

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 2237

BY: MAXEY of the HOUSE

and

LONG (Ed) of the SENATE

COMMITTEE SUBSTITUTE AN ACT RELATING TO THE ENID STATE SCHOOL;
AMENDING 10 O.S. 1991, SECTIONS 1406, 1409, 1412 AND 1414.1, 56 O.S.
1991, SECTION 205, AND 62 O.S. 1991, SECTIONS 57.62, 57.122, 161,
165 AND 195, WHICH RELATE TO THE ENID STATE SCHOOL; CHANGING THE
NAME OF THE ENID STATE SCHOOL; DECLARING LEGISLATIVE INTENT;
PROVIDING FOR UTILIZATION OF EXPENDABLE SUPPLIES; DEFINING CERTAIN
TERM; PROVIDING FOR NONCODIFICATION; PROVIDING AN EFFECTIVE DATE;
AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY 10 O.S. 1991, Section 1406, is
amended to read as follows:

Section 1406. A. The Northern Oklahoma Resource Center of Enid State School, located at Enid, Oklahoma, the Pauls Valley State School, located at Pauls Valley, Oklahoma, and the Hissom Memorial Center, located at Sand Springs, Oklahoma, are hereby transferred from the Board of Mental Health and Substance Abuse Services and the Department of Mental Health and Substance Abuse Services to the Oklahoma Public Welfare Commission. The Department of Mental Health

and Mental Retardation shall hereafter be known as the Department of Mental Health and Substance Abuse Services.

B. Whenever the term "Enid State School" appears in the Constitution of Oklahoma or the Oklahoma Statutes, it shall mean the Northern Oklahoma Resource Center of Enid.

SECTION 2. AMENDATORY 10 O.S. 1991, Section 1409, is amended to read as follows:

Section 1409. All powers and duties relating to the Northern Oklahoma Resource Center of Enid State School, the Pauls Valley State School, and the Hissom Memorial Center formerly vested in the Mental Health Board, the Director of Mental Health, or in the Department of Mental Health and Substance Abuse Services are hereby transferred to the Commission for Human Services and the Oklahoma Department of Human Services.

SECTION 3. AMENDATORY 10 O.S. 1991, Section 1412, is amended to read as follows:

Section 1412. The Director, who should not be removed from office, except for cause, subject to the approval of the Commission, shall appoint an advisory committee to advise the Commission and Director on matters relating to the care and treatment of the mentally retarded. Such advisory committee shall include among its members representatives of state agencies and persons representative of professional, civic, or other public or nonprofit private agencies, organizations, or groups concerned with problems of the mentally retarded, including the Oklahoma Association for Mentally Retarded Children and the parent-guardian association of the Northern Oklahoma Resource Center of Enid State School, the Pauls Valley State School, and the Hissom Memorial Center.

SECTION 4. AMENDATORY 10 O.S. 1991, Section 1414.1, is amended to read as follows:

Section 1414.1 A. In addition to the admissions requirements of Section 1414 of this title, the Greer Center Facility located on

the grounds of the Northern Oklahoma Resource Center of Enid State School in Enid, Oklahoma, shall be established as a separate entity from the Northern Oklahoma Resource Center of Enid State School and further shall provide for the admission of persons who have been dually diagnosed as follows:

1. Primary diagnosis of mental retardation by a psychologist, physician or psychiatrist. The diagnosis shall be in accordance with any statutory requirements and shall include intellectual evaluation, adaptive behavior evaluation, and evidence that retardation occurred within the developmental period. Preference shall be given for those individuals whose retardation level falls within the mild and moderate ranges; and

2. Secondly, clinical evidence of behavioral or emotional problems pursuant to a formal, written evaluation by a psychologist, psychiatrist or physician describing the nature of the problem, the frequency of occurrence of the problem, any prior treatment efforts and reasons why the applicant cannot receive appropriate treatment in the applicant's current environment and a secondary diagnosis of mental illness in accordance with the Diagnostic and Statistical Manual of Mental Disorders, as revised and published by the American Psychiatric Association.

B. Persons with pending criminal charges shall not be considered for voluntary admission into the Greer Center Facility unless it can be clinically demonstrated that the behavior of the person does not pose an immediate danger to self or others. Persons considered for admission shall not be considered by a psychologist, psychiatrist, or physician as homicidal or suicidal and shall not have exhibited homicidal or suicidal tendencies for six (6) months prior to application for admission.

C. An applicant shall not be admitted to the Greer Center Facility if the applicant requires skilled nursing care. Applicants having a medical condition which is degenerative in nature that will

require skilled nursing shall be considered on a case by case basis to ensure that sufficient staff is available to ensure quality of care. If an applicant has any existing medical or surgical condition that is correctable, the condition shall be remedied by the referring facility before admission to the Greer Center Facility is considered.

D. The Greer Center Facility shall maintain a minimum of eight (8) beds which shall be used as a Diagnostic and Evaluation Unit. Any person seeking admission to the Greer Center Facility for treatment shall be immediately admitted to the Diagnostic and Evaluation Unit for evaluation pursuant to subsection F of this section. All persons admitted to the Diagnostic and Evaluation Unit shall submit a referral packet to the director of the Diagnostic and Evaluation Unit which contains at a minimum, the following information or records:

1. results of a current physical exam;
2. recent physician orders and progress notes (up to one (1) year if available);
3. recent nursing notes (up to one (1) year if available);
4. fact sheet (medical records);
5. legal papers (birth certificate, marriage certificate, guardianship, etc.);
6. social history with a recent social evaluation or update (within one (1) year);
7. psychological exam administered or updated within ninety (90) days of referral;
8. dental records;
9. immunization record;
10. multi-disciplinary progress notes (up to one (1) year if available);
11. medical and medication history; and
12. Individual Habilitation Plan or Care Plan (if available).

E. The Greer Center Admissions Committee shall consist of a representative from the Department of Mental Health and Substance Abuse Services, a representative from the Greer Center Facility, and an independent psychologist or psychiatrist on contract with the Department of Human Services. The Committee shall make decisions regarding admissions to the programs of the Greer Center Facility. The Committee may request additional information concerning an applicant from the referring agency or participation by referring agency personnel as necessary.

F. Persons entering the Diagnostic and Evaluation Unit of the Greer Center Facility shall receive a comprehensive evaluation of their intellectual functioning, adaptive behavior skills, and mental health status. This evaluation shall be completed within thirty (30) days of admission to the Diagnostic and Evaluation Unit.

G. After the evaluation by the Diagnostic and Evaluation Unit, the Diagnostic and Evaluation Unit staff shall present the individual's referral packet and their findings to the Greer Center Admissions Committee with a recommendation for admission or alternate treatment. The Admissions Committee shall make decisions regarding admission and shall notify the Department of Human Services, the Department of Mental Health and Substance Abuse Services and the referring agency in writing, stating specifically the decisions of the Committee regarding admission, including specific reasons for denial of admission. If an applicant is not admitted to the Greer Center Facility after undergoing the diagnostic and evaluation process, the referring agency shall reimburse the Department of Human Services for the number of bed days used at the Medicaid rate for that unit. If an applicant is admitted, the applicant shall be certified for Medicaid reimbursement from the initial date of admission.

H. Individuals who have been admitted and served by the Greer Center Facility shall be eligible for readmission services on the same basis as an individual initially seeking services.

I. In addition to other discharge procedures and requirements provided by law, the interdisciplinary team of the Greer Center Facility shall have recommended discharge based upon a determination that the individual's mental or physical condition prevents the individual from receiving appropriate services at the Greer Center Facility and the individual shall have completed all primary goals of the individual's habilitation plan. The Developmental Disabilities Services Community Services Unit from the individual's placement area shall be consulted in the recommendations for placement and shall be responsible for coordinating the placement and follow up.

J. The Commission is authorized and hereby directed to promulgate and amend rules and regulations necessary to implement the provisions of this section.

SECTION 5. AMENDATORY 56 O.S. 1991, Section 205, is amended to read as follows:

Section 205. The Department of Human Services is authorized to replace or make reimbursement for the eyeglasses or contact ~~lens~~ lenses of any employee at the Northern Oklahoma Resource Center of Enid ~~State School~~, Pauls Valley State School, Hissom Memorial Center, and any other juvenile institution subject to the jurisdiction of the Department of Human Services, if said eyeglasses or contact ~~lens~~ lenses are damaged by a resident of said schools, center or institutions while the employee is engaged in the performance of his duties. The Department of Mental Health and Substance Abuse Services is authorized to replace or make reimbursement for the eyeglasses or contact ~~lens~~ lenses of any employee at Central State Hospital, Eastern State Hospital, Western State Hospital, the Community Mental Health Centers and Substance

Abuse Services and the Phil Smalley Children's Center if said eyeglasses or contact ~~lens~~ lenses are damaged by a resident of said facilities while the employee is engaged in the performance of his duties. The J.D. McCarty Center is authorized to replace or make reimbursement for the eyeglasses or contact ~~lens~~ lenses of any employee, if said eyeglasses or contact ~~lens~~ lenses are damaged by a resident of said facility while the employee is engaged in the performance of his duties. The eyeglasses or contact ~~lens~~ lenses shall be of comparable kind, quality and cost. The Department of Human Services, the Department of Mental Health and Substance Abuse Services and the J.D. McCarty Center are not authorized to make payment or reimbursement for eye examinations necessary for the replacement of or reimbursement for said eyeglasses or contact ~~lens~~ lenses.

SECTION 6. AMENDATORY 62 O.S. 1991, Section 57.62, is amended to read as follows:

Section 57.62 The State of Oklahoma Building Bonds Commission, created by Title 62, Oklahoma Statutes 1961, Section 57.1 acting for and on behalf of the State of Oklahoma shall be the agency by and through which the State of Oklahoma shall incur indebtedness to the extent of the sum of Fifty-four Million Seven Hundred Fifty Thousand Dollars (\$54,750,000.00) as principal, for the purpose of constructing new buildings and other capital improvements, and for equipping, remodeling, modernizing and repairing any and all existing buildings and capital improvements, and purchase of land, equipment and furnishings necessary for such new construction or remodeling, as follows:

At the constituent institutions of the Oklahoma State System of Higher Education in the sum of..... \$38,500,000.00

At the institutions under the Department of Mental Health and Substance Abuse Services in the sum of.....

6,500,000.00

Pauls Valley State School, the Northern Oklahoma Resource Center of Enid School

and The Hisson Memorial Center..... 1,000,000.00

State Department of Health..... 2,275,000.00

Oklahoma State Library..... 2,150,000.00

Oklahoma State Penitentiary..... 150,000.00

Oklahoma State Reformatory..... 150,000.00

Oklahoma School for the Blind..... 550,000.00

Oklahoma School for the Deaf..... 550,000.00

Oklahoma Educational Television Authority..... 250,000.00

Oklahoma Historical Society..... 125,000.00

Western Oklahoma Tuberculosis Sanatorium..... 150,000.00

Eastern Oklahoma Tuberculosis Sanatorium..... 150,000.00

Department of Public Health for the Building of Community Social Service Centers 1,500,000.00

Purchase of Land in and about the Capital Improvement and Zoning District and Medical Center Improvement Zoning District and for Public Parks, Veterans Memorial Area and Landscaping 750,000.00

SECTION 7. AMENDATORY 62 O.S. 1991, Section 57.122, is amended to read as follows:

Section 57.122 The State of Oklahoma Building Bonds Commission, created by Title 62, Oklahoma Statutes 1961, Section 57.1, acting for and on behalf of the State of Oklahoma, shall be the agency by and through which the State of Oklahoma shall incur indebtedness to the extent of the sum of Ninety-nine Million Eight Hundred Eight Thousand Dollars (\$99,808,000.00) for the purpose of planning and

constructing new buildings or additions to existing state buildings and other capital improvements for remodeling, modernizing and repairing existing buildings and capital improvements and purchase of land, equipment and furnishings necessary for construction or remodeling for the following departments and agencies of state government in the amounts and for the purposes set forth as follows:

1. The constituent institutions of the Oklahoma State System of Higher Education \$34,250,000.00
2. Medical Center of the University of Oklahoma.... 26,870,000.00
3. A new junior college at Tulsa 4,000,000.00
4. A new junior college at Midwest City and new or existing community junior colleges 2,000,000.00
5. Griffin Memorial Hospital, Eastern State Hospital, Western State Hospital and Taft State Hospital, and for community mental health centers, provided not more than \$1,200,000.00 may be spent on community mental health centers 8,000,000.00
6. Administrative offices and laboratories of the State Health Department 4,516,000.00
7. Oklahoma General Hospital 500,000.00
8. Acquisition of land and completion of streets and highways in the State Capitol Complex 1,875,000.00
9. Equipment and remodeling at Wiley Post Building and acquisition and improvement of historic sites 125,000.00
10. Area vocational and technical schools and technical institutes and equipment 5,750,000.00
11. Oklahoma State University School of Technical Training at Okmulgee 1,500,000.00

12.	Pauls Valley State School, <u>the Northern Oklahoma Resource Center of Enid State School</u> , Hissom Memorial Center, School for the Blind, School for the Deaf, Whitaker State Children's Home, Taft State Children's Home, Helena State School for Boys, Boley State School for Boys, Taft State School for Girls and Tecumseh Girls' Town	4,375,000.00
13.	Construction of a Juvenile Diagnostic Evaluation and Receiving Center	1,000,000.00
14.	Construction of a Plans and Training Building and for district headquarters of the Department of Public Safety	497,000.00
15.	Construction of headquarters, warehouse and armory buildings of State Military Department	1,500,000.00
16.	State Bureau of Investigation headquarters building	200,000.00
17.	Construction and equipping of a reception and diagnostic center and other capital improvements at the State Penitentiary	1,000,000.00
18.	Constructing, renovating and equipping academic and vocational school facilities and other capital projects at the State Reformatory	750,000.00
19.	Eastern Oklahoma Tuberculosis Sanatorium	250,000.00
20.	Western Oklahoma Tuberculosis Sanatorium	250,000.00
21.	Constructing community social	

service centers at Ada, Shawnee,
Lawton and other communities

approved by the State Department

of Health 500,000.00

22. Cerebral Palsy Institute 100,000.00

SECTION 8. AMENDATORY 62 O.S. 1991, Section 161, is

amended to read as follows:

Section 161. There is hereby created a hospital revolving fund for the Medical Department of the State University and also a revolving fund for the University of Oklahoma; also a revolving fund for the State Training School at Pauls Valley, the Oklahoma School for the Deaf at Sulphur, the Oklahoma School for the Blind at Muskogee, the Oklahoma College ~~for Women~~ of Liberal Arts at Chickasha, ~~the Oklahoma~~ Central State Griffin Memorial Hospital at Norman, ~~the Oklahoma~~ Western State Hospital ~~for the Insane~~ at Fort Supply, ~~the East Oklahoma~~ Eastern State Hospital ~~for the Insane~~ at Vinita, the Northern Oklahoma Institute ~~for the Feeble Minded~~ Resource Center of Enid, located at Enid, Oklahoma, the Whitaker State Children's Home at Pryor, the State ~~Institute for Deaf, Blind and Colored Orphans~~ Children's Home at Taft, ~~the A. & M. College~~ Oklahoma State University at Stillwater, ~~Colored Agricultural and Normal~~ Langston University at Langston, for the Smith Lever Fund for the cooperation of agricultural extension work by the federal government with the state, and for the Morrill Fund to be expended and applied solely for instruction in agriculture and mechanical arts, the English language and the various branches of mathematical, physical and economical science, with special reference to these applications in the industries of life, and for any purpose for which said funds are permitted to be expended by the United States government and for the Hatch and Adams Fund for certain experiments and classes of scientific work as prescribed by the federal government and state and on sales station funds and other funds as

hereinafter provided for the purpose of conducting and maintaining the dairy, livestock and farm departments for said institution, the said funds coming from the federal government to be available only for the purpose and in the manner contemplated by the Congress of the United States; a revolving fund for the Oklahoma Panhandle Agricultural School State University at Goodwell and for the Commissioners of the Land Office; also a revolving fund for each of the following institutions, to wit: the Northeastern State Normal at Tahlequah, the Southeastern State Normal at Durant, the East Central State Normal at Ada, the Northeastern State Normal at Alva, the Southwestern State Normal at Weatherford, and the Central State Normal at Edmond, and the School of Mines and Metallurgy at Wilburton, the University Preparatory School at Tonkawa, the Eastern University Preparatory School at Claremore, the Home for the Aged and Infirm, the Murray Agricultural School at Tishomingo, the Connor Agricultural School at Warner, the Cameron Agricultural School at Lawton, the West Oklahoma Orphan Home at Helena, each of said revolving funds shall be available for the purposes indicated and as now and hereafter authorized by law.

SECTION 9. AMENDATORY 62 O.S. 1991, Section 165, is amended to read as follows:

Section 165. The revolving funds for the State Training School at Pauls Valley, the Oklahoma Geological Survey, the Oklahoma School for the Deaf, located at Sulphur, Oklahoma, the Oklahoma School for the Blind, located at Muskogee, Oklahoma, the Oklahoma College ~~for Women of Liberal Arts, located at Chickasha, the Oklahoma, Central State Griffin Memorial Hospital (insane), located at Norman, the Oklahoma, Western State Hospital for the Insane, located at Fort Supply, the East Oklahoma Eastern State Hospital for the Insane, located at Vinita, Oklahoma, the ~~Oklahoma Institute for the Feeble Minded,~~ Northern Oklahoma Resource Center of Enid, located at Enid, Oklahoma, the Whitaker State Children's Home, located at~~

Pryor, Oklahoma, and the ~~Institute for Deaf, Blind and Colored at Taft State Children's Home, located at Taft, Oklahoma~~, and its auxiliaries, shall consist of all appropriations made for such purpose and as a part thereof and include all earnings or profits in the conduct and management of said institutions and carrying on the things or business by such institutions as may be authorized by law.

SECTION 10. AMENDATORY 62 O.S. 1991, Section 195, is amended to read as follows:

Section 195. A. 1. There is hereby created a petty cash fund at each of the following institutions: Oklahoma School for the Blind, Muskogee, Oklahoma; Oklahoma School for the Deaf, Sulphur, Oklahoma; Griffin Memorial Hospital, Norman, Oklahoma; Eastern State Hospital, Vinita, Oklahoma; the Northern Oklahoma Resource Center of Enid State School, Enid, Oklahoma; Pauls Valley State School, Pauls Valley, Oklahoma; Western State Hospital, Fort Supply, Oklahoma; Central Oklahoma Juvenile Treatment Center, Tecumseh, Oklahoma; Hisson Memorial Center, Sand Springs, Oklahoma; L.E. Rader Children's Diagnostic and Evaluation Center, Sand Springs, Oklahoma; L.E. Rader Intensive Treatment Center, Sand Springs, Oklahoma; and the Oklahoma Medical Center.

2. The Director of State Finance and the head of the institution involved are hereby authorized and it shall be their duty to fix the maximum amount of the petty cash funds. The Director of State Finance shall prescribe all forms, systems, and procedures for administering the petty cash funds of the institution.

B. 1. There is hereby created a petty cash fund in the legal division of the Department of Human Services which fund shall be used solely to pay court costs, filing fees, witness fees, and expenses related to any case or proceeding within the responsibility of the legal division.

2. The Director of State Finance, and the Director of the Department of Human Services are hereby authorized and it shall be their duty to fix the maximum amount of the petty cash fund. The Director of State Finance shall prescribe all forms, systems, and procedures for administering the petty cash fund.

C. 1. There is hereby created a petty cash fund in the finance department of the Oklahoma Corporation Commission which shall be used solely to pay litigation expenses of the legal division, including court costs, filing fees, witness fees, and other expenses related to any case, proceeding, or matter within the responsibility of the legal division.

2. The Director of State Finance and the Corporation Commission are hereby authorized and it shall be their duty to fix the maximum amount of the petty cash fund, not to exceed Five Hundred Dollars (\$500.00). The Director of State Finance shall prescribe all forms, systems, and procedures for administering the petty cash fund.

SECTION 11. It is the intent of the Oklahoma Legislature that expendable supplies, including but not limited to letterheads, which on the effective date of this section carry or are labeled with the name Enid State School shall be utilized after the effective date of this section until such supplies are depleted. For purposes of this section, the term "supplies" shall not mean signs designating the name of the facility.

SECTION 12. The provisions of Section 11 of this act shall not be codified in the Oklahoma Statutes.

SECTION 13. This act shall become effective July 1, 1992.

SECTION 14. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

