

ENGROSSED SENATE AMENDMENT
TO
ENGROSSED HOUSE BILL NO. 1114

By: Thomas of the House

and

Robinson of the Senate

An Act relating to poor persons; amending Section 3,
Chapter 280, O.S.L. 1994 (56 O.S. Supp. 1994,
Section 2001), which relates to service fees
assessed certain facilities for the mentally
retarded; modifying computations and procedures for
service fees; modifying certain definitions;
providing an effective date; and declaring an
emergency.

AMENDMENT NO. 1. Page 1, strike the title, enacting clause and
entire bill and insert

"[poor persons - amending 56 O.S. 1994, Section 2001 -
facilities for the
mentally retarded -
effective date -
emergency]

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

SECTION 1. AMENDATORY Section 3, Chapter 280, O.S.L.
1994 (56 O.S. Supp. 1994, Section 2001), is amended to read as
follows:

Section 2001. A. ~~The Commission for Human Services~~ Oklahoma Health Care Authority shall assess each intermediate care facility for the mentally retarded (ICF-MR) in this state a service fee pursuant to this section, ~~for Medicaid certification surveys,~~ and for administrative costs, for monitoring, reviewing, processing and such other services as are involved in the regulation of services, functions and programs for intermediate care facilities for the mentally retarded. The service fee for such facilities for the services, functions and programs shall be based upon reasonable costs, both direct and indirect, of operating or providing ~~such the~~ 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~~ the services, functions or programs.

B. The service fee assessed pursuant to subsection A of 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 the non-Medicaid patient gross revenue revenues report, hereby required to be filed by the ICF-MR with the Department of Human Services Oklahoma Health Care Authority for the applicable base period, and the patient gross revenues of the Medicaid recipients during the applicable base period.

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

E. The applicable base period used to determine patient gross revenues for the purpose of calculating the monthly 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 any fiscal year thereafter shall be determined using the latest calendar the third quarter of the immediately preceding fiscal year ~~patient gross revenue report~~ received by the Department.~~

F. ~~The payment~~ Payment of ~~this~~ the monthly service fee by intermediate care facilities for the mentally retarded shall be an allowable cost for Medicaid payment purposes. The Oklahoma Health Care Authority shall, prior to each fiscal year, establish an interim adjustment in Medicaid rates to be paid to ICF-MRs, based on the Authority's estimate of the average per diem cost of the service fee to be incurred by the ICF-MRs in the fiscal year. Not later than forty-five (45) days following the close of each calendar quarter, the Authority shall increase or decrease Medicaid payments then due to each ICF-MR by the amount of any variance between the amount of the service fees paid and the amount received by the ICF-MR from the interim rate adjustment during the preceding calendar quarter.

G. The Oklahoma Health Care Authority shall, not later than October 15, 1995, make an adjustment to increase or decrease Medicaid payments to each intermediate care facility for the mentally retarded by an amount equal to the variance between the amount of service fees paid and the amount of payments attributable to such fees received by the facility with respect to state fiscal year 1995.

H. ~~Commission~~ Oklahoma Health Care Authority Board shall promulgate rules for the imposition, collection and enforcement of such service fees.

H. I. As used in this section:

1. "Intermediate care facilities for the mentally retarded" means any ~~home, establishment or institution~~ specialized facility 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, 42 U.S.C.A., Section 1396 et seq., and administered in this state by the ~~Department of Human Services~~ Oklahoma Health Care Authority; and

3. "Patient gross revenues" means gross ~~revenue as identified under Medicare principles of reimbursement~~ revenues received in compensation for services provided to inpatients, including client participation; provided, such term shall not include amounts received by ICF-MRs as charitable contributions.

SECTION 2. This act shall become effective July 1, 1995.

SECTION 3. 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 Senate the 12th day of April, 1995.

President of the Senate

Passed the House of Representatives the ____ day of

_____, 1995.

Speaker

of the House of
Representatives