

ENROLLED SENATE
BILL NO. 132

BY: TAYLOR and HANEY of the
SENATE

and

HAMILTON (James) and
STEIDLEY of the HOUSE

AN ACT RELATING TO THE DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES; MAKING APPROPRIATIONS THERETO; STATING THE PURPOSE; PROVIDING FOR LIMITATIONS ON THE TRANSFER OF CERTAIN FUNDS; PROVIDING FOR DUTIES AND COMPENSATION OF EMPLOYEES; LIMITING THE SALARY OF THE COMMISSIONER; PROVIDING BUDGETARY LIMITATIONS; AUTHORIZING PLACEMENT OF CERTAIN EMPLOYEES IN THE UNCLASSIFIED SERVICE; REQUIRING THE BUDGET WORK PROGRAM TO INCLUDE CERTAIN ENTITIES AND ACTIVITIES; AMENDING SECTION 20, CHAPTER 283, O.S.L. 1988, AS AMENDED BY SECTION 74, CHAPTER 51, O.S.L. 1990 (43A O.S. SUPP. 1990, SECTION 3-315), WHICH RELATES TO COMMUNITY RESIDENTIAL MENTAL HEALTH FACILITIES AND PROGRAMS; MODIFYING NAME OF ADVISORY BOARD; MODIFYING CONDITIONS NECESSARY FOR THE ENTERING INTO OF CERTAIN CONTRACTS; PROVIDING FOR THE TERMINATION OF CERTAIN CONTRACTS; AMENDING 43A O.S. 1981, SECTION 12, AS RENUMBERED BY SECTION 103, CHAPTER 103, O.S.L. 1986, AND AS LAST AMENDED BY SECTION 28, CHAPTER 51, O.S.L. 1990 (43A O.S. SUPP. 1990, SECTION 2-103), WHICH RELATES TO THE BOARD OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES; SPECIFYING MEETING LOCATION OF THE BOARD; MODIFYING PURPOSE OF CERTAIN VISITS TO INSTITUTIONS; REQUIRING REPORT FOR EACH SUCH VISIT; PROVIDING LAPSE DATE; PROVIDING EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Department of Mental Health and Substance Abuse 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 Two Million Two Hundred Fifty-one Thousand Two Hundred Seven Dollars (\$2,251,207.00) or so much thereof as may be necessary to perform the duties imposed upon the Department of Mental Health and Substance Abuse Services by law.

SECTION 2. There is hereby appropriated to the Department of Mental Health and Substance Abuse Services from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1990, the sum of Three Million Dollars (\$3,000,000.00) or so much thereof as may be

necessary to perform the duties imposed upon the Department of Mental Health and Substance Abuse Services by law.

SECTION 3. There is hereby appropriated to the Department of Mental Health and Substance Abuse Services from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1990, the sum of Three Hundred Thousand Dollars (\$300,000.00) or so much thereof as may be required for transfer to the Capital Outlay Fund of the Department of Mental Health and Substance Abuse Services for repair and replacement of the electrical system at Eastern State Hospital.

SECTION 4. From all monies appropriated to the Department of Mental Health and Substance Abuse Services the following amounts and categories shall be expended:

1. Central Office Administration	\$3,604,977.00
2. State Hospitals, the Oklahoma Youth Center and the State-Operated Crisis Center	\$48,741,749.00
3. State-Operated Community Mental Health Centers	\$14,938,998.00
4. State-Operated Alcohol and Drug Facilities	\$5,868,336.00
5. Private Community Mental Health Centers and Other Community Programs	\$26,692,206.00
6. Private Community Alcohol and Drug Programs	\$6,236,882.00
7. Domestic Violence Programs	\$2,033,756.00
8. Data Processing	<u>\$1,862,641.00</u>
TOTAL	\$109,979,545.00

For the purposes of the limitations on the transfer of funds between accounts specified in Section 41.12 of Title 62 of the Oklahoma Statutes, said limitations shall relate only to the line items specified in this section, and shall not be construed to be limitations on budgetary subdivisions included in the Department's budget work program.

SECTION 5. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Department of Mental Health and Substance Abuse Services by law shall be set by the Commissioner. The salary of the Commissioner shall not exceed Eighty-eight Thousand Seven Hundred Eight Dollars (\$88,708.00) per annum, payable biweekly for the fiscal year ending June 30, 1992. The Department of Mental Health and Substance Abuse 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, intra-agency payments 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>
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Full-time-equivalent Employees	2,699.0
Payroll, Salaries or Wages, Including Tax-sheltered Deferment Contracts and Longevity Payments Authorized by State Statute	\$65,764,528.00
Professional and Personal Services Contracts	\$2,900,000.00
Lease-Purchase Agreements	\$580,000.00
Purchase of Equipment	\$2,000,000.00
Expenditure of Revolving Funds	\$22,000,000.00
Expenditure of Federal Funds	\$18,800,000.00
Total Expenditures for Operations	\$150,479,545.00

SECTION 6. Full-time-equivalent employees utilized at the Central Office may be placed in the unclassified service. All other employees of the Central Office shall be in the classified service, except as provided in Sections 840.8 and 840.10 of Title 74 of the Oklahoma Statutes.

SECTION 7. Pursuant to the provisions of Section 41.7 of Title 62 of the Oklahoma Statutes, the Department of Mental Health and Substance Abuse Services 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 budgetary entities and activities:

Central Office Administration

Central State Hospital

Eastern State Hospital

Western State Hospital

Oklahoma Youth Center

Norman Alcohol and Drug Treatment Center

Vinita Alcohol and Drug Treatment Center

Fort Supply Alcohol and Drug Treatment Center

Oklahoma City Crisis Center

Carl Albert Community Mental Health Center

Jim Taliaferro Community Mental Health Center

Central Oklahoma Community Mental Health Center

Bill Willis Community Mental Health Center

Northwest Community Mental Health Center

Private Community Mental Health Centers

Private Community Alcohol and Drug Programs

Domestic Violence Programs

Other Community Programs

Data Processing

The budgets for the above activities shall include all direct and indirect costs, except for those included in the Central Office Administration and Data Processing activities, associated with each activity.

SECTION 8. AMENDATORY Section 20, Chapter 283, O.S.L. 1988, as amended by Section 74, Chapter 51, O.S.L. 1990 (43A O.S. Supp. 1990, Section 3-315), is amended to read as follows:

Section 3-315. A. The Board of Mental Health and Substance Abuse Services shall adopt minimum standards for program certification for community residential mental health programs and facilities as provided in this section. The standards shall be adopted as rules and promulgated by the Board of Mental Health and Substance Abuse Services pursuant to the provisions of the Administrative Procedures Act.

B. The program certification standards for community residential mental health facilities shall be developed jointly by the Department and the State Department of Health, in consultation with representatives of the residential care home operators and administrators and the Long-Term Care Facility Advisory Board. The standards shall be reviewed at least annually for any necessary modifications by the Department and the State Department of Health and any necessary modifications shall be presented to the Board for its approval.

C. The program certification standards adopted by the Board shall provide for a system of classification of community residential mental health facilities based upon the level of care required by residents of the facility and establish minimum program certification standards for each classification. The program certification standards adopted by the Board for each classification shall be such that residential care facilities having a valid contract with the Department and licensed by the State Department of Health on July 1, 1988, shall be qualified and eligible for program certification within an appropriate classification.

D. The Board shall establish by rule a schedule of rates for the compensation of or reimbursement for services provided to eligible individuals by community residential mental health programs and facilities.

E. ~~On and after July 1, 1989, the~~ The Department shall not enter into a contract with a residential care home unless such home is certified as a community residential mental health facility and such home is in compliance with all program financial management requirements adopted by the Board and the Department through rules and standards and criteria. The Department shall not enter into a contract for a community mental health program unless said program is certified by the Department. The Department shall terminate the contract of any home or program that fails to meet contract provisions regarding financial statements.

SECTION 9. AMENDATORY 43A O.S. 1981, Section 12, as renumbered by Section 103, Chapter 103, O.S.L. 1986 and as last amended by Section 28, Chapter 51, O.S.L. 1990 (43A O.S. Supp. 1990, Section 2-103), is amended to read as follows:

Section 2-103. The Board of Mental Health and Substance Abuse Services shall be composed of seven (7) members appointed by the Governor with the consent of the Senate. Immediately after June 3, 1953, one member shall be appointed for a term expiring December 31, 1953, and one each for terms ending respectively one (1), two (2), three (3), four (4), five (5) and six (6) years thereafter. Upon the expiration of any of the terms a successor shall be appointed for a full term of seven (7) years. One member, who shall be a physician licensed to practice in this state, and one member, who shall be a psychiatrist certified as a diplomate of the American Board of Psychiatry and Neurology, shall both be appointed from a list containing the names of not less than three physicians and not less than three psychiatrists submitted to the Governor by the Oklahoma State Medical Association; one member shall be an attorney licensed to practice in this state and shall be appointed from a list of not less than three names submitted to the Governor by the Oklahoma Bar Association; and one member shall be a psychologist, licensed to practice in this state, who shall be appointed from a list of not less than three names submitted to the Governor by the Oklahoma State Psychological Association. No person shall be appointed a member of the Board who has been a member of the Legislature of this state within the preceding five (5) years. The Board shall elect its own chairman and vice-chairman.

~~The chairman may call meetings of the Board of Mental Health and Substance Abuse Services at any time. The Board shall visit at least once each fiscal year each institution in the department. The Commissioner may be present during such visits. While discussion and solution of specific problems of the institution being visited shall be the primary object of such meetings, problems of any of the other institutions or problems of mutual interest and importance shall be discussed and acted upon. A record of the proceedings of such meetings shall be made and recorded in the files of the department.~~ All regularly scheduled meetings will be held at the Central Office of the Department of Mental Health and Substance Abuse Services, Oklahoma City, Oklahoma, unless otherwise scheduled. The Board, not in conjunction with a regularly scheduled meeting, or their designee, shall visit each facility once during each fiscal year with a report on the status of each facility given to the full Board after such visit. Four members shall constitute a quorum at any meeting, and all action may be taken by ~~the~~ an affirmative vote of the majority of the members present at any such meeting.

The action taken by the Board on any matter, or any document passed by the Board, shall be considered official when such action is placed in writing and signed by the chairman, or vice-chairman.

The duties of the Board shall pertain to the care, treatment, and hospitalization of the mentally ill, and alcohol- or drug-dependent persons.

Members of the Board of Mental Health and Substance Abuse Services shall be allowed their necessary travel expenses pursuant to the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes.

SECTION 10. The appropriations made by Sections 1 and 2 of 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 11. This act shall become effective July 1, 1991.

SECTION 12. 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