

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
HOUSE BILL NO. 1742

BY: LARASON of the HOUSE

and

BROWN of the SENATE

COMMITTEE SUBSTITUTE

( CHILDREN AND PUBLIC HEALTH AND SAFETY - ANNUAL  
COMPREHENSIVE PLAN FOR CERTAIN MENTAL HEALTH  
SERVICES FOR CHILDREN - AMENDING 63 O.S.,  
SECTION 1-880.6 -

CODIFICATION )

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 601.50 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. The Department of Mental Health and Substance Abuse Services, the State Department of Health, the Department of Human Services, the State Department of Education and private mental health service providers designated by the Governor pursuant to the provisions of subsection C of this section shall jointly establish an annual plan for a comprehensive system of mental health services for children and youth. Said plan shall include but not be limited to:

1. Identification of three- to five-year goals and priorities;
2. Delineation of service responsibilities and coordination of delivery of services to the eligible population by the agencies subject to the provisions of the act;

3. Guidelines for assigning responsibilities to appropriate agencies and means whereby appropriate agency personnel are involved in the development of services;

4. Establishment of service regions, delineation of organizational structures or other means whereby coordination required by this act will be accomplished at the local and regional level;

5. Development of an appropriate array and mix of inpatient, outpatient, residential, home-based, evaluation and other mental health services for children and youth;

6. Procedures for monitoring and improving such service delivery on a continuing basis;

7. Methods for resolving disputes by mediation and other means;

8. A funding and implementation plan which shall provide for the utilization of all financial resources from federal, state, local and private resources and the coordination of those resources to fund related services; and

9. An annual update and modification as necessary.

B. For the purpose of efficiency, cost effectiveness, and to avoid duplication of services, said plan shall:

1. Be based upon the existing system of services to children and youth;

2. Consider the recommendations of current information, reports and the contents of existing plans, including updated plans, in the area of mental health services to children and adolescents;

3. Include but not be limited to recommendations for implementation of the plan and the funding necessary for such implementation.

C. For the purpose of developing said comprehensive plan:

1. The Commissioner of the Department of Mental Health and Substance Abuse Services, the Commissioner of Health, the Director of the Department of Human Services and the Superintendent of Public

Instruction shall, within existing personnel, each designate two employees of their respective agencies to prepare the plan and shall provide other staff support and assistance as necessary;

2. The Governor shall designate private mental health services providers to participate in the preparation and establishment of the plan as follows:

- a. three from a list submitted by the Oklahoma Hospital Association,
- b. two from a list submitted by the Oklahoma Association of Community Mental Center Directors,
- c. two from a list submitted by the Oklahoma Psychological Association, and
- d. two from a list submitted by the Oklahoma State Medical Association; and

3. The Commission on Children and Youth shall provide meeting space and convene and facilitate such meetings as are necessary to complete the plan.

D. 1. On or before November 1 of each year, the comprehensive plan shall be submitted to the Oklahoma Commission on Children and Youth for review and comment. The review of the plan by the Commission shall include but not be limited to the conformance and compatibility of the comprehensive plan for mental health services for children and adolescents with other services and plans for services to children and youth. As appropriate, the Commission on Children and Youth shall incorporate the findings and recommendations of the plan required by this act into the annual Commission report and State Plan for Services to Children and Youth.

2. On or before January 1 of each year, the comprehensive plan, along with the comments of the Commission on Children and Youth, shall be submitted to the Legislature.

SECTION 2. AMENDATORY Section 23, Chapter 227, O.S.L. 1989, as amended by Section 2, Chapter 345, O.S.L. 1989 (63 O.S. Supp. 1990, Section 1-880.6), is amended to read as follows:

Section 1-880.6 A. Every entity desiring to establish a new psychiatric or chemical dependency service or to acquire, lease or expand an existing service whether through construction or conversion of facilities, shall make application to the State Department of Health for a certificate of need in such form and accompanied by such information, including a complete list of stockholders, partners, and owners, and any other information, as the Board shall prescribe.

B. ~~The~~ Except with regard to a Medicare or Medicaid contract pursuant to the federal Social Security Act, the provisions of the Psychiatric and Chemical Dependency Facility Certificate of Need Act, Section 1-880.1 et seq. of this title, shall not apply to:

~~1. Any any hospital as defined in Section 1-710 of Title 63 of the Oklahoma Statutes, of one hundred twenty (120) beds or less, licensed by the State Department of Health on or before April 1, 1989; provided, however, a hospital having one hundred twenty (120) beds or less, may, upon request, if no other applications are pending or are filed within sixty (60) days from and after the date of application made under this subsection for a certificate of need within the same regulatory service area, be administratively granted an increase in beds not to exceed twenty-four (24) beds. The administrative procedure provided by this paragraph shall be in lieu of the certificate of need process whether the increase is by acquisition, conversion, construction, expansion or lease; or~~

~~2. Except with regard to a Medicare or Medicaid contract pursuant to the federal Social Security Act, any hospital, facility or hospital unit covered by a contract: December 31, 1990, which has a contract or has negotiated a contract~~

~~a. with one of the following governmental entities:~~

~~(1) this 1. This state;~~

~~(2) the 2. The federal government;~~ or

~~(3) a 3. A Native American nation duly recognized by the federal government;~~ and

~~b. which specifically identifies the beds and their uses.~~

C. The Commissioner of Health is authorized to grant a certificate of need if the entity applying for the certificate has filed a notice on a form prescribed by the State Department of Health which shall include, but not be limited to:

1. The name and location of the entity;

2. The name and address of each person having an ownership interest in the entity;

3. The nature of the acquisition, expansion, addition or conversion, whether by sale, lease or other arrangement;

4. The parties to the sale, lease or other arrangement;

5. The size of the acquisition, expansion, addition or conversion;

6. The approximate cost of the acquisition, expansion, addition or conversion; and

7. The projected date of completion.

D. The Commissioner of Health shall be notified, on a form prescribed by the State Department of Health, of the following:

1. Any decrease in the number of beds of a hospital, facility or hospital unit; and

2. Any change in the designation for a continuum of care in psychiatric or chemical dependency treatment.

E. A hospital, facility or hospital unit shall not be required to obtain a certificate of need for the changes specified in subsection D of this section; provided, there is no increase in the number of beds.

F. 1. Psychiatric and chemical dependency service shall include any capital investment or lease of Five Hundred Thousand

Dollars (\$500,000.00) or more, including predevelopment activities such as arrangements and commitments for financing, architectural designs, plans, working drawings, specifications and site acquisition; provided, that this dollar limit shall not apply to a change in bed capacity.

2. Psychiatric and chemical dependency service shall include acquisition of a facility by purchase, lease, donation or through transfer of stock or corporate merger. If the Department finds that a proposed acquisition is consistent with the criteria and standards for review of such projects, then the Department shall issue a certificate of need. If the Department finds that the proposed acquisition is not consistent with the criteria, the project will be referred to the Commissioner of Health for final determination. The Department's determination to approve the proposed acquisition or to refer it to the Commissioner shall be made no later than fifteen (15) days following the day the application is determined to be complete and review ready, or the proposed acquisition shall be automatically approved. Proposed acquisitions shall be reviewed against standards adopted by the Department which relate only to the acquirer's capability to operate a facility.

G. Promptly upon receipt of any such application, the Department shall examine and transmit the application to reviewers it may select to determine whether the application is complete. Once the Department has determined that the application is complete, it shall notify affected parties and other reviewing bodies and cause a thorough investigation to be made of the need for and appropriateness of such expanded psychiatric or chemical dependency service. The investigation made pursuant to an application for a certificate of need shall include the following:

1. The adequacy of psychiatric and chemical dependency services in relation to an optimal target ratio of psychiatric or chemical dependency beds to the population;

2. The availability of services which may serve as alternatives or substitutes;

3. The adequacy of financial resources for the new or expanded services and for the continued operation thereof;

4. The availability of sufficient manpower to properly staff and operate the proposed new or expanded service; and

5. Any other matter which the Department deems appropriate.

H. Each application for a certificate of need applied for pursuant to the provisions of this section except for those applications filed by state agencies shall be accompanied by an application fee in an amount established by the Department.

43-1-1072

CS