

TITLE 540. HEALTH CARE WORKFORCE TRAINING COMMISSION

CHAPTER 1. ADMINISTRATIVE OPERATIONS

SUBCHAPTER 1. GENERAL PROVISIONS

540:1-1-1. Purpose

The rules of this chapter are adopted for the purpose of simplifying procedure, avoiding unnecessary delays, saving expenses, and facilitating the administration of the programs of the ~~Physician Manpower~~ Health Care Workforce Training Commission.

540:1-1-2. Interpretation of rules

- (a) The rules of this chapter shall be given a fair and impartial construction. The rules of this chapter shall be cumulative to the Oklahoma Administrative Procedures Act, 75 O.S., §§250-323.
- (b) The rules of this chapter shall govern all formal proceedings of the Oklahoma ~~Physician Manpower~~ Health Care Workforce Training Commission. Informal proceedings may be held by agreement between the Commission or its agents and any party.
- (c) Rules become effective ten (10) calendar days after publication in "The Oklahoma Register," unless the Commission designates a later date in the rule or the agency rule report, or a later date is required by statute. [75:304]
- (d) The provisions of this chapter herein contained are severable and the repeal, amendment, or invalidity of any provision hereof shall not serve to repeal or invalidate the remaining provisions of this chapter.

SUBCHAPTER 3. ORGANIZATION

540:1-3-1. Membership

(a) Governing Commission.

(1) As stated in Section 697.3 of Title 70 of the Oklahoma Statutes, the Commission *shall be composed of ~~seven~~nine (7)(9) members appointed by the Governor with the advice and consent of the Senate. Three members shall be practicing allopathic physicians, three shall be practicing osteopathic physicians, ~~and one shall not be a physician~~two shall be registered nurses, and one shall be a member of the general public. The membership shall be appointed from diverse geographic areas of the state. [70:697.3] Quorum shall consist of a majority of the appointed voting members present.*

(2) ~~Three~~ Members of the Commission shall be appointed for ~~one year~~ terms, two members shall be appointed for three year terms and two members shall be appointed for five-year terms, and at the expiration of the initial terms, succeeding terms of office shall be five (5) years in duration. [70:697.3]

(b) **Ex-officio members.** *There shall be also twelve additional nonvoting ex officio members of the Commission who shall serve in an advisory capacity only and include [70:697.3] the following:*

- (1) *Dean of the University of Oklahoma College of Medicine or designee,*
- (2) *Dean of the University of Oklahoma College of Medicine-Tulsa or designee,*
- (3) *Chair of the Department of Family Medicine of the University of Oklahoma Health Sciences Center or designee,*
- (4) *Chair of the Department of Family Practice of the University of Oklahoma College of Medicine-Tulsa or designee,*
- (5) *President of the Oklahoma Academy of Family Physicians or designee,*
- (6) *Chair of the Department of General Practice of the Oklahoma College of Osteopathic Medicine and Surgery or designee,*
- (7) *President of the Oklahoma State Medical Association or designee,*
- (8) *President of the Oklahoma State Osteopathic Association or designee,*
- (9) *President of the Oklahoma Hospital Association or designee,*
- (10) *Provost of the University of Oklahoma Health Sciences Center or designee,*
- (11) *Dean of the Oklahoma College of Osteopathic Medicine and Surgery or designee,*
- (12) *State Commissioner of Health or designee. [70:697.3]*

540:1-3-2. Officers; Executive Director; legal counsel

- (a) The Commission shall elect annually from the membership a Chairman and a Vice-Chairman. The Vice-Chairman shall serve as Chairman Elect.
- (b) Officers of the Commission shall be elected annually at the last regular meeting of each fiscal year. In the event an officer's position becomes vacant, a replacement shall be elected to complete the term at the following regular meeting of the Commission.
- (c) The Chairman shall preside over all Commission meetings and rule on all questions of procedure and order. He shall have the power, in the exercise of his discretion, to call special meetings of the Commission, and shall call a special meeting when requested by four members, in writing, to do so. The Chairman, in counsel with the Executive Director, shall determine the agenda of each meeting.
- (d) The Vice-Chairman shall assume the duties of the Chairman, during the chairman's absence or incapacity.
- (e) The Executive Director shall be responsible for keeping the minutes of the Commission meetings.
- (f) The Attorney General shall serve as the legal counsel for the Oklahoma ~~Physician Manpower~~Health Care Workforce Training Commission.

540:1-3-3. Powers, duties, and responsibilities of Commission

As defined in Section 697.5 of Title 70 of the Oklahoma Statutes, *the ~~Physician Manpower~~Health Care Workforce Training Commission, in order to perform its official function in establishing and administering physician training programs [70:697.5] to meet the physician and health ~~manpower~~care workforce needs in Oklahoma, shall have the following specific powers, duties, and responsibilities: [70:697.5]*

- (1) *To review all available data on ~~physician manpower~~health care workforce in Oklahoma in order to determine the current and projected distribution of physicians by geographic location and by type of practice, and, to accomplish this review, the Commission shall obtain information*

from and work in conjunction with the State Department of Health and all other agencies which gather data and evaluate health ~~manpower~~care workforce needs. [70:697.5(1)] The Commission shall fully utilize the resources of its ~~Physician Manpower~~Health Care Workforce Databank.

(2) To serve as an agent to advise hospitals, clinics, and communities on setting up and planning internship and residency programs which emphasize the provision of additional primary care physicians to service the rural areas of Oklahoma with primary care specialties to be defined to include training in the area of internal medicine, obstetrics and gynecology, pediatrics, emergency trauma, and family practice. [70:697.5(3)]

(3) To administer and determine the specific level of funding and the priorities used for granting state support to approved hospitals and clinical situations, in cooperation with the University of Oklahoma College of Medicine, University of Oklahoma College of Medicine-Tulsa and the Oklahoma College of Osteopathic Medicine and Surgery for approved hospital physician training programs for interns and residents and to recommend to the Governor and the Oklahoma Legislature the total funds needed to carry out the purpose of this program. [70:697.5(8)]

(4) To administer and determine the level of funding to be requested for the following programs of the ~~Physician Manpower~~Health Care Workforce Training Commission:

(A) the Oklahoma Community Physician Education Scholarship Program Fund, [70:625.11]

(B) the Community Match Rural Scholarship Incentive Program, [70:625.13]

(C) the program of physician and health ~~manpower~~care workforce placement services, [70:697.5(12)]

(D) the Nursing Student Assistance Program, [70:697.17]

(E) the Physician Assistant Scholarship Program, [70:697.21] and

(F) the Oklahoma Medical Loan Repayment Program. [63:1-2721]

(5) To negotiate and enter into agreements or contracts with local, state, or federal agencies or institutions or other instrumentalities as may be authorized by statute or as necessary for performance of duties.

(6) To employ a director and any staff personnel required to administer the funding of approved physician training programs and to contract with other state agencies and institutions to conduct and to perform specified services, functions and aspects in administering state funds. [70:697.5(9)]

540:1-3-5. Principal office; office hours; availability of records

(a) The principal office of the ~~Physician Manpower~~Health Care Workforce Training Commission ("~~PMTC~~") ("~~HWTC~~") is located in Oklahoma City, Oklahoma at the address listed on the ~~PMTC~~HWTC website, ~~oklahoma.gov/pmte.html~~oklahoma.gov/hwtc.html.

(b) Office hours shall be from 8:00 A.M. to 4:30 P.M., Monday through Friday, excepting legal holidays established by statute or proclamation of Governor.

(c) All rules and regulations and statements of policy adopted by the Commission shall be available for inspection at the principal office during regular business hours.

SUBCHAPTER 5. RULEMAKING AND INDIVIDUAL PROCEEDINGS

540:1-5-2. Procedures applicable to adoption, amendment, and repeal of rules

- (a) The Commission may promulgate, amend, or repeal a rule of his own initiative, and may promulgate, amend, or repeal a rule at the request of the Chairman.
- (b) Any interested person may petition the Commission, requesting the promulgation, amendment, or repeal of a rule. All such petitions shall be in writing, and be filed with the Executive Director of the Commission at the principal office. The petition shall state, clearly and concisely, all matters pertaining to the requested action and the reasons for the request. The request must also state whether there is someone known to the petitioner who is concerned with the subject of the request and should be notified of the hearing.
- (c) Within thirty (30) calendar days of submission of a petition, The Commission shall initiate rulemaking proceedings or provide a written response explaining why rulemaking proceedings were not initiated. [75:305]
- (d) The ~~Physician Manpower~~ Health Care Workforce Training Commission may, of its own motion, conduct hearings on proposed rules, amendments to or repeal of rules, and shall conduct such hearings when so directed by the Commission.
- (e) Unless otherwise specified, and stated in the notice of hearing, all hearings, shall be conducted in the offices of the Commission.
- (f) Any person who is interested or affected by a proposed action may appear at the hearing. An appearance may be made individually, by an attorney, or by an authorized agent.
- (g) Prior to the adoption, amendment, or repeal of a rule the Commission shall afford any interested person a reasonable opportunity to submit data, views, and arguments, either oral or written, concerning such proposed action. If the rule under consideration is one which affects the substantive rights of any person, the Commission shall grant any person or association a reasonable opportunity to submit data, views, and arguments, either oral or written, concerning such proposed action. If the rule under consideration is one which affects the substantive rights of any person, the Commission shall grant any person or association a reasonable opportunity to participate in an oral hearing, when so requested in writing by the person or association. Oral argument on such a rule shall also be granted when requested by a subdivision or agency of government. If no substantive rights of the person, association, or governmental entity are affected by or involved in the rule to be considered, the Commission may, in its discretion, refuse to hear oral argument and require such matters to be submitted in writing. The Commission, in the exercise of its sound discretion, shall determine whether the proposed action affects any such substantive rights.