

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

HOUSE BILL NO. 2222

BY: MADDOX (Jim)

AS INTRODUCED

AN ACT RELATING TO AGING; CREATING THE OKLAHOMA AGING SERVICES COORDINATION ACT; PROVIDING PURPOSES; DEFINING TERMS; CREATING THE COMMISSION ON AGING; PROVIDING FOR MEMBERSHIP; PROVIDING FOR QUALIFICATIONS; PROVIDING FOR MEETINGS; PROVIDING FOR REMOVAL AND VACANCY; AUTHORIZING POWERS AND DUTIES; PROVIDING FOR APPOINTMENT OF A DIRECTOR AND DUTIES; REQUIRING CERTAIN REPORTS AND CONTENTS; CREATING THE COMMISSION ON AGING REVOLVING FUND; PROVIDING FOR DEPOSITS AND EXPENDITURES; REQUIRING CERTAIN COOPERATION BY OTHER AGENCIES; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

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 1 of Title 1A, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma Aging Services Coordination Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2 of Title 1A, unless there is created a duplication in numbering, reads as follows:

The purpose of the Oklahoma Aging Services Coordination Act is to ensure efficient, cost effective delivery of state services and accountability in the delivery of state services to the elderly, through the creation of a Commission on Aging which shall have as its primary duties to:

1. Establish and maintain a coordinated and continuing surveillance of services to the elderly in this state;
2. Facilitate access to health, mental health, social and related services that are made available through state and federal funds for the elderly;
3. Remove unnecessary and cumbersome impediments to the delivery of such services; and
4. Better provide for the expeditious, coordinated and cooperative delivery of services by establishing a uniform system of rules, procedures and forms for such services.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3 of Title 1A, unless there is created a duplication in numbering, reads as follows:

As used in the Oklahoma Aging Services Coordination Act:

1. "Commission" means the Commission on Aging;
2. "Director" means the executive director of the Commission on Aging;
3. "Older Americans Act" means the Older Americans Act of 1965, as amended, U.S.C.A., Sections 3001 et seq.;
4. "Elderly" means those persons residing within the state who are sixty (60) years of age or older, except as otherwise provided by state or federal law or regulation;
5. "Services" means any services necessary to the general welfare of the elderly including, but not limited to, nutritional

services, transportation services, health services, homemaker services, employment programs, housing programs, legal services, recreational programs, and information, referral, outreach and counseling services; except that where necessary to comply with federal laws or regulations governing the availability of federal funds;

6. "System of services to the elderly" means health, mental health, social, rehabilitative assistance and educational services provided to the elderly by and through public and private agencies; and

7. "State and state-supported services to the elderly" means services to the elderly offered or provided by a public or private agency or organization, that are supported in whole or in part through state funds or federal funds administered by the state.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4 of Title 1A, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the Commission on Aging which shall be composed of twelve (12) members. The membership shall be composed of the following:

1. The Director of the Department of Human Services or his designee;

2. The State Commissioner of Health or his designee;

3. The Commissioner of the Department of Mental Health and Substance Abuse Services or his designee;

4. Five members who shall be appointed by the Governor from a list of three (3) names submitted by the governing boards of each of the following kinds of organizations:

a. statewide associations whose primary purpose is to represent the concerns of persons aged sixty (60) or over, and which have demonstrated an interest in,

knowledge of, and accomplishments regarding the concerns of older citizens,

- b. the Oklahoma State Council on Aging, and
- c. associations representing care providers for the elderly;

5. Two members appointed by the Governor who shall represent the area agencies on aging;

6. One member from the public at large, appointed by the Speaker of the House of Representatives; and

7. One member from the public at large, appointed by the President Pro Tempore of the Senate.

B. The members appointed at large shall be sixty (60) years of age or older and shall have had active experience in services to or advocacy for the elderly, but shall not include or have represented providers of services to the elderly.

C. 1. Members of the Commission who are appointed by the Governor shall serve for no more than two (2) terms of three (3) years each. Initial appointments by the Governor shall be as follows: Two members shall be appointed for a term of one (1) year, three members shall be appointed for terms of two (2) years and two members shall be appointed for terms of three (3) years. Subsequent appointees shall serve terms of three (3) years.

2. Members appointed by the President Pro Tempore of the Senate and the Speaker of the House of Representatives shall serve for no more than two (2) terms of two (2) years.

D. The agency members or their designees shall be ex officio and nonvoting members of the Commission.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5 of Title 1A, unless there is created a duplication in numbering, reads as follows:

A. The members of the Commission on Aging shall be appointed on or before September 1, 1992. Within thirty (30) days after their

appointment, the Commission shall organize and elect a chairman. The chairman shall be elected annually by the Commission members. The Commission shall hold a minimum of six (6) meetings annually and such other special meetings as may be necessary at the call of the Chairman or by a majority of the members of the Commission. Special meetings may be called on notice given in advance of the date of such meetings. Any meeting held by the Commission shall be subject to the Public Meetings Act. At any regular or special meeting of the Commission, five voting members shall constitute a quorum.

B. 1. Members shall be removed for misconduct, incompetency, neglect of duty or any sufficient cause by their appointing authority. Missing more than two (2) meetings per year without a valid excuse, as determined by the Commission members, shall constitute neglect of duty.

2. In the event of a vacancy on the Commission due to resignation, death or for any cause resulting in an unexpired term, his successor shall be appointed in the same manner as the original appointment. If such position is not filled within three (3) months, the Commission may appoint a provisional member to serve in the interim until a successor has been appointed.

C. Members shall serve without compensation but shall be reimbursed for their actual and necessary travel expenses incurred in the performance of their duties as provided in the State Travel Reimbursement Act.

D. The Commission on Aging shall be subject to the provisions of the Administrative Procedures Act.

E. The Attorney General of the State of Oklahoma shall serve as legal counsel for the Commission and shall assist the Commission in the performance of its designated duties.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6 of Title 1A, unless there is created a duplication in numbering, reads as follows:

The Commission on Aging is authorized to:

1. Facilitate joint planning and service coordination among public and private agencies that provide services to the elderly;
2. Prepare and publish reports;
3. Accept appropriations, gifts, loans and grants from the state and federal government and from other sources, public or private;
4. Secure necessary statistical, technical, administrative, operational and staff services by interagency agreement or contract;
5. Aid in the development of cooperation between the Department of Human Services, the Oklahoma State Department of Health, the Department of Mental Health and Substance Abuse Services and other agencies providing services to the elderly, which promotes uniform intake and assessment procedures, ease of access, and coordination of services;
6. Identify gaps and recommend areas of services which shall be developed and made available and accessible throughout the state to individuals needing long-term care regardless of income;
7. Encourage integration of services into a statewide system which emphasizes in-home and community-based services which enable individuals to live outside of institutions and which reinforce family caregivers;
8. Issue reports to the Governor, Speaker of the House of Representatives, President Pro Tempore of the Senate, the director of the agency under consideration; and such other persons as necessary and appropriate;
9. Publish its findings and recommendations on an annual basis to be made available to members of the general public upon request, and such special findings and reports as deemed necessary;
10. Convene meetings of public and private agencies that provide services to the elderly for the purpose of facilitating and

implementing joint planning and service coordination among said agencies;

11. Adopt and develop bylaws and formulate the policies and promulgate rules and regulations for the effective administration of the duties of the Director;

12. Actively participate with the executive director in carrying out advocacy on behalf of the elderly;

13. Conduct and coordinate research and other appropriate activities to determine the needs of the elderly of the state, including, but not limited to, their needs for services, and to determine the existing services and facilities, private and public, available to the elderly to meet those needs;

14. Stimulate more effective use of existing resources and services for the elderly and develop programs, opportunities and services which are not otherwise provided for the elderly, with the aim of developing a comprehensive and coordinated system for the delivery of social services to the elderly;

15. Serve as an advocate within government and in the community for the elderly of Oklahoma;

16. Maintain a clearinghouse of information related to the needs and interests of the elderly;

17. Encourage the recruitment and training of qualified persons for the field of aging by publicizing job opportunities and promoting training and study programs; and

18. Exercise all incidental powers as necessary and proper for the performance of the duties and responsibilities of the Commission to implement the provisions of the Oklahoma Aging Services Coordination Act.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7 of Title 1A, unless there is created a duplication in numbering, reads as follows:

The Commission shall appoint a Director who shall be a person having experience in the operation and administration of services to the elderly. The Director shall:

1. Employ such staff as may be necessary to perform the duties of the Commission;

2. Formulate and recommend rules and regulations for approval or rejection by the Commission;

3. Serve as chief executive director of the Commission;

4. Act as agent as authorized for the Commission in the performance of its duties;

5. Establish and maintain a central repository for all duly adopted rules and regulations pertaining to services to the elderly and maintain an up-to-date record of the availability, acquisition and disposition of all federal funds, state appropriations and other grants intended for services to the elderly; and

6. Perform such other functions or duties assigned to the Director by the Commission.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8 of Title 1A, unless there is created a duplication in numbering, reads as follows:

The Commission shall evaluate and review the development and quality of services to the elderly and shall publish and distribute an annual report of its findings on or before January 1 of each year to the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate. Such report shall:

1. Include activities of the Commission for the previous year; and

2. Include such other information or recommendations as may be necessary and appropriate for the improvement and coordinated development of the system of services to the elderly.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9 of Title 1A, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a revolving fund for the Commission on Aging, to be designated the "Commission on Aging Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Commission from grants and from any other source of revenue other than appropriations. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Director for the purpose of paying for operating expenses of the Commission. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

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

The Department of Human Services, the Department of Mental Health and Substance Abuse Services, the Oklahoma State Department of Health and other agencies or state-funded programs that provide services to the elderly shall provide information to, assist, and cooperate with the Commission as necessary in the performance of its designated duties pursuant to the provisions of the Oklahoma Aging Services Coordination Act.

SECTION 11. This act shall become effective July 1, 1992.

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.

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