

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 553

By: Miles-LaGrange

COMMITTEE SUBSTITUTE

( Children - youth programs, facilities and agencies - methodology for disbursing certain appropriated funds to community-based youth service programs - fiscal year funding for Youth Services Agencies - effective date -

emergency )

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

SECTION 1. AMENDATORY 10 O.S. 1991, Section 607, is amended to read as follows:

Section 607. A. The Department of Human Services is authorized to enter into agreements to establish or maintain community-based youth service programs and shelters out of local, state and federal monies.

B. The Department shall take all necessary steps to develop and implement a diversity of community services and community residential care as needed to provide for adequate and appropriate community-based care, treatment and rehabilitation of children in the custody of the Department. Such community services and residential care shall be consistent with the treatment needs of the child and the protection of the public.

1. The Department shall, to the extent reasonable and practicable, provide community services and community residential care to children in the custody of the Department through financial agreements, as authorized in Sections 603 and 604 of this title.

2. The Department shall establish procedures for the letting of grants or contracts, and the conditions and requirements for the receipt of such grants or contracts, for community-based

services and community residential care. A copy of such procedures shall be made available to any member of the general public upon request.

3. As authorized and allowed by Title XIX of the federal Social Security Act, 42 U.S.C., Section 1396 et seq., and rules and regulations promulgated pursuant to said Act, the Department shall:

- a. include in the Medicaid State Plan a service plan or plans for the reimbursement of all available home and community-based optional services for mental health and drug and alcohol treatment services for children and youth,
- b. apply for all available home and community-based Medicaid waivers which will assist in the development of community-based services for mental health and drug and alcohol treatment for children and youth, and
- c. establish procedures to assure that Title XIX reimbursements are the payments of last resort, after payments by the parents or other third party payors, for the medical care, including mental health services, provided to children in the custody of the Department or that the Department is otherwise reimbursed, in accordance with a court order and the financial ability of the parent, for such services provided to the child.

Nothing in this paragraph shall serve to limit the authority of the Department to establish limitations on the length of time for which a health care facility is eligible for reimbursement for inpatient services provided to children and youth through the state Medicaid program.

C. After July 1, 1984, any state agency letting grants or contracts for the establishment of community residential care or treatment facilities for children shall require, as a condition for receipt of such grants or contracts, documented assurance from the agency or organization establishing such facility that

appropriate arrangements have been made for providing the educational services to which residents of the facility are entitled pursuant to state and federal law.

SECTION 2. AMENDATORY 10 O.S. 1991, Section 607.1, is amended to read as follows:

Section 607.1 A. A youth service shelter facility may provide shelter and care to a minor mother, who is the victim of domestic abuse or is seeking relief from domestic abuse for herself or on behalf of any of her children or both herself and any of her children.

B. A youth service shelter facility may provide such shelter or care only during an emergency constituting an immediate danger to the physical health or safety of the minor mother or any of her children or both the minor mother and any of her children. Such shelter or care shall not extend beyond thirty (30) days unless the facility receives an order issued by a court to continue such services or the parent or guardian of the minor mother consents to such services.

C. The provisions of Section 856 of Title 21 of the Oklahoma Statutes shall not apply to any youth service shelter facility and any person operating such facility with regards to providing shelter and care pursuant to the provisions of this section to a minor mother and any of her children who is a runaway from her parent or legal guardian.

D. The show cause hearing provided for in Sections 1107 and 1107.1 of ~~Title 10 of the Oklahoma Statutes~~ this title shall be provided for the minor mother, who is seeking relief from domestic abuse for herself or on behalf of any of her children.

SECTION 3. AMENDATORY 10 O.S. 1991, Section 609, as amended by Section 3, Chapter 299, O.S.L. 1992 ( 10 O.S. Supp. 1992, Section 609), is amended to read as follows:

Section 609. A. Funds appropriated to the Department of Human Services for community-based youth service programs shall be made available through grants or contracts, to organizations designated by the Department of Human Services as "Youth Services Agencies". Such grants or contracts shall be subject to the

provisions set forth in Sections 4 and 5 of this act. Youth Services Agency designations shall be granted in accordance with criteria approved by the Commission after full consideration of any recommendations of the Oklahoma Association of Youth Services. The criteria for designation of Youth Services agencies shall include but shall not be limited to:

1. Capability to deliver all or part of the compensable services enumerated in Section 603 of this title;
2. Adequate and qualified staff;
3. Financial viability; and
4. A documented need for the local services to be offered.

B. The criteria for designation of Youth Services agencies also may include:

1. Successful completion of peer review processes by the Oklahoma Association of Youth Services; and
2. Such other criteria as the Commission determines appropriate.

C. Each youth service agency receiving, by grant or contract from the Department of Human Services on the effective date of this act, state funds specifically appropriated for community-based youth service programs, is hereby automatically designated a "Youth Services Agency".

D. The Department of Human Services, after the opportunity for an administrative hearing, may terminate the designation of a Youth Services Agency that:

1. Is seriously deficient in the administration of its program;
2. Loses financial viability; or
3. Fails to successfully complete the peer review process by the Oklahoma Association of Youth Services.

Any applicant organization denied designation as a Youth Services Agency may request an administrative hearing from the Department. The Commission for Human Services shall establish an administrative hearing and appeal process.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 609.1 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. All funds appropriated for community-based youth service programs shall be disbursed among qualifying programs based upon a methodology which includes specific nondiscriminatory criteria established to ensure the most effective utilization of available fiscal resources.

B. As used in this act:

1. "High school dropout rate" means the number of students enrolled in grades nine (9) through twelve (12) who dropped out of school during the last complete school year, divided by the number of students enrolled in grades nine (9) through twelve (12) during the same school year;

2. "Reading failure rate" means the calculation for any geographical area derived by dividing the figure one hundred (100) by the reading percentile score for all seventh graders in the geographical area tested through the Oklahoma School Testing Program pursuant to Section 1210.508 of Title 70 of the Oklahoma Statutes;

3. "Youth in poverty rate" means the number of students who are eligible for the Free Lunch Program in the month of October during the last school year, divided by the average daily membership of all students for that same month;

4. "Child abuse and neglect rate" means the number of children involved in opened child abuse and neglect cases during the last complete fiscal year, divided by the estimated number of zero (0) through seventeen-year-old youth in the population during that same year;

5. "Rate percent score" means the conversion of any nonstandardized rate into standardized units by summing the rates for all geographical areas for any measure, dividing a specific geographical area's rate by this total, and multiplying by one hundred (100);

6. "High risk factor" means the arithmetic average of the high school dropout rate percent score, the reading failure rate

percent score, the youth in poverty rate percent score, and the child abuse and neglect rate percent score, with each of the four scores receiving equal weights;

7. "Juvenile serious felony arrest rate" means the number of youth under sixteen (16) arrested during the last calendar year for the commission of an act enumerated in Section 1104.2 of Title 10 of the Oklahoma Statutes, divided by the number of seven-through fifteen-year-old youth in the population during that same year;

8. "Older adolescent serious felony arrest rate" means the number of sixteen- and seventeen-year-old youth arrested during the last calendar year for the commission of an act enumerated in Section 1104.2 of Title 10 of the Oklahoma Statutes, divided by the number of sixteen- and seventeen-year-old youth in the population during that same year;

9. "Juvenile lesser offense arrest rate" means the number of youth under sixteen (16) arrested during the last calendar year for the commission of an act not enumerated in Section 1104.2 of Title 10 of the Oklahoma Statutes, divided by the number of seven-through fifteen-year-old youth in the population during that same year;

10. "Older adolescent lesser offense arrest rate" means the number of sixteen- and seventeen-year-old youth arrested during the last calendar year for the commission of an act not enumerated in Section 1104.2 of Title 10 of the Oklahoma Statutes, divided by the number of sixteen- and seventeen-year-old youth in the population during that same year;

11. "Juvenile justice factor" means the arithmetic average of the juvenile serious felony arrest rate percent score, the older adolescent serious felony arrest rate percent score, the juvenile lesser offense arrest rate percent score, and the older adolescent lesser offense rate percent score, with the first two scores each receiving a weight of two (2) and the last two scores each receiving a weight of one (1);

12. "Youth population" means the population of seven- through seventeen-year-old youth in any given geographical area, divided

by the total population of seven- through seventeen-year-old youth in the state;

13. "FY'93 base funding" means the amount of state-appropriated funds distributed to a Youth Services Agency during the fiscal year ending June 30, 1993;

14. "Youth services needs score" means the arithmetic average of the high risk factor and the juvenile justice factor; and

15. "Youth Services Funding Formula" means the proportional allocation of available state-appropriated funds to Youth Services Agencies based on youth services needs scores weighted by the youth population in the service area of a given agency.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 609.2 of Title 10, unless there is created a duplication in numbering, reads as follows:

For the fiscal year ending June 30, 1994, the state-appropriated funding for Oklahoma Youth Services Agencies shall be distributed in the following manner:

1. Each Youth Services Agency shall receive eighty percent (80%) of its FY'93 base funding, provided, if the total funding for Oklahoma Youth Services Agencies for fiscal year 1994 is less than eighty percent (80%) of FY'93 base funding, each Youth Services Agency shall receive a proportional reduction in funding. The remainder of a Youth Services Agency's state funding shall be distributed according to the Youth Services Funding Formula; and

2. In order for a Youth Services Agency to receive state-appropriated funding, the agency must provide matching funds at the rate of five percent (5%) matching funds to ninety-five percent (95%) state funds. Such funds may be in-kind or a combination of in-kind and cash matching but shall be equal to the requirements set forth in this paragraph. If the agency fails to contribute any or all of the required matching funds, state funding to the agency shall be reduced by an equivalent amount. Any such reduction in funding shall be redistributed to all Youth Services Agencies according to the Youth Services Funding Formula.

SECTION 6. This act shall become effective July 1, 1993.

SECTION 7. 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.

44-1-0804

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