

SHORT TITLE: Poor persons; creating the Department of Developmental Disabilities Services and the Board of Developmental Disabilities Services; transferring responsibilities from the Department of Human Services and the Commission for Human Services; establishing the Developmental Disabilities Services Oversight Committee; codification; effective date; emergency.

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

SENATE BILL NO. 485

By: Williams (Don)

AS INTRODUCED

An Act relating to poor persons; stating mission; creating the Department of Developmental Disabilities Services; providing for administrative control; specifying individuals to be served; providing for responsibilities of the Department; creating the Board of Developmental Disabilities Services; providing for membership and terms of the Board; authorizing the Board to appoint a Director of Developmental Disabilities Services; authorizing Director to employ and appoint staff; providing that certain entity will continue to advise on certain matters; recognizing state policy; providing for distribution of certain resources according to certain priority; allowing Department of Developmental Disabilities Services to contract with the Department of Human Services for certain services; transferring all powers, duties, responsibilities, properties, assets, equipment, encumbrances, obligations, records, personnel and liability for certain accrued employees' benefits; providing for method of allocation and transfer of funds; requiring filing of transition plan for transfer of certain responsibilities and specifying contents thereof; requiring transfer occur in certain manner; requiring filing of a five-year operational plan and providing for contents of operational plan; requiring training aspects of

plan to use certain resources; providing for retention of certain state employees to greatest extent possible; specifying design of operational plan and requiring continuous updating; creating the Developmental Disabilities Services Oversight Committee; specifying responsibilities of the Committee; providing for membership of the Committee; providing for consultation with certain persons for certain purposes; requiring the Department of Human Services and the Department of Developmental Disabilities Services to function in certain role; prohibiting certain persons from serving as voting members of the Committee; providing for duties and staffing of the Committee; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 620 of Title 56, unless there is created a duplication in numbering, reads as follows:

The State of Oklahoma believes individuals with developmental disabilities share full citizenship with all Oklahomans and are entitled to receive services according to their individual needs in the least restrictive, most normalized setting possible. In keeping with this belief, it is the mission of the State of Oklahoma to design and operate a service system centered around the needs of its citizens with developmental disabilities.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 621 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the Department of Developmental Disabilities Services under the administrative control of the Director of Developmental Disabilities Services which shall include the present Developmental Disabilities Services Division of the Department of Human Services.

B. Individuals to be served by the Department of Developmental Disabilities Services are those who are developmentally disabled as defined in Section 862 of Title 63 of the Oklahoma Statutes.

C. The Department of Developmental Disabilities Services shall have responsibility for the implementation of policy and the monitoring of all programs providing specialized services for individuals with developmental disabilities, except for those programs or services otherwise mandated by law to other governmental entities.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 622 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the Board of Developmental Disabilities Services, which shall serve as the policy-making body of the Department of Developmental Disabilities. The Board shall be composed of seven (7) members, appointed by the Governor, with the advice and consent of the Senate, and shall include at least one person with developmental disabilities or the family member of a person with developmental disabilities. The appointments shall be geographically representative of the service areas of the state. Members shall serve terms of seven (7) years with initial appointments randomly staggered from one (1) to seven (7) years.

B. The Board shall appoint the Director of the Department of Developmental Disabilities Services, who shall employ and appoint

such staff as may be necessary for the performance of duties as required by law.

C. The current Advisory Committee on Services to the Mentally Retarded, created by Section 1412 of Title 10 of the Oklahoma Statutes, shall advise the Board and the Department on matters relating to the care and treatment of persons with developmental disabilities.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 623 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. In fulfilling its goal of the creation of a service system centered on the needs of the individual, the State of Oklahoma recognizes that the family is the primary resource for the nurturing and support of persons with developmental disabilities.

B. In support of this belief, the state's resources for the benefit of Oklahomans with developmental disabilities shall be distributed according to the following order of priority:

1. To support persons living with their natural or surrogate families;

2. To support programs and services which enable people to live in their home communities; and

3. To support facilities which provide services to individuals with developmental disabilities in locations away from their families and communities.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 624 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. The newly created Department of Developmental Disabilities Services shall contract with the Department of Human Services for those administrative support functions which can most economically be provided through the structure of the Department of Human Services.

B. All powers, duties, responsibilities, properties, assets, equipment, encumbrances, obligations, records, personnel, liability for all Division of Developmental Disabilities Services employees' sick leave, annual leave, holidays, unemployment benefits and workers' compensation benefits accruing to employees prior to the effective date of this act, which are attributable to the Division of Developmental Disabilities Services, are hereby transferred from the Department of Human Services and the Commission for Human Services to the Board of Developmental Disabilities Services and shall be under the jurisdiction, supervision, management and control of the Board. Additional amounts for administrative costs attributable to the former Developmental Disabilities Services Division and contained in the Department of Human Services base appropriation shall continue to be allocated to the Department of Human Services until the transition plan is fully implemented on July 1, 1994.

C. The Department of Human Services shall file with the Oklahoma State Legislature by September 30, 1993, a transition plan for the transfer of assets, operational control, and responsibility for services to people with developmental disabilities to the Department of Developmental Disabilities Services, created in Section 2 of this act. The transition plan shall also describe those actions necessary to maintain the Medicaid funding relationship between the agencies. The orderly transition of operations from the Department of Human Services to the Department of Developmental Disabilities Services shall occur in a manner consistent with the mission statement of the State of Oklahoma as set forth in Section 1 of this act.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 625 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. The Department of Developmental Disabilities Services shall file a five-year operational plan which provides for services to people with developmental disabilities by January 1, 1994. The plan shall describe the allocation of resources and services consistent with the mission of the state and the priorities established in this act.

B. The operational plan shall include annual target goals for the development of services that support the priority objectives of this act, and shall specify time frames for achievement of such target goals.

C. 1. The operational plan shall incorporate, to the greatest extent possible, the use of existing resources within the State of Oklahoma, including private nonprofit, not-for-profit and for-profit enterprises that demonstrate a commitment to the policy of the state.

2. Whenever possible, training aspects of the operational plan shall be accomplished through the use of existing educational resources of the state.

3. In any part of the operational plan which may affect employees of the State of Oklahoma who provide services to persons with developmental disabilities, provision shall be made for retaining their services within the service system to the greatest extent possible.

D. The operational plan shall include a system for identifying and qualifying families for receipt of family support payments pursuant to the Oklahoma Family Support Act, Section 601 et seq. of Title 56 of the Oklahoma Statutes.

E. The operational plan shall be designed to be a flexible outline of a reasonable course of action and shall be continuously updated to incorporate significant events as they occur.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 626 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created, to continue until July 1, 1998, a Developmental Disabilities Services Oversight Committee, which shall function as an oversight entity of the Oklahoma State Senate and House of Representatives to ensure that the policy of the State of Oklahoma, as set forth in Section 1 of this act, is enacted. The Committee shall be responsible for:

1. Overseeing the development by the Department of Human Services of the transition plan described in Section 5 of this act;
2. The creation of the Department of Developmental Disabilities Services;
3. The implementation of the five-year operational plan of the Department of Developmental Disabilities Services; and
4. The actual changes in programs and the redistribution of state resources pursuant to the policy of this state as provided in Section 1 of this act.

B. The Committee shall be composed of two Senators, appointed by the President Pro Tempore of the Senate, two members of the House of Representatives, appointed by the Speaker of the House of Representatives, and one individual appointed by the Governor. The Committee may consult with a variety of citizens of the State of Oklahoma, including, but not limited to, persons with developmental disabilities, the parents, guardians or friends of persons with developmental disabilities, members of the Oklahoma State Senate and the House of Representatives, representatives of public and private nonprofit or profit-making providers of services to persons with developmental disabilities, and persons with civic interests in the improvement of services to Oklahomans with developmental disabilities.

C. The Department of Human Services and the Department of Developmental Disabilities Services shall act in an informational and support role to the work of the Committee. Because one of the functions of the Committee is oversight of the implementation of the five-year operational plan for the Department of Developmental Disabilities Services, no individual paid by the Department of Human Services or the Department of Developmental Disabilities Services shall be a voting member of the Committee.

D. It shall be the duty of the Committee to:

1. Assist and advise in the development of the transition plan and the operational plan pursuant to this act; and

2. Meet at least annually to review and comment on the operational plan, the implementation of such plan and the process of developing the plan with special attention to:

- a. the quality of services to Oklahomans with developmental disabilities and their families, and
- b. innovative methods of acting upon the state's policy and priorities as defined in Section 1 of this act; and

4. Make recommendations to the Governor and the Legislature regarding any matter related to Oklahomans with developmental disabilities.

E. Staffing for the Committee shall be provided by the Developmental Disabilities Services Division of the Department of Human Services.

SECTION 8. This act shall become effective July 1, 1993.

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.

