

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

HOUSE BILL NO. 2476

BY: HAMILTON (James) and
STEIDLEY of the HOUSE

and

TAYLOR and HANEY of the
SENATE

AS INTRODUCED

AN ACT RELATING TO VARIOUS STATE AGENCIES; MAKING AN
APPROPRIATION TO THE DEPARTMENT OF HUMAN SERVICES;
STATING PURPOSE; PROVIDING FOR DUTIES AND
COMPENSATION OF EMPLOYEES; PROVIDING BUDGETARY
LIMITATIONS; 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; AUTHORIZING EARLY TRANSFER OF CERTAIN
FUNDS TO ALLEVIATE CASH FLOW PROBLEMS; 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 EXCEPTIONS; PROVIDING PROCEDURES FOR
PROVIDER RATE CHANGES; REQUIRING WRITTEN
NOTIFICATION OF CERTAIN INTENDED ACTION; REQUIRING
WRITTEN EXPLANATION OF CERTAIN INFORMATION RELATING
TO EMERGENCY PROVIDER RATE CHANGES; SUBJECTING
CERTAIN PROVISIONS TO THE OKLAHOMA CENTRAL

PURCHASING ACT; MAKING APPROPRIATIONS TO THE
OKLAHOMA INDIAN AFFAIRS COMMISSION; STATING
PURPOSE; PROVIDING FOR DUTIES AND COMPENSATION OF
EMPLOYEES; LIMITING THE SALARY OF THE DIRECTOR OF
THE OKLAHOMA INDIAN AFFAIRS COMMISSION; PROVIDING
BUDGETARY LIMITATIONS; MAKING APPROPRIATIONS TO THE
BOARD OF MEDICOLEGAL INVESTIGATIONS; STATING
PURPOSE; PROVIDING FOR DUTIES AND COMPENSATION OF
EMPLOYEES; LIMITING THE SALARY OF THE CHIEF MEDICAL
EXAMINER; MAKING APPROPRIATIONS TO THE DEPARTMENT
OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES;
STATING PURPOSE; 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;
PROVIDING LAPSE DATES; PROVIDING AN EFFECTIVE DATE;
AND DECLARING AN EMERGENCY.

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

DEPARTMENT OF HUMAN SERVICES

SECTION 1. 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, 1993, the sum of Six Hundred Ninety-three Million Nine Hundred Twenty-seven Thousand Three Hundred Seventy-five Dollars (\$693,927,375.00) or so much thereof as may be necessary to

perform the duties imposed upon the Department of Human Services by law.

SECTION 2. 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, 1993, 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	13,484.2
Payroll, Salaries or Wages, Including Tax-sheltered Deferment Contracts and Longevity Payments Authorized by State Statute, and Excluding Medical Residents	\$316,844.2
90.00	
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

\$12,488,48

1.00

Lease-Purchase Agreements

\$4,468,021.00

Purchase of Equipment

\$12,966,654.00

Expenditure of Federal Funds

\$1,004,389,633.00

Total Expenditures for Operations

\$1,946,712,952.00

SECTION 3. The average full-time-equivalent employees limit specified in Section 2 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 4. 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, 1993, may be transferred to these disbursing funds for the fiscal year ending June 30, 1992, 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, 1992, to the disbursing funds for the fiscal year ending June 30, 1993, 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 5. 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 6. 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 7. 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 1994 until the end of the regular session of the Legislature in fiscal year 1993. Further, the Commission shall not change rates for fiscal year 1993 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.

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.

OKLAHOMA INDIAN AFFAIRS COMMISSION

SECTION 8. There is hereby appropriated to the Oklahoma Indian Affairs Commission from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1993, the sum of Two Hundred Seven Thousand Eighty-four Dollars (\$207,084.00) or so much thereof as may be necessary to perform the duties imposed upon the Oklahoma Indian Affairs Commission by law.

SECTION 9. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Oklahoma Indian Affairs Commission by law shall be set by the Director of the Oklahoma Indian Affairs Commission. The salary of the Director shall not exceed Thirty-seven Thousand Six Hundred Thirty-two Dollars (\$37,632.00) per annum, payable monthly for the fiscal year ending June 30, 1993. The Oklahoma Indian Affairs Commission for the fiscal year ending June 30, 1993, 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	4.3
Payroll, Salaries or Wages, Including Tax-sheltered Deferment Contracts and Longevity Payments Authorized by State Statutes	\$108,008.00

Professional and Personal Services Contracts	\$5,000.00
Lease-Purchase Agreements	\$0.00
Purchase of Equipment	\$6,300.00
Expenditure of Revolving Funds	\$0.00
Expenditure of Federal Funds	\$0.00
Total Expenditures for Operations	\$207,084.00

BOARD OF MEDICOLEGAL INVESTIGATIONS

SECTION 10. There is hereby appropriated to the Board of Medicolegal Investigations from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1993, the sum of Two Million Four Hundred Eighty-six Thousand Fifty-seven Dollars (\$2,486,057.00) or so much thereof as may be necessary to perform the duties imposed upon the Board of Medicolegal Investigations by law.

SECTION 11. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Board of Medicolegal Investigations by law shall be set by the Board. The salary of the Chief Medical Examiner shall not exceed Ninety-two Thousand One Hundred Nine Dollars (\$92,109.00) per annum, payable monthly for the fiscal year ending June 30, 1993. The Board of Medicolegal Investigations for the fiscal year ending June 30, 1993, 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	52.0
Payroll, Salaries or Wages, Including	
Tax-sheltered Deferment Contracts and Longevity Payments	
Authorized by State Statutes	\$1,482,411.00
Professional and Personal Services Contracts	\$192,300.00

Lease-Purchase Agreements	\$17,000.00
Purchase of Equipment	\$12,200.00
Expenditure of Revolving Funds	\$2,000.00
Expenditure of Federal Funds	\$400.00
Total Expenditures for Operations	\$2,488,457.00

DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES

SECTION 12. 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, 1993, the sum of One Hundred Nine Million Nine Hundred Seventy-nine Thousand Five Hundred Forty-five Dollars (\$109,979,545.00) 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 13. 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 Ninety-three Thousand One Hundred Forty-three Dollars (\$93,143.00) per annum, payable biweekly for the fiscal year ending June 30, 1993. The Department of Mental Health and Substance Abuse Services for the fiscal year ending June 30, 1993, 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>
Full-time-equivalent Employees	2,691.5
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	\$2,380,496.00
Lease-Purchase Agreements	\$105,592.00
Purchase of Equipment	\$400,700.00
Expenditure of Revolving Funds	\$26,292,799.00
Expenditure of Federal Funds	\$18,408,420.00
Total Expenditures for Operations	\$154,380,764.00

SECTION 14. 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 15. 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, 1993, 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 16. The appropriations made by Sections 8, 10 and 12 of this act shall be subject to fiscal year limitations and may be encumbered through June 30, 1993. Any unexpended funds remaining after November 15, 1993, shall lapse and be transferred to the credit of the proper fund for the then current fiscal year.

SECTION 17. The appropriation made by Section 1 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 effective date of this act.

SECTION 18. This act shall become effective July 1, 1992.

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.

43-2-9442 GS