states that a child who is charged with having violated any state statute or municipal ordinance cannot be tried in a criminal action but in a juvenile proceeding, unless otherwise noted in the Juvenile Code. It directs a court to transfer a case to its juvenile division if it is determined that an alleged offense was committed when the person was a child. It requires a preliminary inquiry to determine whether the interests of the public or child require further court action to be taken. It allows an informal adjustment whereby the child agrees to fulfill certain conditions in exchange for not having a petition filed to be provided by an intake worker. The measure requires that a petition be filed and a summons issued within five judicial days of assumption of custody, or custody is to be relinquished to the parent or guardian. It sets forth requirements for filing such petition and summons. It allows a court to order that a child be examined for medical issues, including behavioral health diagnoses. It requires custodial interrogations of youthful offenders over age 16 to conform to the requirements of an adult interrogation. It directs the court to appoint counsel only upon the determination that the parent, guardian or legal custodian is indigent. It provides guidelines for a court to determine whether a child is delinquent or in need of supervision. It sets forth guidelines for a deferral of delinquency adjudication. It allows a court to order that a child participate in the Juvenile Drug Court Program. The measure prohibits an arrest or detention under the Juvenile Code or adjudication in a juvenile proceeding from being considered an arrest, detention or conviction for the purposes of employment, civil rights or statute, regulation, license, application or other purposes. It modifies language related to administration of the juvenile drug court program, including guidelines for a written treatment plan. It modifies language related to court-appointed referees and attorneys. It establishes requirements for municipalities in regard to juvenile offenses. It establishes guidelines for social records. It also repeals and recodifies several sections of Title 10, relating to children. (Amended by House, Amended by Senate, Emergency Measure)

Effective Date: 05/21/2009 **Emergency:** Yes

Principal Authors: Steele, Kris (H); Coates, Harry (S)

Status: Governor Action - Signed **Status Date:** 05/21/2009

HB2030 

Short Title: An Act relating to public safety; creating the Silver Alert Act; defining terms; requiring the Department of Public Safety to develop and implement a statewide silver alert system; providing for administration of the system; providing duties of the Commissioner of Public Safety; requiring rules and directives to include certain information; providing criteria for activation of silver alert; providing requirements for local law enforcement agencies; providing information to be included in the silver alert; providing for termination of a silver alert; requiring certain notification; providing for codification; and providing an effective date. (Amended by


House)

Paraphrase: HB2030, by Rep. Kris Steele, R-Shawnee and Sen. Glenn Coffee, R-Oklahoma City, creates the Silver Alert Act, directing the Department of Public Safety to develop a statewide silver alert system to be activated on behalf of missing senior citizens in cooperation with the Department of Transportation, the Department of Human Services, any law enforcement agency, the Oklahoma Association of Broadcasters and any other appropriate agencies. It designates the commissioner of public safety as the statewide coordinator and designates responsibilities, including the adoption of rules and directives to ensure proper alert implementation. It provides circumstances under which local law enforcement agencies may activate and terminate a silver alert and requires certain actions to be taken. It requires certain information to be included in the alert. (Amended by House)

Effective Date: 11/01/2009 **Emergency:** No

Principal Authors: Steele, Kris (H); Coffee, Glenn (S)

Status: Governor Action - Signed **Status Date:** 04/16/2009

HB2167  **Short Title:** An Act relating to state government; enacting the Private Attorney Retention Sunshine Act; requiring request for proposal process for retention of lawyer or law firm on behalf of state; requiring Internet website to contain conspicuous statement; requiring agency to maintain list of persons and entities receiving requests for proposals; authorizing agencies to provide Internet website access to request for proposals; prescribing period of time to maintain access; requiring website to contain information regarding vendor to which contract awarded; imposing requirement with respect to documents accessible through website; defining term; requiring executive review of certain contracts; requiring filing of proposed contract and written statement with Governor; providing requirements of written statement; providing time period for review; providing time period for which the Governor may hold a public hearing; requiring report from the Governor; allowing state agency or state agent to enter into certain proposed contract if the Governor makes no changes; requiring revised contract in certain circumstances; requiring letter to accompany revised contract if all recommended changes are not made; providing for additional hearings and additional reports; requiring certain revised contract terms to be treated as a new proposed contract; providing for expedited review of proposed contract; requiring certain statement from retained outside counsel at conclusion of legal proceeding; providing maximum amount of fees and expenses to be incurred; providing for reduction in fee; providing that Act does not expand authority of state agency or state agent; providing that certain contracts are not subject to the Oklahoma Central Purchasing Act; providing for discretion in the request for proposal process; providing for codification; and providing an effective date. (Amended by House, Amended by Senate)

Paraphrase: HB2167, by Rep. Mark McCullough, R-Sapulpa and Sen. Anthony Sykes, R-Moore, creates the Private Attorney Retention Sunshine Act, which requires request for proposal process for the awarding of any legal services contract where a state agency expects to retain a lawyer or law firm for services that will exceed \$5,000. It also requires the contracting agency to place on its Web site a copy of the request for proposal and the identity of all persons or entities to whom the request for proposal was transmitted. The act provides for

executive review of the terms of any such contract that exceeds \$500,000, and requires the contracting agency to file a contract and written proposal containing specific information with the governor, who shall review the submissions within 30 days. The governor may hold a public hearing on the proposed contract and shall issue a report to the state agency regarding any recommended changes to the proposed contract. The bill prohibits the state from being charged more than \$1,000 per hour for attorney fees. In the Senate, the bill was amended to remove reference to "a reasonable period of time" with "120 days" as it relates to when agencies must make available information regarding contracts. It was also amended to exempt legal service contracts from the Oklahoma Central Purchasing Act. It states that the request for proposal process is subject to the discretion of the agency head or his/her designee. (Amended by House, Amended by Senate)

Effective Date: 11/01/2009 **Emergency:** No

Principal Authors: McCullough, Mark (H); Sykes, Anthony (S)

Status: Governor Action - Veto **Status Date:** 05/08/2009

HCR1037



Short Title: A Resolution relating to public health and safety; encouraging the Oklahoma Department of Insurance to create a Vaccination Ombudsman role within the Department; encouraging the Ombudsman to assist providers in the procurement of and reimbursement for vaccines; and providing for distribution.

Paraphrase: HCR1037, by Rep. Doug Cox, R-Grove and Sen. Andrew Rice, D-Oklahoma City, recognizes the importance of access to immunizations for both rural and urban health care providers and patients. It also encourages the Oklahoma Department of Insurance to create a "vaccination ombudsman" role within the department to assist Oklahoma health providers in the cost-effective procurement of immunization serums for their patients and with immunization reimbursement issues.

Effective Date: // **Emergency:** No

Principal Authors: Cox, Doug (H); Rice, Andrew (S)

Status: Secretary of State **Status Date:** 05/13/2009

HJR1042



Short Title: A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to the Constitution of the State of Oklahoma by creating a new Article XXX; declaring the English language to be the official language of this state; requiring the business of this state be conducted in English; providing exceptions; defining terms; providing ballot title; and directing filing. (Constitutional Amendment)


Paraphrase: HJR1042, by Rep. Randy Terrill, R-Moore and Sen. Anthony Sykes, R-Moore, proposes a constitutional amendment designating English as the common and unifying language of the state. In the Senate, the measure was amended to require all official actions of the state to be conducted in the English language, except as required by federal. It also declares that no individual would have cause of action against a state agency or political

subdivision for failure to provide any official government action in any language other than English. The proposed constitutional amendment also states that it shall not be construed to diminish or impair the use, study, development or encouragement of any Native American language. The proposed amendment also provides the Legislature the power to implement, enforce and determine the proper application of the amendment by appropriate legislation. (Constitutional Amendment)

Effective Date: // **Emergency:** No

Principal Authors: Terrill, Randy (H); Sykes, Anthony (S)

Status: Secretary of State **Status Date:** 05/07/2009


SB0131  **Short Title:** An Act relating to the Oklahoma Health Care Authority; authorizing transfer; requiring budgeting in certain categories and amounts; providing for duties and compensation of employees; limiting salary of the Administrator; authorizing payment of certain expenses; authorizing the employing of certain attorneys; prohibiting certain increases in budgetary limits; providing budgetary limitations; providing procedures for exempting certain funds from expenditure and budgetary limitations; requiring certain filings and approvals; specifying certain funding requirements; authorizing transfers of certain funds; providing procedures; authorizing the expenditure of previously appropriated funds for certain purpose; requiring recordkeeping; authorizing certain requests relating to early transfers; making certain transfer nonfiscal; requiring and prohibiting certain budget procedures; providing lapse dates; providing an effective date; and declaring an emergency. (Amended by House, Amended by Senate, Appropriation Bill, Emergency Measure)

Paraphrase: SB0131, by Sen. Mike Johnson, R-Kingfisher, Sen. David Myers, R-Ponca City, Rep. Scott Martin, R-Norman, and Rep. Kenneth Miller, R-Edmond, sets a \$663,336,492 budget limitation for the Oklahoma Health Care Authority. It also authorizes OHCA to transfer \$316,460,502 from the American Recovery and Reinvestment Act Fund to the CMIA Programs Disbursing Fund. It also authorizes the administrator of OHCA to request unanticipated federal funds awarded after July 1, 2009, which are to be exempt from expenditure limitations and budgetary limitations. (Amended by House, Amended by Senate, Appropriation Bill)

Effective Date: 07/01/2009 **Emergency:** Yes

Principal Authors: Johnson, Mike (S); Myers, David (S); Martin, Scott (H); Miller, Kenneth (H)

Status: Governor Action - Signed **Status Date:** 05/27/2009

SB0135  **Short Title:** An Act relating to autism; defining terms; providing for the licensing of certain persons; stating qualifications; providing for renewal; stating duties of licensee; prohibiting certain act; providing penalties; stating duties of the Developmental Disabilities Services Division of the Department of Human Services; exempting certain persons; providing for the promulgation of rules; directing funds to be used for certain purpose; authorizing the State Department of Health to contract with third parties for certain services; directing funds for certain evaluation training; providing for a behavior analysis treatment pilot project; stating


requirements; requiring commencement of project by certain date; limiting duration of project; providing for certain report to the Legislature and Governor; directing the University Hospitals Authority to establish certain program; stating certain condition for location; providing for codification; and providing an effective date. (Amended by House, Amended by Senate, Appropriation Bill)

Paraphrase: SB0135, by Sen. Ron Justice, R-Chickasha and Rep. Kris Steele, R-Shawnee, requires persons wishing to practice as a licensed behavior analyst or a licensed assistant behavior analyst to apply to the Developmental Disabilities Services Division within the Department of Human Services. It establishes criteria for licensure and license fees. It directs the Department of Health to use funds for specialized training for providers in the Sooner Start program to acquire skills necessary to treat children with autism spectrum disorders. The measure also directs the University Hospitals Authority to use funds for primary care provider evaluation training for providers in the Sooner SUCCESS program to acquire skills necessary to evaluate children with autism spectrum disorders. It directs the Developmental Disabilities Services Division to establish an applied behavioral analysis research pilot project and requires DHS to provide the Legislature and the governor a report by Jan. 1, 2014, about the project. The measure also directs the Oklahoma State Regents for Higher Education to establish a program modeled after Early Foundations, an outreach program that provides early intensive behavioral intervention for children with autism to be established in a county where an Early Foundations program does not exist. (Amended by House, Amended by Senate, Appropriation Bill)

Effective Date: 11/01/2009 **Emergency:** No

Principal Authors: Justice, Ron (S); Steele, Kris (H)

Status: Governor Action - Signed **Status Date:** 05/04/2009

SB0216 

Short Title: An Act relating to general appropriations for the expenses of various agencies of the executive, legislative and judicial departments of the state; making appropriations to the State Board of Education, the Commissioners of the Land Office, the Board of Trustees of the Oklahoma School of Science and Mathematics, the Oklahoma Commission for Teacher Preparation, the State Board of Career and Technology Education, the Oklahoma State Regents for Higher Education, the Physician Manpower Training Commission, the Oklahoma Board of Private Vocational Schools, the Oklahoma Arts Council, the Oklahoma Educational Television Authority, the Oklahoma Department of Libraries, the Oklahoma Center for the Advancement of Science and Technology, the Office of the State Auditor and Inspector, the Office of the State Bond Advisor, the Department of Central Services, the State Election Board, the Oklahoma Department of Emergency Management, the Ethics Commission, the Office of State Finance, the Office of the Governor, the Oklahoma House of Representatives, the Legislative Service Bureau, the Office of the Lieutenant Governor, the Oklahoma Merit Protection Commission, the Military Department of the State of Oklahoma, the Office of Personnel Management, the Office of the Secretary of State, the Oklahoma State Senate, the Oklahoma Space Industry Development Authority, the Oklahoma Tax Commission, the Office of the State Treasurer, the Department of Transportation, the Department of Mental Health and


Substance Abuse Services, the State Department of Health, the University Hospitals Authority, the Oklahoma Health Care Authority, the J.D. McCarty Center for Children with Developmental Disabilities, the Oklahoma Department of Veterans Affairs, the Oklahoma Commission on Children and Youth, the Office of Disability Concerns, the Oklahoma Human Rights Commission, the Department of Human Services, the State Department of Rehabilitation Services, the Oklahoma Indian Affairs Commission, the Office of Juvenile Affairs, the Oklahoma Department of Agriculture, Food, and Forestry, the Oklahoma Department of Commerce, the Oklahoma Conservation Commission, the Department of Consumer Credit, the Corporation Commission, the Department of Environmental Quality, the Oklahoma Historical Society, the Oklahoma Horse Racing Commission, the Insurance Department, the J.M. Davis Memorial Commission, the Department of Labor, the Department of Mines, the Scenic Rivers Commission, the Oklahoma Tourism and Recreation Department, the Oklahoma Water Resources Board, the Will Rogers Memorial Commission, the Alcoholic Beverage Laws Enforcement Commission, the Office of the State Fire Marshal, the Oklahoma State Bureau of Investigation, the Council on Law Enforcement Education and Training, the Board of Medicolegal Investigations, the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Pardon and Parole Board, the Department of Public Safety, the Office of the Attorney General, district attorneys and the District Attorneys Council, the Court of Criminal Appeals, the Supreme Court, the Council on Judicial Complaints, the Workers' Compensation Court, the Oklahoma Indigent Defense System, and the Department of Corrections; stating amounts of the appropriations; stating purposes and restrictions; authorizing and requiring certain expenditures; requiring transfer of certain funds; and providing an effective date. (Amended by House, Amended by Senate, Appropriation Bill)

Paraphrase: SB0216, by Sen. Mike Johnson, R-Kingfisher, Sen. David Myers, R-Ponca City, Rep. Scott Martin, R-Norman, and Rep. Kenneth Miller, R-Edmond, appropriates \$6.57 billion of state and federal stimulus funds to state agencies, boards and commissions. (Amended by House, Amended by Senate, Appropriation Bill, Emergency Measure)

Effective Date: 07/01/2009 **Emergency:** No

Principal Authors: Johnson, Mike (S); Myers, David (S); Martin, Scott (H); Miller, Kenneth (H)

Status: Governor Action - Signed **Status Date:** 06/02/2009

SB0232 

Short Title: An Act relating to state government; amending 74 O.S. 2001, Section 840-2.20, as last amended by Section 2, Chapter 230, O.S.L. 2006 (74 O.S. Supp. 2008, Section 840-2.20), which relates to leave benefits; modifying methodology for accrual of leave; deleting certain restriction; providing an effective date; and declaring an emergency. (Amended by House, Amended by Senate, Appropriation Bill, Emergency Measure)


Paraphrase: SB0232, by Sen. Mike Johnson, R-Kingfisher, Sen. David Myers, R-Ponca City, Rep. Scott Martin, R-Norman, and Rep. Kenneth Miller, R-Edmond, deletes a provision in relation to the Office of Personnel Management that states leave earned during a month shall not be available for use until the beginning of the following month. The bill also modifies related language, changing "month" to "pay period." (Amended by House, Amended by Senate,

Committee Substitute)

Effective Date: 07/01/2009 **Emergency:** Yes

Principal Authors: Johnson, Mike (S); Myers, David (S); Martin, Scott (H); Miller, Kenneth (H)

Status: Governor Action - Signed **Status Date:** 06/02/2009


SB0267  **Short Title:** An Act relating to public finance; amending 62 O.S. 2001, Section 2309, as amended by Section 1, Chapter 169, O.S.L. 2006 (62 O.S. Supp. 2008, Section 2309), which relates to duties of the Board of Directors of the Tobacco Settlement Endowment Trust Fund; providing that funding for certain capital expenditures and operating expenses deemed to be allowable purpose for which earnings from Trust Fund may be expended; authorizing Board to expend earnings for such purposes; and providing an effective date. (Amended by House, Amended by Senate, Committee Substitute)

Paraphrase: SB0267, by Sen. Brian Crain, R-Tulsa and Rep. Doug Cox, R-Grove, allows funds of the Tobacco Settlement Endowment Trust Fund to be used for capital expenditures and operating expenses incurred by the University of Oklahoma Health Sciences Center and the Oklahoma State University College of Osteopathic Medicine for educational programs and residency training. (Amended by House, Amended by Senate, Committee Substitute)

Effective Date: 11/01/2009 **Emergency:** No

Principal Authors: Crain, Brian (S); Cox, Doug (H)

Status: Governor Action - Signed **Status Date:** 05/13/2009


SB0292  **Short Title:** An Act relating to poor persons; amending 56 O.S. 2001, Section 230.65, which relates to the Temporary Assistance for Needy Families (TANF) program; deleting certain requirement of the personal responsibility agreement; repealing 56 O.S. 2001, Section 230.58, which relates to TANF vouchers; and providing an effective date. (Amended by House, Amended by Senate, Committee Substitute)

Paraphrase: SB0292, by Sen. Patrick Anderson, R-Enid and Rep. Ron Peters, R-Tulsa, repeals language related to the schedule of benefits for Temporary Assistance for Needy Families for families with children born during the period in which the family is eligible for TANF or a temporary period during which the family is ineligible for TANF. The bill also removes language related to additional benefits for families with children born more than 10 months after qualifying for assistance. It updates a reference from the general equivalency degree to the general educational development credential as it relates to the employability assessment conducted on those receiving TANF assistance. (Amended by House, Amended by Senate, Committee Substitute)

Effective Date: 11/01/2009 **Emergency:** No

Principal Authors: Anderson, Patrick (S); Peters, Ron (H)

Status: Governor Action - Signed **Status Date:** 05/06/2009


SB0384  **Short Title:** An Act relating to state employees; amending 62 O.S. 2001, Section 7.10, as last amended by Section 1, Chapter 392, O.S.L. 2008 (62 O.S. Supp. 2008, Section 7.10), which relates to payroll deductions; permitting payroll deductions for premiums for Oklahoma Long-Term Care Partnership Program approved policies; and providing an effective date. (Amended by House, Amended by Senate, Committee Substitute)

Paraphrase: SB0384, by Sen. Jay Paul Gumm, D-Durant and Rep. Randy Terrill, R-Moore, allows state employees to direct voluntary payroll deductions for insurance premiums for an Oklahoma Long-Term Care Partnership Program. (Amended by House, Amended by Senate, Committee Substitute)

Effective Date: 11/01/2009 **Emergency:** No

Principal Authors: Gumm, Jay Paul (S); Terrill, Randy (H)

Status: Governor Action - Signed **Status Date:** 05/08/2009

SB0670  **Short Title:** An Act relating to state government; amending 62 O.S. 2001, Section 7.10, as last amended by Section 1, Chapter 392, O.S.L. 2008 (62 O.S. Supp. 2008, Section 7.10), which relates to voluntary payroll deductions; increasing certain membership requirement; 74 O.S. 2001, Section 840-1.9, as amended by Section 1, Chapter 389, O.S.L. 2005, 840-2.17, as last amended by Section 2, Chapter 342, O.S.L. 2007, 840-2.23, as last amended by Section 10, Chapter 312, O.S.L. 2004, 840-2.27C, as last amended by Section 3, Chapter 342, O.S.L. 2007, 840-3.4, as amended by Section 11, Chapter 347, O.S.L. 2002, 840-3.5, as amended by Section 12, Chapter 347, O.S.L. 2002, and 841.30, as last amended by Section 4, Chapter 453, O.S.L. 2005 (74 O.S. Supp. 2008, Sections 840-1.9, 840-2.17, 840-2.23, 840-2.27C, 840-3.4, 840-3.5 and 841.30), which relate to powers and duties of the commission, salary adjustments, state leave sharing program, reduction in force plan, undergraduate public internship program, rules and regulations, executive development program for state officials, Oklahoma Compensation and Unclassified Positions Review Board; stating certain actions be consistent with certain laws and rules; deleting certain requirement regarding pay movement mechanisms; deleting duplicative language; setting out certain changes which simplify certain calculations of the value of donated leave; clarifying language; deleting certain requirement within the Reduction-in-Force plan; adding certain undergraduate internship; creating certain program for certain state officials; updating statutory reference; providing for codification; providing an effective date; and declaring an emergency. (Amended by Senate, Emergency Measure)


Paraphrase: SB0670, by Sen. Cliff Aldridge, R-Midwest City and Rep. John A. Wright, R-Broken Arrow, increases from 1,000 to 2,000 the minimum membership for statewide non-profit foundations established by a state agency, board or commission to which state employees may have payroll deductions made. The bills also requires actions agreed to through the Merit Protection Commission's Alternative Dispute Resolution Program to be consistent with applicable laws and rules and not alter, reduce or modify any existing right or authority as provided by statute or rule. It removes language requiring agencies, boards and commissions

to report to the Office of Personnel Management on certain payment mechanisms. It also modifies language related to the state leave-sharing program, adding reference to the Family and Leave Medical Act. It removes language allowing an employee to receive and use up to 365 days of donated leave during total state employment. The measure also states that donated annual or sick leave is transferable between employees on an hour-to-hour basis irrespective of the hourly wage of the donating or receiving employee. It increases from two to three the number of individual programs under the Carl Albert Public Internship Program, adding a senior undergraduate internship program consisting of job placement of up to 24 months. It directs the Office of Personnel Management to promulgate rules stating that participants in the senior undergraduate internship program who were not public employees prior to accepting a position in the program are to be granted leave benefits commensurate with regular state employees. The measure also creates the Executive Development Program for State Officials within the Office of Personnel Management to enhance the leadership skills of program participants, who are to be cabinet secretaries, agency directors and senior-level executives within state agencies. (Amended by Senate, Emergency Measure)

Effective Date: 07/01/2009 **Emergency:** Yes

Principal Authors: Aldridge, Cliff (S); Wright, John A. (H)

Status: Governor Action - Signed **Status Date:** 04/09/2009


SB0699  **Short Title:** An Act relating to the Oklahoma Medicaid False Claims Act; amending Sections 5 and 6, Chapter 137, O.S.L. 2007 (63 O.S. Supp. 2008, Sections 5053.4 and 5053.5), which relate to actions brought by individuals; removing limitation on reduction of certain proceeds; updating statutory reference; removing prohibition of action brought by certain individuals; and providing an effective date.

Paraphrase: SB0699, by Sen. Brian Crain, R-Tulsa and Rep. Doug Cox, R-Grove, clarifies language related to the Oklahoma Medicaid False Claims Act. The bill eliminates the 10 percent limit on the share of proceeds of an action that the person would otherwise receive. It also removes a prohibition that no person may bring such an action based on allegations or transactions that the person knew or had reason to know were known to the attorney general or other law enforcement officials of the state prior to the person filing the action or serving the disclosure of the material evidence.

Effective Date: 11/01/2009 **Emergency:** No

Principal Authors: Crain, Brian (S); Cox, Doug (H)

Status: Governor Action - Signed **Status Date:** 04/13/2009

SB0757  **Short Title:** An Act relating to public health and safety; defining terms; creating the Health Information Infrastructure Advisory Board; specifying purpose of advisory board; requiring certain integration; directing the Oklahoma Health Care Authority to operate as a hub; requiring certain agreements; providing for membership on the advisory board; providing for certain vacancies; specifying the chair and staff of the advisory board; providing for voting on the


advisory board; providing for travel reimbursement; amending 63 O.S. 2001, Section 1-1709, which relates to disclosure of patient information; adding city-county health departments to the list of entities which may receive certain information; providing for codification; and providing an effective date. (Amended by House, Amended by Senate)

Paraphrase: SB0757, by Sen. Sean Burrage, D-Claremore and Rep. Kris Steele, R-Shawnee, creates of a 10-member Health Infrastructure Advisory Board to advise and assist the Oklahoma Health Care Authority in developing a strategy for the adoption and use of electronic medical records and health information technologies that is consistent with emerging national standards and promotes interoperability of health information systems. It directs OHCA to operate as a hub for health information exchange between health-related state agencies and other health information organizations. It also adds city-county health departments to the list of health entities allowed to receive patient information for the purpose of reducing morbidity or mortality. (Amended by House, Amended by Senate)

Effective Date: 11/01/2009 **Emergency:** No

Principal Authors: Burrage, Sean (S); Steele, Kris (H)

Status: Governor Action - Signed **Status Date:** 05/22/2009


SB0934  **Short Title:** An Act relating to public health and safety; amending 63 O.S. 2001, Section 5030.5, as last amended by Section 1, Chapter 206, O.S.L. 2005 (63 O.S. Supp. 2008, Section 5030.5), which relates to the Medicaid Drug Utilization Review Board; permitting the Medicaid Drug Utilization Review Board to establish protocols and standards for certain types of drugs; and providing an effective date. (Amended by House, Amended by Senate, Committee Substitute)

Paraphrase: SB0934, by Sen. Patrick Anderson, R-Enid, Sen. Glenn Coffee, R-Oklahoma City, Sen. Brian Crain, R-Tulsa, Sen. John Ford, R-Bartlesville, and Rep. Colby Schwartz, R-Yukon, exempts atypical antipsychotics and typical antipsychotics from any preferred drug list in the drug utilization review of the Oklahoma Health Care Authority, except in the case of clinical review and clinical edits, as recommended by the Medicaid Drug Utilization Review Board and approved by the chief medical officer of the OHCA. The bill also extends the exemption for antipsychotics to any product-based prior authorization program in the review of the OHCA. (Amended by House, Amended by Senate)

Effective Date: 11/01/2009 **Emergency:** No

Principal Authors: Anderson, Patrick (S); Coffee, Glenn (S); Crain, Brian (S); Ford, John (S); Schwartz, Colby (H)

Status: Governor Action - Veto **Status Date:** 05/12/2009

SB0987 

Short Title: An Act relating to poor persons; amending 56 O.S. 2001, Section 165, which relates to assistance of aged persons; increasing amount of exclusion of certain policies when determining assistance; and providing for an effective date. (Amended by House, Amended by

Senate)

Paraphrase: SB0987, by Sen. Johnnie C. Crutchfield, D-Ardmore and Rep. Pat Ownbey, R-Ardmore, modifies language related to the calculation of resources for an applicant for public assistance, increasing from \$7,500 to \$10,000 the amount of accrued interest in certain insurance contracts to be excluded from consideration of applicants for public service.
(Amended by House, Amended by Senate)

Effective Date: 11/01/2009 **Emergency:** No

Principal Authors: Crutchfield, Johnnie C. (S); Ownbey, Pat (H)

Status: Governor Action - Signed **Status Date:** 05/22/2009

SCR0013



Short Title: A Concurrent Resolution requiring state agencies receiving or anticipating receipt of funds pursuant to the American Recovery and Reinvestment Act to submit certain plan; prohibiting commitment or expenditure of such funds by certain agencies except under certain circumstances.

Paraphrase: SCR0013, by Sen. Mike Johnson, R-Kingfisher, Sen. David Myers, R-Ponca City, Rep. Scott Martin, R-Norman, and Rep. Kenneth Miller, R-Edmond, requires state agencies to report to the chairs of the Senate Appropriations Committee and the House Appropriations and Budget Committee and the governor funds received from or anticipated to be received from the federal stimulus program and prohibits expenditure of funds from the program unless the funds have been included in the state agency's budget limit for the fiscal year.

Effective Date: // **Emergency:** No

Principal Authors: Johnson, Mike (S); Myers, David (S); Martin, Scott (H); Miller, Kenneth (H)

Status: Secretary of State **Status Date:** 03/18/2009

SR0008



Short Title: A Resolution commending the President and the Congress for their support of the State Children's Health Insurance Program; and directing distribution.

Paraphrase: SR0008, by Sen. Tom Adelson, D-Tulsa and Sen. Andrew Rice, D-Oklahoma City, commends the President and the Congress for their support of the State Children's Health Insurance Program; and directing distribution.

Effective Date: // **Emergency:** No

Principal Authors: Adelson, Tom (S); Rice, Andrew (S)

Status: Secretary of State **Status Date:** 02/18/2009

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