

SHORT TITLE: Appropriations to social services agencies; lapse date; operative date; emergency.

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

SENATE BILL NO. 910

By: Taylor and Haney of the  
Senate

and

Hamilton (James) and  
Steidley of the House

AS INTRODUCED

An Act relating to various health services agencies;  
making an appropriation to the State Department of  
Health; stating purposes; requiring certain reports  
and stating contents thereof; requiring certain  
transfers; authorizing certain contracts; stating  
legislative intent; requiring use of specific fund  
for certain programs; providing for duties and  
compensation of employees; limiting salary of the  
State Commissioner of Health; providing certain  
budgetary limitations; specifying content of budget  
work program; making an appropriation to the  
Department of Mental Health and Substance Abuse  
Services; specifying purpose; specifying  
apportionment of appropriation; specifying  
legislative intent for certain set-aside; requiring  
report and stating contents thereof; requiring  
offering and availability of certain medications;  
requiring discharge plans; specifying content;  
providing for duties and compensation of employees;  
limiting salary of the Commissioner; providing for  
certain budgetary limitations; requiring certain  
persons to be placed in unclassified service and  
classified service; providing exceptions; making an

appropriation to the Department of Veterans Affairs; stating purpose; providing for duties and compensation of employees; limiting salary of the Director; providing certain budgetary limitations and providing certain exclusions; requiring filing of budget work program and specifying contents thereof; providing for purpose of certain appropriation; setting certain limitations; setting certain conditions; defining term; making an appropriation to the J.D. McCarty Center for Children with Developmental Disabilities; stating purpose; providing for duties and compensation of employees; limiting the salary of the Director; exempting certain employees from Oklahoma Merit System of Personnel Administration; providing budgetary limitations and providing certain exclusions; making an appropriation to the University Hospitals Authority; stating purpose; providing for duties and compensation of employees; limiting the salary of the chief executive officer; providing budgetary limitations and providing certain exclusions; authorizing increase in full-time-equivalent employee limit for certain purposes; making an appropriation to the Oklahoma Health Care Authority; stating purpose; providing for duties and compensation of employees; limiting the salary of the administrator; providing budgetary limitations and providing certain exclusions; making certain appropriations nonfiscal; making certain appropriations subject to fiscal year limitations; providing lapse date;

providing an operative date; and declaring an emergency.

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

STATE DEPARTMENT OF HEALTH

SECTION 1. 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, 1995, the sum of \_\_\_\_\_ Dollars (\$0.00) 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 1 of this act, the following categories and amounts shall be expended:

|  |        |
|--|--------|
| Contractual services of the Margaret Hudson Program for School Age Parents     | \$0.00 |
| Contractual services of the Mary Mahoney Memorial Health Center                | 0.00   |
| Contractual services of the Southeast Area Health Center                       | 0.00   |
| Contractual services of the Morton Comprehensive Health Services, Incorporated | 0.00   |
| Contractual services of the Sickle Cell Research Foundation, Incorporated      | 0.00   |
| Contractual services of the Emerson Teen Parent Program                        | 0.00   |
| Contractual services of the Alzheimer's Research Advisory Council              | 0.00   |

Contractual services of the Oklahoma County Chapter of the  
National Association of Black Social Workers 0.00

TOTAL \$0.00

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 \_\_\_\_\_ Dollars (\$0.00) from the funds appropriated in 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 State Department of Health shall transfer the sum of \_\_\_\_\_ Dollars (\$0.00) from the funds appropriated in 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 5. It is the intent of the Legislature that of the funds appropriated to the State Department of Health in Section 1 of this act, the amount of \_\_\_\_\_ Dollars (\$0.00) shall be used for providing perinatal services for low-income women statewide.

Of said amount, \_\_\_\_\_ Dollars (\$0.00) 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; \_\_\_\_\_ Dollars (\$0.00) 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 \_\_\_\_\_ (\$0.00) 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 include employees' time-and-effort reports, 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 6. The State Department of Health shall transfer the sum of \_\_\_\_\_ Dollars (\$0.00) from the funds appropriated in Section 1 of this act to the Vaccine Revolving Fund.

SECTION 7. 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, established pursuant to Section 1-107.3 of Title 63 of the Oklahoma Statutes.

SECTION 8. 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, 1995. The State Department of Health for the fiscal year ending June 30, 1995, 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 | \$0.00        |
| Professional and Personal Services Contracts  | \$0.00        |
| Lease-Purchase Agreements   | \$0.00        |
| Purchase of Equipment   | \$0.00        |
| Expenditure of Revolving Funds  | \$0.00        |
| Expenditure of Federal Funds  | \$0.00        |
| Total Expenditures for Operations   | \$0.00        |

SECTION 9. 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, 1995, 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 and Policy Analysis
- 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

DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES

SECTION 10. 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, 1995, the sum of \_\_\_\_\_ Dollars (\$0.00) 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 11. The amount appropriated to the Department of Mental Health and Substance Abuse Services in Section 10 of this act for the fiscal year ending June 30, 1995, shall be expended as follows:

|                            |        |
|----------------------------|--------|
| Administration             | \$0.00 |
| Mental Health Services     | 0.00   |
| Substance Abuse Services   | 0.00   |
| Housing Programs           | 0.00   |
| Domestic Violence Services | 0.00   |
| Childrens Programs         | 0.00   |

SECTION 12. It is the intent of the Legislature that the Department of Mental Health and Substance Abuse Services set aside \_\_\_\_\_ Dollars (\$0.00) for purchase of clozapine and related blood monitoring costs for clients with treatment-resistant schizophrenia. On or before April 1, 1995, 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 violate the confidentiality of the patient as established by law. Clozapine 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 13. 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, 1995. The Department of Mental Health and Substance Abuse Services for the fiscal year ending June 30, 1995, 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       |
| Lease-Purchase Agreements      | \$0.00        |

SECTION 14. Full-time-equivalent employees utilized at the department's 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.

DEPARTMENT OF VETERANS AFFAIRS

SECTION 15. There is hereby appropriated to the Oklahoma Department of Veterans Affairs from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1995, the sum of \_\_\_\_\_ Dollars (\$0.00) or so much thereof as may be necessary to perform the duties imposed upon the Oklahoma Department of Veterans Affairs by law.

SECTION 16. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Oklahoma Department of Veterans Affairs by law shall be set by the War Veterans Commission of Oklahoma. The salary of the Director shall not exceed Fifty-six Thousand Three Hundred Seventy-five Dollars (\$56,375.00) per annum, payable monthly for the fiscal year ending June 30, 1995. The Oklahoma Department of Veterans Affairs for the fiscal year ending June 30, 1995, 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   | 1,366.0       |
| Payroll, Salaries or Wages, Including Tax-sheltered Deferment<br>Contracts and Longevity Payments Authorized by State Statutes | \$0.00        |
| Professional and Personal Services Contracts   | \$0.00        |
| Lease-Purchase Agreements  | \$0.00        |
| Purchase of Equipment  | \$0.00        |
| Expenditure of Revolving Funds   | \$0.00        |
| Expenditure of Federal Funds   | \$0.00        |
| Total Expenditures for Operations  | \$0.00        |

SECTION 17. Pursuant to the provisions of Section 41.7 of Title 62 of the Oklahoma Statutes, the Oklahoma Department of Veterans Affairs shall file its budget work program with the Director of

State Finance and the Legislative Service Bureau for the fiscal year ending June 30, 1995, to include the following budget entities and activities:

Central Office Administration

State Accrediting Agency

Ardmore Veterans Center

Claremore Veterans Center

Clinton Veterans Center

George Nigh Rehabilitation Institute

Norman Veterans Center

Sulphur Veterans Center

Talihina Veterans Center

Financial Assistance to Veterans and Dependent Children

SECTION 18. The appropriation made by Section 15 of this act may be used for the vocational rehabilitation of disabled veterans pursuant to the provisions of Section 68.2 of Title 72 of the Oklahoma Statutes and to aid the destitute minor dependents of disabled, destitute or deceased honorably discharged war veterans. The aid to destitute minor dependents shall be expended by the War Veterans Commission of Oklahoma to maintain, support and educate said minor dependents on a per capita basis of not to exceed Thirteen Dollars (\$13.00) per capita, per day. A minor dependent may continue to receive said aid for a maximum of three (3) years after attaining eighteen (18) years of age if the minor dependent is attending a high school or a school of equivalent level which has been approved by the War Veterans Commission of Oklahoma. For the purposes of this section, "minor dependents" means those minor dependents who have been or whose parents, guardians, or custodians have been or had been at the time of death, citizens of this state for a period of three (3) years.

J.D. McCARTY CENTER FOR CHILDREN

WITH DEVELOPMENTAL DISABILITIES

SECTION 19. There is hereby appropriated to the J.D. McCarty Center for Children with Developmental Disabilities from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1995, the sum of \_\_\_\_\_ Dollars (\$0.00) or so much thereof as may be necessary to perform the duties imposed upon the J.D. McCarty Center for Children with Developmental Disabilities by law.

SECTION 20. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the J.D. McCarty Center for Children with Developmental Disabilities by law shall be set by the Oklahoma Cerebral Palsy Commission. The salary of the Director shall not exceed Forty-nine Thousand Seven Hundred Thirteen Dollars (\$49,713.00) per annum, payable monthly for the fiscal year ending June 30, 1995. Physical therapists and occupational therapists employed by the J.D. McCarty Center for Children with Developmental Disabilities shall be unclassified and exempt from the rules and procedures of the Oklahoma Merit System of Personnel Administration. The J.D. McCarty Center for Children with Developmental Disabilities for the fiscal year ending June 30, 1995, shall be subject to the following budgetary limitations on full-time-equivalent employees and expenditures, excluding expenditures for capital and special projects and excluding expenditures from the gifts and bequests fund, 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  | 116.0         |
| Payroll, Salaries or Wages, Including Tax-sheltered Deferment Contracts and Longevity Payments Authorized by State Statutes | \$0.00        |
| Professional and Personal Services Contracts  | \$0.00        |
| Lease-Purchase Agreements   | \$0.00        |

|                                   |        |
|-----------------------------------|--------|
| Purchase of Equipment             | \$0.00 |
| Expenditure of Federal Funds      | \$0.00 |
| Total Expenditures for Operations | \$0.00 |

UNIVERSITY HOSPITALS AUTHORITY

SECTION 21. There is hereby appropriated to the University Hospitals Authority from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1995, the sum of \_\_\_\_ Dollars (\$0.00) or so much thereof as may be necessary to perform the duties imposed upon the University Hospitals Authority by law.

SECTION 22. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the University Hospitals Authority by law shall be set by the authority. The salary of the Chief Executive Officer shall not exceed \_\_\_\_\_ Dollars (\$0.00) per annum, payable monthly for the fiscal year ending June 30, 1995. The University Hospitals Authority for the fiscal year ending June 30, 1995, 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,               |               |
| Excluding Medical Residents                   | 3,343.5       |
| Payroll, Salaries or Wages, Including         |               |
| Tax-sheltered Deferment Contracts and         |               |
| Longevity Payments Authorized by State        |               |
| Statutes, and Excluding Medical Residents     | \$0.00        |
| Professional and Personal Services Contracts, |               |
| Excluding the Master Reimbursement Contract   |               |
| with the University of Oklahoma Health        |               |
| Sciences Center and Other Payments for        |               |

|                                   |        |
|-----------------------------------|--------|
| Patient Care Services Rendered by |        |
| University Physicians             | \$0.00 |
| Lease-Purchase Agreements         | \$0.00 |
| Purchase of Equipment             | \$0.00 |
| Expenditure of Revolving Funds    | \$0.00 |
| Total Expenditures for Operations | \$0.00 |

SECTION 23. The average full-time-equivalent employees limit and the payroll, salaries, or wages limit specified in Section 22 of this act may be increased by up to one hundred fifty (150) full-time-equivalent employees and Four Million Fifty-five Thousand Four Hundred Dollars (\$4,055,400.00) for the purpose of providing staffing for program expansions or increased census at the University Hospitals Authority, provided that such employees shall be funded with hospital-generated revenues.

OKLAHOMA HEALTH CARE AUTHORITY

SECTION 24. There is hereby appropriated to the Oklahoma Health Care Authority from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1995, the sum of \_\_\_\_ Dollars (\$0.00) or so much thereof as may be necessary to perform the duties imposed upon the Oklahoma Health Care Authority by law.

SECTION 25. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Oklahoma Health Care Authority by law shall be set by the Administrator. The salary of the Administrator shall not exceed \_\_\_\_\_ Dollars (\$0.00) per annum, payable monthly for the fiscal year ending June 30, 1995. The Oklahoma Health Care Authority for the fiscal year ending June 30, 1995, 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   | 14.0          |
| Payroll, Salaries or Wages, Including<br>Tax-sheltered Deferment Contracts and<br>Longevity Payments Authorized by State<br>Statutes | \$0.00        |
| Professional and Personal Services Contracts   | \$0.00        |
| Lease-Purchase Agreements  | \$0.00        |
| Purchase of Equipment  | \$0.00        |
| Expenditure of Revolving Funds   | \$0.00        |
| Expenditure of Federal Funds   | \$0.00        |
| Total Expenditures for Operations  | \$0.00        |

SECTION 26. The appropriations made by Sections 21 and 24 of this act shall not be subject to fiscal year limitations and shall be available for encumbrance and expenditure purposes for a period of thirty (30) months from the date this act is approved.

SECTION 27. The appropriations made by Sections 1, 10, 15 and 19 of this act shall be subject to fiscal year limitations and may be encumbered through June 30, 1995. Any unexpended funds remaining after November 15, 1995, shall lapse and be transferred to the credit of the proper fund for the then current fiscal year.

SECTION 28. This act shall become operative July 1, 1994.

SECTION 29. 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.

44-2-1773            KCM