

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
SENATE BILL NO. 1087

By: Littlefield and Taylor of  
the Senate

and

Adair of the House

COMMITTEE SUBSTITUTE

An Act relating to mental health; amending 43A O.S. 1991, Sections 3-110 and 3-315, which relate to the Department of Mental Health and Substance Abuse Services and residential care facilities; clarifying language; requiring certain rate review; requiring certain line item budgeting; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 43A O.S. 1991, Section 3-110, is amended to read as follows:

Section 3-110. A. The Department of Mental Health and Substance Abuse Services may enter into performance contracts for services with ~~room and board~~ residential care facilities operated for profit.

B. The Department of Mental Health and Substance Abuse Services shall direct such nonprofit private mental health facility, as defined in the Unified Community Mental Health Services Act, which receives funds from the Department of Mental Health and Substance Abuse Services to enter into contracts for services with ~~room and board~~ residential care facilities operated for profit.

C. 1. The Board of Mental Health and Substance Abuse Services shall establish ~~fee~~ rate schedules for the reimbursement

of any ~~room and board~~ residential care facilities utilized pursuant to subsections A and B of this section.

2. These ~~fee rate~~ schedules shall reflect payment based on services provided to clients and shall be scaled in accordance with the degree of skilled care in the various ~~room and board~~ residential care facilities. Such rates for the next quarter shall be reviewed for adjustment by the Board on a quarterly basis so that such rates are adjusted at the beginning of each fiscal year and at the end of each quarter based upon certified beds utilized on the last day of the previous quarter.

D. The Department of Mental Health and Substance Abuse Services shall establish procedures for monitoring services provided by ~~room and board~~ residential care facilities pursuant to this section.

SECTION 2. AMENDATORY 43A O.S. 1991, 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. 1. 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.

2. Such rates for the next quarter shall be reviewed for adjustment by the Board on a quarterly basis so that such rates are adjusted at the beginning of each fiscal year and at the end of each quarter based upon certified beds utilized on the last day of the previous quarter.

E. 1. 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.

2. The Department shall not enter into a contract for a community mental health program unless said program is certified by the Department.

3. The Department shall terminate the contract of any home or program that fails to meet contract provisions regarding financial statements.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-315.2 of Title 43A, unless there is created a duplication in numbering, reads as follows:

The Department of Mental Health and Substance Abuse Services is authorized to enter into cooperative agreements with the State Department of Health for inspections or mutual inspections with regard to residential care facilities, so as to avoid overlap or duplicative inspection.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-315.3 of Title 43A, unless there is created a duplication in numbering, reads as follows:

The budget work plan of the Department shall include a line item budget for licensed residential care facilities and certified residential mental health programs in licensed residential care facilities.

SECTION 5. This act shall become effective July 1, 1994.

SECTION 6. 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.

44-2-9844

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