

ENROLLED HOUSE
BILL NO. 2668

By: Hamilton (James) and
Steidley of the House

and

Taylor and Haney of the
Senate

An Act relating to social service agencies; exempting certain fund-raising revenues and donations from Central Purchasing Act; requiring certain deposits; amending Section 111, Chapter 189, O.S.L. 1993, which relates to certain allocations; modifying projects and amounts; authorizing certain fees; specifying purpose; setting amount; providing method of calculation; providing for determinations; making fee an allowable cost for Medicaid purposes; requiring promulgation of rules; defining terms; amending 10 O.S. 1991, Section 603.1, which relates to agency-wide management information system; modifying certain effective date for information system; providing for development of certain plan; providing for contents; requiring certain submissions; amending Section 3, Chapter 364, O.S.L. 1993 (74 O.S. Supp. 1993, Section 166.3), which relates to the Commission for Rehabilitation Services; modifying meeting requirements; amending 74 O.S. 1991, Section 18 l, as amended by Section 13, Chapter 10, O.S.L. 1993 (74 O.S. Supp. 1993, Section 18 l), which relates to authority of Attorney General to collect fee for services; adding to list; providing for codification; 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. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 85.12c of Title 74, unless there is created a duplication in numbering, reads as follows:

Purchases made from funds received by local offices administered by the Department of Human Services for fund-raising activities and donations for the benefit of clients and potential clients at the local offices where such purchases may not otherwise be paid for from appropriated funds, shall not be subject to requirements of the Oklahoma Central Purchasing Act. Monies received by such fund-raising activities or donations shall be maintained in an Agency Special Account, and expenditure control shall reside at the local offices. Monies received by such fund-raising activities or donations from the local office, vending operations administered by employees of the Department of Human Services, and all other

nonrestricted cash and cash-equivalent items received by employees of the Department of Human Services shall be deposited in the Agency Special Account established for this purpose. Such deposits shall be made at local banking institutions approved by the State Treasurer.

SECTION 2. AMENDATORY Section 111, Chapter 189, O.S.L. 1993, is amended to read as follows:

Section 111. The funds appropriated in Section 110 of this act shall be allocated by the Department of Human Services for the following projects and in the following amounts:

~~State Facilities Improvements:~~

Blaine County - Roof Repairs and Renovations to Code	\$ 24,620.00
Canadian County - Renovations to Code and Repairs	18,000.00
Choctaw County - Renovations to Code and Repairs	35,000.00
Creek County - Renovations to Code and Telephones	62,200.00
Delaware County - Repairs	40,500.00
Garvin County - Parking Lot Repairs	68,370.00
Leflore County - A/C System and Electrical Repairs	42,000.00
Mayes County - Parking Lot and Roof Repairs	55,000.00
McClain County - Parking Lot Repairs	60,900.00
McCurtain County - Renovations to Code and Repairs	50,000.00
Oklahoma County - Renovations to "A" Code	80,000.00
Oklahoma County - Renovations to "C" Code	546,545.00
Okmulgee County - Roof Repairs	2,500.00
Osage County - Repairs and Sidewalk Replacement	25,438.00
Tillman County - Parking Lot Repairs and Renovations to Code	75,154.00
Laura Dester Center - Renovations to Code and Repairs	10,000.00
Northern Oklahoma Resource Center - Water System and Tower	130,000.00
Central Oklahoma Juvenile Center	

Gas Main	26,500.00	
Underground Storage Tanks	50,000.00	
Central Oklahoma Juvenile Center - Water Tower Removal	25,000.00	
Oklahoma School for the Blind - Carpet Replacement	114,400.00	
Roofing Repairs and Replacement - Various Facilities	162,273.00	
Northern Oklahoma Resource Center - Replace Swimming Pool Boilers	45,000.00	
Northern Oklahoma Resource Center - Fire Doors		
Subtotal - Statewide Facilities Improvements		\$1,779,400.00
Handicapped Access - Statewide:		
Northern Oklahoma Resource Center - Sidewalks and Ramps	328,000.00	
County Offices - Barriers Removal	340,000.00	
Statewide Signage		
Subtotal - Handicapped Access - Statewide		\$893,000.00
Southern Oklahoma Resource Center:		
Roof Replacement & Repairs	\$126,700.00	
Resurface Streets & Parking Lots	324,900.00	
Emergency Generators - Four Cottages	63,500.00	
Gary Cottage - Heating & Cooling Systems	93,600.00	
Junior Cottage - Heating & Cooling Systems	93,600.00	
Renovate D & E and Turner Clinic Electric Systems	218,400.00	
Johnston-Murray Renovation	127,400.00	
Remodel Kerr-Calvert Kitchen	38,000.00	
Replace Ceiling & Floor Tiles	-	
Subtotal - Southern Oklahoma Resource Center		\$1,327,600.00
Juvenile Justice Tracking System		\$1,300,000.00
TOTAL - Department of Human Services		\$5,300,000.00

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2001 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. The Commission for Human Services shall assess each intermediate care facility in this state a service fee pursuant to this section, for Medicaid certification surveys, administrative costs, monitoring, reviewing, processing and such other services as are involved in the regulation, functions and programs for intermediate care facilities for the mentally retarded. The service fee for such facilities for services, functions and programs shall be based upon reasonable costs both direct and indirect of operating or providing such services, functions or programs including but not limited to cost of administration, personnel, office space, equipment, equipment training, travel, inspections and reviews rendered in connection with such service, function or program.

B. The service fee assessed pursuant to this section shall be set at six percent (6%) of patient gross revenues.

C. The service fee for an intermediate care facility for the mentally retarded shall be based upon a patient gross revenue report hereby required to be filed with the Department of Human Services.

D. The monthly service fee of an intermediate care facility for the mentally retarded shall be calculated by multiplying the patient gross revenue by the percentage specified in this section and dividing the product by twelve.

E. The service fee for an intermediate care facility for the mentally retarded for the period beginning July 1, 1994 through June 30, 1995 shall be determined using patient gross revenue figures reported to the Department of Human Services upon forms supplied by the Department for the 1993 calendar year. The services fee for the fiscal year beginning July 1, 1995 and each fiscal year thereafter shall be determined using the latest calendar year patient gross revenue report received by the Department.

F. The payment of this service fee by intermediate care facilities for the mentally retarded shall be an allowable cost for Medicaid purposes.

G. The Commission shall promulgate rules for the imposition, collection and enforcement of such fees.

H. As used in this section:

1. "Intermediate care facilities for the mentally retarded" means any home, establishment or institution licensed by the State Department of Health pursuant to Section 1-1901 et seq. of Title 63 of the Oklahoma Statutes or licensed by the Department of Human Services which offers or provides inpatient long-term care services on a twenty-four-hour basis to a limited category of persons requiring such services including but not limited to a facility providing health or habilitation services for mentally retarded or developmentally disabled persons;

2. "Medicaid" means the medical assistance program established in Title XIX of the Social Security Act and administered in this state by the Department of Human Services; and

3. "Patient gross revenues" means gross revenue as identified under Medicare principles of reimbursement.

SECTION 4. AMENDATORY 10 O.S. 1991, Section 603.1, is amended to read as follows:

Section 603.1 A. On or before ~~July 1, 1994~~ October 1, 1996, the Department of Human Services shall implement an agency-wide management information system for all programs and services of the Department related to children, youth and families. Development and implementation of said system shall be initiated immediately upon the effective date of this resolution.

B. The management information system shall:

1. To the maximum extent possible, be based upon the integration, utilization and modification, as necessary, of existing information systems within the Department;

2. Provide for the security of and limited access to the information;

3. Include case specific information, including outcomes, and have the ability to monitor the status of children and youth receiving services through the Department;

4. Be capable of providing management reports and information regarding the various children and youth programs of the Department, and of providing aggregate information necessary for planning, monitoring and evaluation of said programs and services; and

5. Be designed so that management and analytical reports can be readily generated for those who require them.

SECTION 5. The Medical Service Division within the Department of Human Services shall develop a plan for reducing the cost to the state of providing transportation for clients seeking medical assistance. The plan shall incorporate the use of public transportation where appropriate and available, and the use of contracting as a means of providing transportation services. The plan shall also incorporate a system of prior authorization. A copy of the plan shall be presented to the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Governor no later than October 1, 1994.

DEPARTMENT OF REHABILITATION SERVICES

SECTION 6. AMENDATORY Section 3, Chapter 364, O.S.L. 1993 (74 O.S. Supp. 1993, Section 166.3), is amended to read as follows:

Section 166.3 A. The Commission for Rehabilitation Services shall meet ~~monthly~~ a minimum of ten (10) times per calendar year and shall hold a regular annual meeting at which it shall elect from among its membership a chairperson and a vice-chairperson. Special meetings may be held at such times as may be deemed necessary or advisable by a majority of the Commission members. ~~At least one (1) week's advance notice of all meetings shall be given in a manner prescribed by the rules of the Commission.~~

B. 1. All meetings of the Commission shall be open and public and shall be held in accordance with the provisions of the Oklahoma Open Meeting Act, Section 301 et seq. of Title 25 of the Oklahoma Statutes, and the Oklahoma Open Records Act, Section 24A.1 et seq. of Title 51 of the Oklahoma Statutes.

2. A secretary of the Commission shall be appointed by the Commission, and shall hold office at the pleasure of the Commission. The secretary may or may not be a member of the Commission. The Commission may employ such other persons and may rent or purchase such equipment as it deems necessary or desirable to carry out the provisions of this act.

3. The Commission may establish an office which shall be acquired pursuant to the provisions of Section 63 of this title.

SECTION 7. AMENDATORY 74 O.S. 1991, Section 18 l, as amended by Section 13, Chapter 10, O.S.L. 1993 (74 O.S. Supp. 1993, Section 18 l), is amended to read as follows:

Section 18 l. The Office of the Attorney General may levy and collect a reasonable fee from the Department of Consumer Credit, the Office of Personnel Management, the Teachers' Retirement System of Oklahoma, the Oklahoma Public Employees Retirement System, the Oklahoma Development Finance Authority, the Oklahoma Industrial Finance Authority, the Oklahoma Student Loan Authority, the Department of Mental Health and Substance Abuse Services, the Board

of Regents of Oklahoma Colleges, the Oklahoma State Regents for Higher Education, the State Department of Vocational and Technical Education, the Oklahoma Department of Veterans Affairs, the State Fire Marshal Commission, the Commission on Children and Youth, the State Department of Agriculture, the Oklahoma Human Rights Commission, the Oklahoma Law Enforcement Retirement System, the Oklahoma Police Pension and Retirement System, ~~and~~ the Oklahoma Tourism and Recreation Department, and the Department of Rehabilitation Services for the purpose of providing legal services requested by such entities. All fees collected in accordance with the provisions of this section shall be deposited in the Attorney General's Revolving Fund created pursuant to Section 20 of this title.

SECTION 8. This act shall become effective July 1, 1994.

SECTION 9. 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.

Passed the House of Representatives the 20th day of May, 1994.

Speaker of the House of
Representatives

Passed the Senate the 20th day of May, 1994.

President of the Senate