

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

HOUSE BILL NO. 2237

BY: MAXEY

AS INTRODUCED

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, 62 O.S. 1991, SECTIONS
57.62, 57.122 AND 195, WHICH RELATE TO THE ENID
STATE SCHOOL; CHANGING THE NAME OF THE ENID STATE
SCHOOL; 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 Enid ~~State School~~ Developmental Center, 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 Enid Developmental Center.

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

Section 1409. All powers and duties relating to the Enid ~~State School~~ Developmental Center, the Pauls Valley State School, and the Hisson 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 Enid ~~State School~~ Developmental Center, the Pauls Valley State School, and the Hisson 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 Enid ~~State School~~ Developmental Center in Enid, Oklahoma, shall be established as a separate entity from the Enid

~~State School~~ Developmental Center 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 of any employee at Enid ~~State School~~ Developmental Center, 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 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 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 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 of any employee, if said eyeglasses or contact lens are damaged by a resident of said

facility while the employee is engaged in the performance of his duties. The eyeglasses or contact lens 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.

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, Enid Developmental Center and The Hissom 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.	School <u>School Developmental Center</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 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; ~~Enid State School~~ Enid State School Developmental Center, Enid, Oklahoma; Pauls Valley State School, Pauls Valley, Oklahoma; Western State Hospital, Fort Supply, Oklahoma; Central Oklahoma Juvenile Treatment Center, Tecumseh, Oklahoma; Hissom 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 9. This act shall become effective July 1, 1992.

SECTION 10. 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.

43-2-7006

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