

ENROLLED SENATE  
BILL NO. 129

BY: TAYLOR and HANEY of the  
SENATE

and

HAMILTON (James) and  
STEIDLEY of the HOUSE

AN ACT RELATING TO THE DEPARTMENT OF HUMAN SERVICES; AMENDING SECTION 14 OF ENROLLED SENATE BILL NO. 414 OF THE 1ST SESSION OF THE 43RD OKLAHOMA LEGISLATURE, WHICH RELATES TO THE DEPARTMENT OF HUMAN SERVICES; AMENDING APPROPRIATIONS THERETO; AMENDING SECTION 3, CHAPTER 211, O.S.L. 1990 (10 O.S. SUPP. 1990, SECTION 1414.1), WHICH RELATES TO ADMISSION TO THE GREER CENTER FACILITY; MAKING APPROPRIATIONS TO THE DEPARTMENT OF HUMAN SERVICES; MAKING REAPPROPRIATION AND REDESIGNATION THERETO; STATING PURPOSES; PROVIDING BUDGETARY LIMITATIONS; EXEMPTING CERTAIN FEDERAL FUNDS FROM BUDGETARY LIMITATIONS; PROVIDING FOR THE DUTIES AND COMPENSATION OF EMPLOYEES; AUTHORIZING INCREASE OF FTE FOR CERTAIN PURPOSES AND UNDER CERTAIN CONDITIONS; SPECIFYING LIMITATION ON TRANSFER OF CERTAIN FUNDS; AUTHORIZING TRANSFERS OF CERTAIN FUNDS AND STATING EXCEPTIONS; REQUIRING CERTAIN TRANSFER REQUESTS BE IN WRITING; REQUIRING MAINTENANCE OF RECORDS FOR CERTAIN INTERYEAR TRANSFERS; REQUIRING CERTAIN TRANSFERS BE FOR TEMPORARY CASH-FLOW PURPOSES ONLY; LIMITING THE FINALIZATION OF PROVIDER RATES FOR CERTAIN TIME PERIOD; PROHIBITING PROVIDER RATE CHANGES FOR CERTAIN TIME PERIOD AND PROVIDING EXCEPTION; PROVIDING PROCEDURE FOR PROVIDER RATE CHANGES; REQUIRING WRITTEN NOTIFICATION OF CERTAIN INTENDED ACTIONS; REQUIRING WRITTEN EXPLANATION OF CERTAIN INFORMATION RELATING TO EMERGENCY PROVIDER RATE CHANGES; SUBJECTING CERTAIN PROVISIONS TO THE OKLAHOMA CENTRAL PURCHASING ACT; STATING LEGISLATIVE INTENT REGARDING UTILIZATION OF CERTAIN FACILITY; REQUIRING CERTAIN PLAN TO REALLOCATE CERTAIN POSITIONS; STATING LEGISLATIVE INTENT TO ALLOW CERTAIN PERSONS TO RECEIVE CERTAIN SERVICES AND USE CERTAIN FACILITIES; REQUIRING CERTAIN FACILITY TO BE ESTABLISHED AS A SEPARATE ENTITY; MAKING APPROPRIATIONS NONFISCAL; PROVIDING AN OPERATIVE DATE; AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY Section 14 of Enrolled Senate Bill No. 414 of the 1st Session of the 43rd Oklahoma Legislature, is amended to read as follows:

Section 14. There is hereby appropriated to the Department of Human Services 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 ~~Six Hundred Ten Million Seven Hundred Thirty-nine Thousand Eighty-six Dollars (\$610,739,086.00)~~ Six Hundred Twenty-one Million Five Hundred Eighty Thousand One Hundred Thirty-three Dollars (\$621,580,133.00) or so much thereof as may be required to perform the duties imposed upon the Department of Human Services by law.

SECTION 2. There is hereby appropriated to the Department of Human Services from any monies not otherwise appropriated from the Cash-Flow Reserve designated by the Office of State Finance as the "090" Fund, the sum of Thirty-five Million Dollars (\$35,000,000.00) or so much thereof as may be necessary to perform the duties imposed upon the Department of Human Services by law.

SECTION 3. REAPPROPRIATION AND REDESIGNATION The amount of Thirty-three Thousand Dollars (\$33,000.00) of the amount of One Million One Hundred Seventy-five Thousand Forty Dollars (\$1,175,040.00) originally appropriated by Section 16, Chapter 265, O.S.L. 1990, from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1991, to the Commission on Children and Youth is hereby reappropriated to the Department of Human Services for shelving for the Library for the Blind and Physically Handicapped. If on July 1, 1991, any of the amount originally appropriated, as adjusted by expenditures, encumbrances and transfers, results in an unencumbered balance less than the redesignated amount, that redesignated amount is reduced to the unencumbered balance.

SECTION 4. The funds appropriated and reappropriated to the Department of Human Services in Sections 1, 2 and 3 of this act shall be expended in the following amounts and categories:

1. Services to Children and Youth	\$ 74,080,447.00
2. Oklahoma Youth Services Agencies	11,040,000.00
3. Services to the Mentally Retarded and Developmentally Disabled	68,212,407.00
4. Rehabilitative and Visual Services	11,497,193.00
5. School for the Blind	4,017,264.00
6. Services for the Deaf and Hearing Impaired	4,743,589.00
7. Title XIX Medical Payments	251,396,256.00
8. AFDC Entitlements	44,656,380.00
9. AABD State Supplement Payments	36,817,557.00
10. Day Care Payments	17,521,823.00
11. Family Support Services and Field Operations	62,955,539.00

12. Child Support Enforcement	2,238,076.00
13. Aging Services	15,280,585.00
14. Administration and the Management Information Division	8,493,656.00
15. Oklahoma Medical Center	<u>43,662,361.00</u>
TOTAL	\$656,613,133.00

SECTION 5. Expenditures by the Department of Human Services from all sources of revenue during the fiscal year ending June 30, 1992, excluding expenditures for capital and special projects, shall not exceed the following:

1. Services to Children and Youth	\$ 121,794,113.00
2. Services to the Mentally Retarded and Developmentally Disabled	150,825,356.00
3. Rehabilitative and Visual Services	40,096,797.00
4. School for the Blind	4,065,108.00
5. Services for the Deaf and Hearing Impaired	4,822,970.00
6. Disability Determination (Federal)	11,522,210.00
7. Title XIX Medical Payments	899,386,179.00
8. Medical Services Administration and Claims Processing	25,184,053.00
9. AFDC Entitlements	154,954,613.00
10. AABD State Supplement Payments	36,158,185.00
11. Day Care Payments	36,481,078.00
12. Family Support Services	129,461,049.00
13. Child Support Enforcement	15,460,877.00
14. Field Operations	20,761,695.00
15. Aging Services	32,103,254.00
16. Administration	40,327,455.00
17. Management Information Division	17,171,857.00
18. Oklahoma Medical Center	<u>188,964,899.00</u>
TOTAL	\$1,929,541,748.00

Receipt and expenditure of discretionary federal grant funds, exclusive of block grant funds, awarded after July 1, 1991, shall be exempt from the above expenditure limitations and from budgetary limitations provided for in Section 6 of this act, provided that any

such funds used for operations shall be included in the agency's budget work program.

SECTION 6. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Department of Human Services by law shall be set by the Director of Human Services. The Department of Human Services 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 Limitations</u>	<u>Amount</u>
Average Full-time-equivalent Employees, Excluding Medical Residents	13,734.5
Payroll, Salaries or Wages, Including Tax-sheltered Deferment Contracts and Longevity Payments Authorized by State Statute, and Excluding Medical Residents	\$318,041,310.00
Professional and Personal Services Contracts, Excluding the Master Reimbursement Contract with the University of Oklahoma Health Sciences Center; Other Payments for Patient Care Services Rendered by University Physicians; the Contract with the Oklahoma Professional Review Organization for Review of Medical Services Utilization; and the Contract for Medical Claims Processing	\$6,928,265.00
Lease-Purchase Agreements	\$10,404,000.00
Purchase of Equipment	\$20,051,120.00
Expenditure of Federal Funds	\$1,046,910,241.00
Total Expenditures for Operations	\$1,929,541,748.00

SECTION 7. The average full-time-equivalent employees limit specified in Section 6 of this act may be increased by up to one hundred fifty (150) full-time-equivalent employees for the purpose of providing staffing for program expansions or increased census at the Oklahoma Medical Center, provided that such employees shall be funded with hospital-generated revenues.

SECTION 8. The limitation on the transfer of funds between accounts specified in Section 41.12 of Title 62 of the Oklahoma Statutes shall relate only to the line items specified in Section 5 of this act, and shall not be construed to be a limitation on budgetary subdivisions included in the Department's budget work program.

SECTION 9. The Director of State Finance shall transfer monies apportioned from the General Revenue Fund to the Department of Human Services' disbursing funds in the amounts and ratios requested by the Department except that the cumulative amounts transferred shall not exceed the cumulative amounts of equal monthly allotments of the appropriation from the General Revenue Fund.

Monies appropriated or collected for the fiscal year ending June 30, 1992, may be transferred to these disbursing funds for the fiscal year ending June 30, 1991, to satisfy encumbrances and obligations of said fiscal year; provided, that monies equal in amount are transferred from appropriations or collections for the fiscal year ending June 30, 1991, to the disbursing funds for the fiscal year ending June 30, 1992, to satisfy encumbrances and obligations of said fiscal year. All transfer requests shall be in writing to the Director of State Finance. The Department of Human Services shall maintain records of the interyear transfers.

SECTION 10. The Director of Human Services may request through the Director of State Finance the early transfer by the Oklahoma Tax Commission of tax collections to the General Revenue Fund for the purpose of early allocation to the Department of Human Services' disbursing funds to alleviate cash-flow problems.

SECTION 11. The Director of Human Services may request the Director of State Finance to transfer available funds, appropriated or collected, between the Oklahoma Medical Center Disbursing Fund and the Department of Human Services Disbursing Fund or between the Oklahoma Medical Center Disbursing Fund and the Department of Human Services Medical and Assistance Fund. All such transfers shall be for temporary cash-flow purposes only.

SECTION 12. The Commission for Human Services, except in cases of emergency or when required by state or federal law, shall not finalize provider rates for fiscal year 1993 until the end of the regular session of the Legislature in fiscal year 1992. Further, the Commission shall not change rates for fiscal year 1992 after January 1, 1992, except in cases of emergency or when required by state or federal law. If, in the opinion of the Commission, an emergency situation or legal mandate exists, the Commission may make appropriate provider rate changes. The Commission shall make these rate changes effective not later than the effective date of any such legal requirement.

For fiscal year 1992, prior to final approval of rate changes due to an emergency or legal mandate, the Director of the Department of Human Services shall provide written notification of the intended actions and reasons for such actions to the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate. Following final approval of the changes by the Commission, the Director shall further provide the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate with a written explanation of the methodology and assumptions made in arriving at the emergency rate change. The provisions of this section shall be subject to the provisions of the Oklahoma Central Purchasing Act.

SECTION 13. It is the intent of the Oklahoma Legislature that the Department of Human Services utilize the space and staff of the facility known as the Central Oklahoma Juvenile Treatment Center for the purpose of providing programs and services that benefit the children and youth of this state.

SECTION 14. The Director of the Department of Human Services shall develop and implement a plan during fiscal year 1992 to reallocate existing full-time-equivalent positions within the agency in order to achieve maximum efficiencies with the full-time-equivalent positions authorized by the Legislature. Provided, however, county offices may retain the option of having a four-day work week. In order that crucial positions shall remain filled and the present delivery of services shall not be negatively affected, the Department shall have flexibility and discretion in its efforts to achieve such efficiencies.

SECTION 15. It is the intent of the Legislature that, for persons who are dually diagnosed as being both mentally retarded and mentally ill, the Department of Human Services shall:

1. Provide transitional living services for Medicaid eligible clients exiting the Greer Center Facility;

2. Allow the Greer Center Facility to utilize the unused sixteen-bed unit; and

3. Provide a diagnostic and evaluation unit to determine eligibility for admittance to the Greer Center as required by Section 1414.1 of Title 10 of the Oklahoma Statutes.

SECTION 16. AMENDATORY Section 3, Chapter 211, O.S.L. 1990 (10 O.S. Supp. 1990, 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 of the Enid State School located at~~ on the grounds of the Enid State School in Enid, Oklahoma, shall be established as a separate entity from the 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. Secondarily, 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 17. The appropriation made by Section 14 of Enrolled Senate Bill No. 414 of the 1st Session of the 43rd Oklahoma Legislature, as amended by Section 1 of this act, the appropriation made in Section 2 of this act, and the reappropriation and redesignation made in Section 3 of this act shall not be subject to fiscal year limitations and shall be available for encumbrance and expenditure purposes for a period of thirty (30) months from the operative date of this act.

SECTION 18. This act shall become operative July 1, 1991.

SECTION 19. 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 Senate the 23d day of May, 1991.

President of the Senate

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

Speaker of the House of Representatives