

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

CONFERENCE COMMITTEE SUBSTITUTE

FOR ENGROSSED

HOUSE BILL NO. 1830

By: Hamilton (James) and
Steidley of the House

and

Taylor and Haney of the
Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to various health services agencies; amending Section 51 of Enrolled Senate Bill No. 383 of the 1st Session of the 44th Oklahoma Legislature, which relates to appropriations to the State Department of Health; modifying appropriations; providing for certain transfers; requiring certain report; requiring certain statewide study; requiring contents and recommendations; authorizing certain contracts; requiring certain utilizations of certain monies; specifying uses of certain appropriations; requiring certain report; specifying content and purposes; defining term; requiring certain submission; amending Section 1, Chapter 32, O.S.L. 1992 (62 O.S. Supp. 1992, Section 41.16a), which relates to certain contract authorization; requiring the State Board of Health to develop certain procedures for payment of certain vouchers; authorizing and requiring certain transfers; creating the Health Department Media Campaign Revolving Fund; providing for purposes and uses; providing for expenditures and deposits; requiring certain uses of Fund for specified expenditure units; providing for legislative authorization for certain fees; amending 63 O.S. 1991, Section 1-1905, which relates to nursing facilities; increasing certain fees; amending 63 O.S. 1991, Section 1-704, which relates to hospitals; removing certain fees and increasing fees; amending 63 O.S. 1991, Section 1-852, which relates to long-term care services; removing certain maximum fees and providing for methodology for calculating certain fees; providing for duties and compensation of employees; setting maximum salary of the State Commissioner of Health; providing certain budgetary limitations; requiring certain filings of budget work program; specifying contents; making an appropriation to the Board of Medicolegal Investigations; amending 63 O.S. 1991, Section 1-329.1, which relates to certain burials; authorizing certain fees; specifying purposes; providing for duties and compensation of employees; setting maximum salary of the chief medical examiners; providing for certain budgetary limitations; making appropriations to the Department of Mental Health and Substance Abuse Services; specifying purpose; setting certain expenditure limitations; providing certain exceptions; requiring certain inclusion; specifying

legislative intent for certain set-aside; specifying purpose; requiring report; providing for content and uses; requiring certain progress reports; providing for offering and availability of certain medications; requiring certain discharge plans; requiring certain contents; requiring case management; requiring development and implementation of certain procedures for certification of certain facilities; authorizing certain contracts; requiring certain funds stay with certain clients; providing certain limitations and for construction of the limitations; providing for duties and compensation of employees; setting the maximum salary of the Commission; providing for certain budgetary limitations; requiring certain persons to be placed in unclassified service and classified service; providing exceptions; requiring filing of certain budget work program; providing contents; making appropriations subject to fiscal year limitations; providing lapse date; providing for codification; and providing an effective date.

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

STATE DEPARTMENT OF HEALTH

SECTION 1. AMENDATORY Section 51 of Enrolled Senate Bill No. 383 of the 1st Session of the 44th Oklahoma Legislature, is amended to read as follows:

Section 51. There is hereby appropriated to the State Department of Health from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1994, the sum of ~~Forty Million Four Hundred Sixty-six Thousand Two Hundred Eight-three Dollars~~ ~~(\$40,466,283.00)~~ Thirty-eight Million Six Hundred Thirty Thousand Two Hundred Forty-six Dollars (\$38,630,246.00) or so much thereof as may be necessary to perform the duties imposed upon the State Department of Health by law.

SECTION 2. From the funds appropriated to the State Department of Health in Section 51 of Enrolled Senate Bill No. 383 of the 1st Session of the 44th Oklahoma Legislature, as amended by Section 1 of this act, the following categories and amounts shall be expended:

Contractual services of the Margaret Hudson Program for School Age Parents \$ 42,977.00

Contractual services of the Mary Mahoney Memorial Health Center	172,910.00
Contractual services of the Southeast Area Health Center	172,910.00
Contractual services of the Morton Comprehensive Health Services, Incorporated	311,902.00
Contractual services of the Sickle Cell Research Foundation, Incorporated	70,000.00
Contractual services of the Emerson Teen Parent Program	135,360.00
Contractual services of the Alzheimer's Research Advisory Council	55,475.00
Contractual services of the Oklahoma County Chapter of the National Association of Black Social Workers	<u>46,599.00</u>
TOTAL	\$1,008,133.00

A quarterly financial report specifying how funds have been expended shall be submitted by each of the above entities as part of all contracts with the State Department of Health.

SECTION 3. The State Department of Health shall transfer the sum of Five Million Three Hundred Eighty-eight Thousand Nine Hundred Ninety-five Dollars (\$5,388,995.00) from the funds appropriated to the State Department of Health in Section 51 of Enrolled Senate Bill No. 383 of the 1st Session of the 44th Oklahoma Legislature, as amended by Section 1 of this act, to the Eldercare Revolving Fund. A quarterly financial report for the Eldercare Program specifying how funds have been expended shall be submitted to the State Department of Health by each Eldercare contractor.

SECTION 4. The Department shall conduct a statewide study of all services and programs for minority health, rural health, social initiatives and eldercare. The study shall make recommendations which would eliminate any overlap and duplication of services. The study shall include any contracts with the following Area Health Education Centers: Southeast Area Health Education Center, Northeast Area Health Education Center, Northwest Area Health Education Center and the Southwest Area

Health Education Center. The study shall include, but not be limited to: an evaluation of existing program deficiencies, a statewide mission statement for eldercare; and recommendations for changes to improve services and programs for minority health, rural health, social initiatives and eldercare.

SECTION 5. The State Department of Health shall transfer the sum of One Million Two Hundred Eighty-one Thousand Two Hundred Twenty-one Dollars (\$1,281,221.00) from the funds appropriated to the State Department of Health in Section 51 of Enrolled Senate Bill No. 383 of the 1st Session of the 44th Oklahoma Legislature, as amended by Section 1 of this act, to the Child Abuse Prevention Fund, established pursuant to Section 1-227.8 of Title 63 of the Oklahoma Statutes, to be expended in accordance with law.

SECTION 6. It is the intent of the Legislature that of the funds appropriated to the State Department of Health in Section 51 of Enrolled Senate Bill No. 383 of the 1st Session of the 44th Oklahoma Legislature, as amended by Section 1 of this act, the amount of Two Million Seven Hundred Seventy-five Thousand Two Hundred Twenty-seven Dollars (\$2,775,227.00) shall be utilized for the provision of perinatal services for low-income women statewide.

Of said amount, Two Million Five Hundred One Thousand Four Hundred Fifty-five Dollars (\$2,501,455.00) is intended to provide direct services for unserved or underserved counties and to encourage early entry of high-risk clients into the health care system; Two Hundred Nine Thousand Six Hundred Ninety-seven Dollars (\$209,697.00) is intended to provide for contractual services with the Perinatal Continuing Education Program within the Department of Obstetrics and Gynecology of the University of Oklahoma College of Medicine; and Sixty-four Thousand Seventy-five Dollars (\$64,075.00) is intended to provide for a demonstration project with a full complement of prevention and comprehensive perinatal services, including ambulatory care, community organizing and case management, social work and nutrition, public education and follow-up services, which shall be located in a select county with a high teen pregnancy rate.

On or before January 15 of each year, the State Department of Health shall prepare and submit a written report to the Speaker of the House of Representatives and President Pro Tempore of the Senate detailing receipts and expenditures of any local, state and federal funds spent for perinatal services by county as defined above. It is the intent of the Legislature that perinatal health services shall be defined as prenatal care, postnatal care and infant care up to one (1) year of age. The report shall be more inclusive than time and effort information and shall include a list of contractors, number of clients served, and full-time-equivalent employees for the following categories: Maternity Services, Child Health, immunizations, family planning and WIC.

SECTION 7. The State Department of Health shall transfer the sum of Nine Hundred Thousand Dollars (\$900,000.00) from the funds appropriated to the State Department of Health in Section 51 of Enrolled Senate Bill No. 383 of the 1st Session of the 44th Oklahoma Legislature, as amended by Section 1 of this act, to the Vaccine Revolving Fund.

SECTION 8. AMENDATORY Section 1, Chapter 32, O.S.L. 1992 (62 O.S. Supp. 1992, Section 41.16a), is amended to read as follows:

Section 41.16a A. The State Department of Health is authorized to enter into contracts with third party administrators to establish a system for processing claims for payment pursuant to the United States Department of Agriculture Women, Infants and Children Supplemental Nutrition Program.

B. The State Board of Health shall promulgate rules and develop procedures necessary for implementation and administration of the system. The State Department of Health shall implement the system by January 1, 1993.

C. The State Board of Health is authorized to develop procedures that allow for the payment of gross vouchers received by a third party administrator adjusted by returned items or any other disallowances.

D. The State Department of Health is authorized to transfer funds from any revolving or federal funds available to their WIC

Disbursing Fund as needed for the purpose of providing cash flow until federal funds are received. Any such funds transferred into the WIC Disbursing Fund shall be transferred back to the original fund source before the end of the fiscal year in which the transfer was made.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-107.3 of Title 63, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a revolving fund for the State Department of Health, to be designated as the "Health Department Media Campaign Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies deposited to the credit of the fund by law. All monies accruing to the credit of said fund shall be budgeted and expended by the State Department of Health for media campaigns. 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. It is the intent of the Legislature that all Health Department Media Campaigns that exceed Twenty-five Thousand Dollars (\$25,000.00) in budget shall be funded using the Health Department Media Campaign Revolving Fund.

SECTION 11. The provisions of this section shall constitute legislative authorization for the Oklahoma State Board of Health to increase fees for public health laboratory services and death certificates.

SECTION 12. AMENDATORY 63 O.S. 1991, Section 1-1905, is amended to read as follows:

Section 1-1905. A. An application for a license, or renewal thereof, to operate a facility shall be accompanied by a fee of ~~Twenty-five Dollars (\$25.00)~~ Ten Dollars (\$10.00) for each bed included in the maximum bed capacity at such facility. All licenses shall be on a form prescribed by the Commissioner, which shall include, but not be limited to, the maximum bed capacity for

which it is granted and the date the license was issued. The license:

1. Shall not be transferable or assignable;
2. Shall be posted in a conspicuous place on the licensed premises;
3. Shall be issued only for the premises named in the application; and
4. May be renewed for periods not to exceed fifteen (15) months established by the Commissioner upon application, inspection and payment of the license fee, as in the procurement of the original license.

B. The issuance or renewal of a license after notice of a violation has been sent shall not constitute a waiver by the Department of its power to rely on the violation as the basis for subsequent license revocation or other enforcement action under this act arising out of the notice of violation.

C. 1. When transfer of ownership or operation of a facility is proposed, the transferee shall notify the Department of the transfer and apply for a new license at least thirty (30) days prior to final transfer~~+~~.

2. The transferor shall remain responsible for the operation of the facility until such time as a license is issued to the transferee~~+~~.

3. The license granted to the transferee shall be subject to the plan of correction submitted by the previous owner and approved by the Department and any conditions contained in a conditional license issued to the previous owner. If there are outstanding violations and no approved plan of correction has been implemented, the Department may issue a conditional license and plan of correction as provided in this act~~+~~~~and~~.

4. The transferor shall remain liable for all penalties assessed against the facility which are imposed for violations occurring prior to transfer of ownership.

SECTION 13. AMENDATORY 63 O.S. 1991, Section 1-704, is amended to read as follows:

Section 1-704. The application by any person for a license to operate a hospital or related institution within the meaning of this article shall be accompanied by a fee to be determined by the number of beds available for patients, to be established by the State Board of Health, but not to exceed ~~the following schedule:~~ ~~those with up to forty-nine such beds shall pay a fee of Ten Dollars (\$10.00); those with fifty beds or more and up to ninety-nine beds shall pay a fee of Fifteen Dollars (\$15.00); those with one hundred beds or more and up to one hundred ninety-nine beds shall pay a fee of Twenty Dollars (\$20.00); and those with two hundred or more beds shall pay a fee of Twenty-five Dollars (\$25.00)~~ for each bed included in the maximum bed capacity at such facility. For the purpose of determining the fee, the total number of beds shall include cribs and bassinets. No such fee shall be refunded unless licensure is refused. All licenses shall be for a period of twelve (12) months from the date of issue. Provided that licenses may be issued for a period of more than twelve (12) months, but not more than twenty-four (24) months, for the license period immediately following the enactment of this provision in order to permit an equitable distribution of license expiration dates to all months of the year. Fees for such extended licensure period shall be prorated according to the total months to be licensed, with such amounts to be calculated to the nearest dollar. All licenses shall be on a form prescribed by the State Commissioner of Health, shall not be transferable or assignable, shall be issued only for the premises named in the application, shall be posted in a conspicuous place on the licensed premises, and may be renewed for twelve-month periods upon application, investigation and payment of license fee, as in the case of procurement of an original license.

SECTION 14. AMENDATORY 63 O.S. 1991, Section 1-852, is amended to read as follows:

Section 1-852. A. Every entity desiring to establish a new long-term care service or to expand an existing service whether through construction or conversion of facilities, shall make application to the State Department of Health for a certificate of

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need in such form and accompanied by such information, including a complete list of stockholders, partners, and owners and any other information the Commission shall prescribe.

B. 1. Long-term care service shall include any capital investment or lease of Five Hundred Thousand Dollars (\$500,000.00) or more, including predevelopment activities such as arrangements and commitments for financing, architectural designs, plans, working drawings, specifications, and site acquisition; provided, that this dollar limit shall not apply to a change in bed capacity.

2. Long-term care service shall include acquisition of a facility by purchase, lease, donation or through transfer of stock or corporate merger. If the Department finds that a proposed acquisition is consistent with the criteria and standards for review of such projects, then the Department shall issue a certificate of need. If the Department finds that the proposed acquisition is not consistent with the criteria, the project will be referred to the Commissioner of Health for final determination. The Commissioner's determination to approve the proposed acquisition or to refer it to the Department shall be made no later than fifteen (15) days following the day the application is determined to be complete and review ready, or the proposed acquisition shall be automatically approved. Proposed acquisitions shall be reviewed against standards adopted by the Department which relate only to the acquirer's capability to operate a long-term facility.

C. Promptly upon receipt of any such application, the Department shall examine and transmit the application to reviewers it may select to determine whether the application is complete. Once the Department has determined that the application is complete, it shall notify affected parties and other reviewing bodies and cause a thorough investigation to be made of the need for and appropriateness of such expanded long-term care service. The investigation made pursuant to an application for a certificate of need shall include the following:

1. The adequacy of long-term care services in relation to an optimal target ratio of long-term care beds per thousand persons seventy-five (75) years of age or older in the state;

2. The availability of services which may serve as alternatives or substitutes;

3. The adequacy of financial resources for the new or expanded long-term care services and for the continued operation thereof;

4. The availability of sufficient manpower to properly staff and operate the proposed new or expanded long-term care service; and

5. Any other matter which the Department deems appropriate.

D. Each application for a certificate of need applied for pursuant to the provisions of this section except for those applications filed by state agencies shall be accompanied by an application fee equal to ~~three-fourths of one percent (3/4 of 1%)~~ one percent (1%), with a minimum of ~~One Thousand Five Hundred Dollars (\$1,500.00)~~ and a maximum of ~~Five Thousand Dollars (\$5,000.00)~~ provided that the maximum application fee for the acquisition of a long-term care facility shall be ~~Three Thousand Dollars (\$3,000.00)~~ One Thousand Dollars (\$1,000.00).

SECTION 15. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the State Department of Health by law shall be set by the State Commissioner of Health. The salary of the State Commissioner of Health shall not exceed Ninety-five Thousand Six Hundred Twenty Dollars (\$95,620.00) per annum, payable monthly for the fiscal year ending June 30, 1994. The State Department of Health for the fiscal year ending June 30, 1994, 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	2,194.3

Payroll, Salaries or Wages, Including Tax-sheltered Deferment Contracts and Longevity Payments Authorized by State Statutes	\$54,857,500.00
Professional and Personal Services Contracts	\$16,000,000.00
Lease-Purchase Agreements	\$500,000.00
Purchase of Equipment	\$2,500,000.00
Expenditure of Revolving Funds	\$33,607,500.00
Expenditure of Federal Funds	\$80,500,000.00
Total Expenditures for Operations	\$152,245,039.00

SECTION 16. Pursuant to the provisions of Section 41.7 of Title 62 of the Oklahoma Statutes, the State Department of Health shall file its budget work program with the Director of State Finance and the Legislative Service Bureau for the fiscal year ending June 30, 1994, to include the following distinct activities or sub-activities:

- Administration
- Personal Health Services
- AIDS Information and Prevention Program
- Special Health Services
- Women, Infants and Children Program
- Local Health Service
- Eldercare Program
- Child Abuse Prevention Program
- Health Planning
- Vaccine Program
- Maternal and Child Health Service
- Child Guidance Service
- Vital Records Division
- Consumer Protection Service
- Occupational Licensing Service
- Public Health Laboratory Service
- Data Processing

MEDICOLEGAL INVESTIGATIONS

SECTION 17. 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, 1994, the sum of Two Hundred Eighteen Thousand One Hundred Six Dollars (\$218,106.00) or so much thereof as may be necessary to perform the duties imposed upon the Board of Medicolegal Investigations by law.

SECTION 18. AMENDATORY 63 O.S. 1991, Section 1-329.1, is amended to read as follows:

Section 1-329.1 Until a permit for disposal has been issued in accordance with this section, no dead human body whose death occurred within the State of Oklahoma shall be cremated, buried at sea, or made unavailable for further pathologic study by other recognized means of destruction or dissolution of such remains.

When the person legally responsible for disposition of a dead human body, whose death occurred or was pronounced within this state, desires that the body be cremated, buried at sea, or made unavailable for further pathologic study by other recognized means of destruction or dissolution of such remains, that person shall complete an application-permit form for such procedure provided by the Office of the Chief Medical Examiner. The Office of the Chief Medical Examiner shall charge a fee of One Hundred Dollars (\$100.00) for each cremation permit issued. The Medical Examiner shall be notified, as required in Section 938 of this title. He shall perform the required investigation and shall issue a valid death certificate as required by Section 947 of this title and execute the permit in accordance with rules established by the Office of the Chief Medical Examiner. In order to be valid each permit must contain an individual number assigned to the particular permit by the Office of the Chief Medical Examiner. A copy of the application-permit form and the original death certificate shall be filed with the local registrar of vital statistics of the registration district in which the death occurred or was pronounced. The original application-permit form shall be filed by the funeral director with the Office of the Chief Medical Examiner. Such filing shall occur or be postmarked within forty-eight (48) hours of the death.

If death occurred or was pronounced outside the geographic limits of the State of Oklahoma and the body is brought into this state for such disposal, a transit permit or a permit for removal, issued in accordance with the laws and regulations in force where the death occurred shall authorize the transportation of the body into or through this state and shall be accepted in lieu of a certificate of death as required above. A valid permit issued for disposal of such body in accordance with the laws in the jurisdiction where the body died or death was pronounced shall be authority for cremation or burial at sea or to make the body otherwise unavailable for further pathologic study by other recognized means of destruction or dissolution of such remains.

SECTION 19. 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, 1994. The Board of Medicolegal Investigations for the fiscal year ending June 30, 1994, 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 \$1,461,385.00	
Professional and Personal Services Contracts	\$199,000.00
Lease-Purchase Agreements	\$0.00
Purchase of Equipment	\$35,000.00
Expenditure of Revolving Funds	\$3,000.00
Expenditure of Federal Funds	\$85,000.00
Total Expenditures for Operations	\$2,543,557.00

DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES

SECTION 20. 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, 1994, the sum of Six Million Sixty-seven Thousand Eight Hundred Forty Dollars (\$6,067,840.00) 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 21. There is hereby appropriated to the Department of Mental Health and Substance Abuse Services from any monies not otherwise appropriated from the Special Cash Fund of the State Treasury the sum of Two Million One Hundred Thousand Dollars (\$2,100,000.00) 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 22. It is the intent of the Legislature that the Department of Mental Health and Substance Abuse Services set aside Six Hundred Fifty Thousand Dollars (\$650,000.00) for purchase of clozaril and related blood monitoring costs for clients with treatment-resistant schizophrenia. On or before April 1, 1994, the Department of Mental Health and Substance Abuse Services shall prepare and submit a written report to the Speaker of the House of Representatives and the President Pro Tempore of the Senate detailing expenditures for such medications and providing a progress report on each treatment-resistant schizophrenic patient who is a Department of Mental Health and Substance Abuse Services client. The report shall be presented in a manner that does not reveal the personal identity of the patient or violate the confidentiality of the patient as otherwise required by law. Clozaril shall be offered and made available to each institutionalized treatment-resistant schizophrenic patient for whom such medication is medically indicated. The written discharge plan for each institutionalized treatment-resistant schizophrenic patient shall provide for appropriate case management to be delivered by community mental health centers or

such other case management services as may be available to the Department of Mental Health and Substance Abuse Services.

SECTION 23. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-315.1 of Title 43A, unless there is created a duplication in numbering, reads as follows:

The Department of Mental Health and Substance Abuse Services shall, with funds appropriated for community residential mental health facilities, develop and implement procedures that offer all residential care facilities that meet licensure requirements the opportunity to become certified and to contract for socialization or other supportive assistance services to residents authorized by the Department of Mental Health and Substance Abuse Services as needing those services. The funds provided for each client for supportive assistance or socialization shall follow the client in any residential setting.

SECTION 24. The funds appropriated to the Department of Mental Health and Substance Abuse Services in Section 16 of this act excluding expenditures for capital and special projects, shall not exceed the following:

Budget Activity

1. Central Office
Administration \$3,950,689.00
2. State Hospitals, the
Oklahoma Youth
Center and the
State-Operated
Crisis Center \$47,966,195.00
3. State-Operated Community
Mental Health Centers \$15,592,161.00
4. State-Operated Alcohol
and Drug Facilities \$5,724,369.00
5. Private Community Mental
Health Centers and Other
Community Programs \$24,373,868.00
6. Licensed and Certified Residential

Care Programs	\$1,899,852.00
7. Private Community Alcohol and Drug Programs	\$5,657,320.00
8. Domestic Violence Programs	\$2,195,556.00
9. Data Processing	\$2,421,921.00

Receipt and expenditure of discretionary federal grant funds, exclusive of block grant funds, awarded after July 1, 1993, shall be exempt from the above expenditure limitations and from budgetary limitations provided for in Section 18 of this act, provided that any such funds used for operations shall be included in the agency's budget work programs.

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 25. 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 Thousand Nine Hundred Twenty-six Dollars (\$90,926.00) per annum, payable biweekly for the fiscal year ending June 30, 1994. The Department of Mental Health and Substance Abuse Services for the fiscal year ending June 30, 1994, 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	2,651.0
Payroll, Salaries or Wages, Including Tax-sheltered Deferment Contracts and Longevity Payments Authorized by State Statute	\$65,870,087.00

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	\$26,479,763.00
Expenditure of Federal Funds	\$20,000,000.00
Total Expenditures for Operations	
\$156,261,694.00	

SECTION 26. 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 27. 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, 1994, 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 28. The appropriations made by this act shall be subject to fiscal year limitations and may be encumbered through June 30, 1994. Any unexpended funds remaining after November 15, 1994, shall lapse and be transferred to the credit of the proper fund for the then current fiscal year.

SECTION 29. This act shall become effective September 1, 1993.

44-1-9618

SB