

ENROLLED HOUSE  
BILL NO. 1254

BY: HAMILTON (James) and  
STEIDLEY of the HOUSE

and

TAYLOR and HANEY of the  
SENATE

AN ACT RELATING TO THE STATE DEPARTMENT OF HEALTH;  
MAKING APPROPRIATIONS THERETO; AMENDING SECTION 16  
OF ENROLLED SENATE BILL NO. 414 OF THE 1ST SESSION  
OF THE 43RD OKLAHOMA LEGISLATURE; STATING PURPOSES;  
SPECIFYING CERTAIN CATEGORIES AND AMOUNTS;  
REQUIRING THE SUBMISSION OF CERTAIN FINANCIAL  
REPORTS; TRANSFERRING CERTAIN APPROPRIATED FUNDS TO  
THE CHILD ABUSE PREVENTION FUND; STATING  
LEGISLATIVE INTENT; DIRECTING UTILIZATION OF  
CERTAIN FUNDS FOR CERTAIN PURPOSES; PROVIDING FOR  
CERTAIN DEMONSTRATION PROJECTS; REQUIRING THE  
PREPARATION AND SUBMISSION OF CERTAIN REPORTS;  
SPECIFYING CONTENTS; PROVIDING FOR DUTIES AND  
COMPENSATION OF EMPLOYEES; LIMITING THE SALARY OF  
THE STATE COMMISSIONER OF HEALTH; PROVIDING  
BUDGETARY LIMITATIONS; REQUIRING THE BUDGET WORK  
PROGRAM TO INCLUDE CERTAIN ENTITIES AND ACTIVITIES;  
AUTHORIZING THE EXPENDITURE OF CERTAIN FUNDS  
RELATING TO WASTEWATER; AMENDING SECTION 2, CHAPTER  
162, O.S.L. 1984, AS LAST AMENDED BY SECTION 2,  
CHAPTER 236, O.S.L. 1987 (63 O.S. SUPP. 1990,  
SECTION 1-106.1), WHICH RELATES TO CERTAIN FEE  
SCHEDULES ESTABLISHED BY THE STATE BOARD OF HEALTH;  
PROVIDING FOR CERTAIN EXCEPTIONS TO FEE SCHEDULE  
RANGES; MODIFYING METHOD OF ESTABLISHING CERTAIN  
FEES; INCREASING CERTAIN FEE LIMITATIONS;  
AUTHORIZING CERTAIN ASSESSMENTS; REQUIRING CERTAIN  
USES; LIMITING CERTAIN PERMIT FEES; PROVIDING LAPSE  
DATE; MAKING CERTAIN APPROPRIATION NONFISCAL;  
REPEALING 62 O.S. 1981, SECTION 160, WHICH RELATES  
TO THE HOME HEALTH CARE REVOLVING FUND; PROVIDING  
AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY Section 16 of Enrolled Senate Bill  
No. 414 of the 1st Session of the 43rd Oklahoma Legislature, is  
amended to read as follows:

Section 16. There is hereby appropriated to the State  
Department of Health from any monies not otherwise appropriated from  
the General Revenue Fund of the State Treasury for the fiscal year  
ending June 30, 1992, the sum of ~~Forty-seven Million Five Hundred  
Sixty-nine Thousand Eight Hundred Twenty-two Dollars~~  
~~(\$47,569,822.00)~~ Forty-nine Million Eight Hundred Forty-six Thousand  
Six Hundred Five Dollars (\$49,846,605.00) or so much thereof as may

be required to perform the duties imposed upon the State Department of Health by law.

SECTION 2. There is hereby appropriated to the State Department of Health from any monies not otherwise appropriated from the General Revenue Fund for the fiscal year ending June 30, 1990, the sum of One Million Dollars (\$1,000,000.00) or so much thereof as may be necessary to perform the duties imposed upon the Department of Health by law.

SECTION 3. The funds appropriated in Section 16 of Enrolled Senate Bill No. 414 of the 1st Session of the 43rd Oklahoma Legislature, as amended by Section 1 of this act, and Section 2 of this act shall include expenditures in the following categories and amounts:

Contractual services of the Oklahoma Rural Water Association, to provide technical assistance and training to rural water system operators. No part of these funds can be used to pay any portion of the compensation of the Oklahoma Rural Water Association Executive Director	\$155,000.00
Contractual services of the Margaret Hudson Program for School Age Parents	40,672.00
Contractual services of the Mary Mahoney Memorial Health Center	163,636.00
Contractual services of the Southeast Area Health Center	163,636.00
Contractual services of the Morton Comprehensive Health Services, Incorporated	295,173.00
Contractual services of the Sickle Cell Research Foundation, Incorporated	60,000.00
Contractual Services of the Emerson Teen Parent Program	128,100.00
Contractual Services of the Alzheimer's Research Advisory Council	<u>52,500.00</u>
TOTAL	\$1,058,717.00

A quarterly financial report specifying how funds have been expended shall be submitted by each of the above entities as part of all contracts with the State Department of Health.

SECTION 4. The funds appropriated in Section 16 of Enrolled Senate Bill No. 414 of the 1st Session of the 43rd Oklahoma Legislature, as amended by Section 1 of this act, shall include expenditures in the following categories and amounts:

Eldercare Program, including  
\$44,100.00 for the  
Oklahoma County Chapter of the  
National Association of Black

Social Workers for the purpose  
of maintaining a geriatric  
day care center

\$6,589,095.00

A quarterly financial report for the Eldercare Program specifying how funds have been expended shall be submitted to the State Department of Health by each Eldercare contractor.

SECTION 5. The State Department of Health shall transfer the sum of One Million Four Hundred Eighty-one Thousand Two Hundred Twenty-one Dollars (\$1,481,221.00) from the funds appropriated to the State Department of Health in Section 16 of Enrolled Senate Bill No. 414 of the 1st Session of the 43rd Oklahoma Legislature, as amended by Section 1 of this act, to the Child Abuse Prevention Fund, established pursuant to Section 1-227.8 of Title 63 of the Oklahoma Statutes, to be expended in accordance with law.

SECTION 6. It is the intent of the Legislature that of the funds appropriated to the State Department of Health in Section 16 of Enrolled Senate Bill No. 414 of the 1st Session of the 43rd Oklahoma Legislature, as amended by Section 1 of this act, the amount of Two Million Six Hundred Sixty Thousand Five Hundred Forty-three Dollars (\$2,660,543.00) shall be utilized for the provision of perinatal services for low-income women statewide.

It is the intent of the Legislature that perinatal health services shall be defined as prenatal care, postnatal care and infant care up to one (1) year of age.

Of said amount, Two Million Four Hundred One Thousand Four Hundred Fifty-five Dollars (\$2,401,455.00) is intended to provide direct services for unserved or underserved counties and to encourage early entry of high-risk clients into the health care system; One Hundred Ninety-eight Thousand Four Hundred Fifty Dollars (\$198,450.00) is intended to provide for contractual services with the Perinatal Continuing Education Program within the Department of Obstetrics and Gynecology of the University of Oklahoma College of Medicine; and Sixty Thousand Six Hundred Thirty-eight Dollars (\$60,638.00) is intended to provide for a demonstration project with a full complement of prevention and comprehensive perinatal services, including ambulatory care, community organizing and case management, social work and nutrition, public education and follow-up services, which shall be located in a select county with a high teen pregnancy rate.

On or before January 1 of each year, the State Department of Health shall prepare and submit a written report to the Speaker of the House of Representatives and President Pro Tempore of the Senate detailing receipts and expenditures of any local, state and federal funds spent for perinatal services by county as defined above. The report shall be more inclusive than time and effort information and shall include a list of contractors, number of clients served, and full-time-equivalent employees for the following categories: Maternity Services, Child Health, immunizations, family planning and WIC.

SECTION 7. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the State Department of Health by law shall be set by the State Commissioner of Health. The salary of the State Commissioner of Health shall not exceed Ninety-three Thousand Two Hundred Eighty-eight Dollars (\$93,288.00) per annum, payable monthly for the fiscal year ending June 30, 1992. The State Department of Health for the fiscal year ending June 30, 1992, shall be subject to the following budgetary limitations on full-time-equivalent employees and expenditures excluding expenditures for capital and special projects

except as may be authorized pursuant to the provisions of Section 3603 of Title 74 of the Oklahoma Statutes:

<u>Budgetary Limitation</u>	<u>Amount</u>
Full-time-equivalent Employees	2,561
Payroll, Salaries or Wages, Including Tax-sheltered Deferment Contracts and Longevity Payments Authorized by State Statutes	\$59,300,000.00

Professional and Personal Services Contracts	\$13,200,000.00
Lease-Purchase Agreements	\$500,000.00
Purchase of Equipment	\$3,000,000.00
Expenditure of Revolving Funds	\$33,500,000.00
Expenditure of Federal Funds	\$70,000,000.00
Total Expenditures for Operations	\$154,346,605.00

SECTION 8. Pursuant to the provisions of Section 41.7 of Title 62 of the Oklahoma Statutes, the State Department of Health shall file its budget work program with the Director of State Finance and the Legislative Service Bureau for the fiscal year ending June 30, 1992, to include the following budget entities and activities:

- Administration
- Environmental Health Services
- Personal Health Services
- AIDS Information and Prevention Program
- Special Health Services
- Women, Infants and Children Program
- Local Health Service
- Eldercare Program
- Child Abuse Prevention Program
- Health Planning
- Data Processing

SECTION 9. For the fiscal year ending June 30, 1992, the State Department of Health is authorized to expend from the Wastewater Facility Construction Revolving Loan Account an amount not to exceed Two Hundred Seventy-five Thousand One Hundred Thirteen Dollars (\$275,113.00) and the Oklahoma Water Resources Board is authorized to expend from the Wastewater Facility Construction Revolving Loan Account an amount not to exceed Sixty-six Thousand Two Hundred Seventy-eight Dollars (\$66,278.00) for the administration of the State Wastewater Facility Construction Loan Program pursuant to Section 1085.51 et seq. of Title 82 of the Oklahoma Statutes.

SECTION 10. AMENDATORY Section 2, Chapter 162, O.S.L. 1984, as last amended by Section 2, Chapter 236, O.S.L. 1987 (63 O.S. Supp. 1990, Section 1-106.1), is amended to read as follows:

Section 1-106.1 A. The State Board of Health may establish a system of fees to be charged for environmental and other health services and for services rendered to members of the public in the issuance and renewal of licenses and permits by the State Commissioner of Health and the State Department of Health. This provision is subject to the following limitations:

1. ~~No schedule of fees may be established or amended by the Board except during such times as the Legislature is in session.~~ The Board must follow the procedures required by Sections 301 through 325 of Title 75 of the Oklahoma Statutes for adoption of rules and regulations in establishing or amending any such schedule of fees; and

2. The Board shall charge fees only within the following ranges, except as may be otherwise specified in this section:

- For license or permit issuance: \$50.00 to \$2,000.00
- For license or permit renewal: \$10.00 to \$500.00

For environmental health services: \$25.00 to \$250.00 provided further, that any facility exempt from the requirement to obtain a permit based on date of construction or start-up may be assessed an annual permit renewal fee equivalent.

B. The Board's authority to establish such a fee schedule shall extend to all programs administered by the State Commissioner of Health and the State Department of Health, regardless of whether the statutes creating such programs are codified in the Oklahoma Public Health Code.

C. The Board shall base its schedule of licensing or permitting fees upon the reasonable costs of review and inspection services rendered in connection with each license and permit program, but shall be within the ranges specified in subsection A of this section, except as may be otherwise specified in this section. The Department shall establish a system of training for all personnel who render review and inspection services in order to assure uniform statewide application of rules and regulations and the Board shall also base the fee on reasonable costs associated with the training of those personnel. Such fees shall not be used in the operation of local health departments whose personnel do not participate fully in applicable State Department of Health training and standardization programs.

D. The Board may exempt by rule and regulation any class of licensee or permittee or any class of facility or activity to be licensed or permitted from the requirements of the fee schedule if the Board determines that the creation of such a schedule for any such class would work an unreasonable economic hardship.

E. All statutory fees now in effect for issuance and renewal of any license or permit administered by the State Commissioner of Health and the State Department of Health shall remain in effect until such time as the Board acts to implement new fee schedules pursuant to the provisions of this act.

F. Unless a longer duration is specified for certain permits by the rules and regulations of the Board, licenses and permits issued by the Commissioner of Health shall be for a one-year period.

G. 1. Notwithstanding the above limits, the State Board of Health may establish an annual fee for public water supply system regulatory services based on the size and type of the system and the resultant regulatory cost of the services to the state, provided that the. Such annual fee may shall not result in an increase of more than ~~ten cents (\$0.10)~~ thirty cents (\$0.30) per month per residential user of the public water supply systems per year.

2. The State Board of Health may assess an annual minimum fee charged for:

- a. purchase water systems, Fifty Dollars (\$50.00),
- b. ground water systems, Seventy-five Dollars (\$75.00), and
- c. surface water systems, One Hundred Fifty Dollars (\$150.00).

3. Any state funds appropriated for public water supply system regulatory services shall be used to offset the increased costs of regulatory services to the smaller public water supply systems with a population of up to two thousand (2,000) people.

H. The limitations of paragraph 2 of subsection A of this section shall not apply to the issuance or renewal of permits by the Commissioner or Department pursuant to the National Pollutant Discharge Elimination System of the Federal Water Pollution Control Act, provided that fees assessed pursuant to the National Pollutant Discharge Elimination System of the Federal Water Pollution Control Act shall not exceed the cost incurred by the state for performing

the regulatory services or Three Hundred Thousand Dollars (\$300,000.00) per year averaged over a five-year period.

SECTION 11. The appropriations made by this act shall be subject to fiscal year limitations and may be encumbered through June 30, 1992. Any unexpended funds remaining after November 15, 1992, shall lapse and be transferred to the credit of the proper fund for the then current fiscal year.

SECTION 12. The amount appropriated in Section 16 of Enrolled Senate Bill No. 414 of the 1st Session of the 43rd Oklahoma Legislature, as amended by Section 1 of this act, and designated for the Eldercare Program as provided in Section 4 of this act, shall not be subject to fiscal year limitations and shall be available for a period of thirty (30) months from the effective date of this act.

SECTION 13. REPEALER 62 O.S. 1981, Section 160, is hereby repealed.

SECTION 14. This act shall become effective July 1, 1991.

SECTION 15. 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.

Passed the House of Representatives the 23rd day of May, 1991.

Speaker of the House of  
Representatives

Passed the Senate the 23rd day of May, 1991.

President of the Senate