

ENROLLED HOUSE
BILL NO. 1747

By: Hamilton and Steidley of
the House

and

Haney and Hobson of the
Senate

An Act relating to public health and safety;
amending 63 O.S. 1991, Sections 485.1 and 485.3, as
amended by Sections 15 and 16, Chapter 307, O.S.L.
1992 and 485.6 (63 O.S. Supp. 1994, Sections 485.1
and 485.3), which relate to the J.D. McCarty Center
for Children with Developmental Disabilities;
modifying certain terms; authorizing admission of
nonresidents under certain conditions; modifying
the providing of certain education services;
requiring the Attorney General to represent the
Center; prohibiting the employment of private
attorneys except under certain conditions;
authorizing employment of private attorneys under
certain conditions; providing legislative findings;
requiring certain report from the Director of the
Child Study Center; specifying contents of such
report; requiring employees of the Oklahoma
University Health Sciences Center to provide
certain assistance; requiring certain distribution
of such report; providing for noncodification;
providing an effective date; and declaring an
emergency.

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

SECTION 1. AMENDATORY 63 O.S. 1991, Section 485.1, as
amended by Section 15, Chapter 307, O.S.L. 1992 (63 O.S. Supp. 1994,
Section 485.1), is amended to read as follows:

Section 485.1 The purpose of Sections 485.1 through 485.8 of
this title shall be to provide ~~an institution~~ a specialized
hospital, which shall be named the J.D. McCarty Center for Children
with Developmental Disabilities, for the care, maintenance,
training, treatment, ~~education,~~ and general mental and physical
rehabilitation of the residents of the state, and when space permits
nonresidents, who may be afflicted with cerebral palsy or other
developmental ~~diseases~~ disabilities, provided that such ~~institution~~
specialized hospital shall be able to refuse ~~entrance~~ admission to
those ~~residents~~ patients who after competent examination are
determined to be unable to ~~receive help~~ benefit from such training,
treatment, ~~education,~~ and general mental and physical
rehabilitation, and provided that such ~~institution~~ specialized
hospital shall be able to discharge and return any child to its
parent or guardian if it is determined after ~~entrance~~ admission that
such training, treatment, ~~education,~~ and general mental and physical
rehabilitation~~7~~ is not aiding the child. Educational services that

may be required during an inpatient stay shall be arranged through and provided by the appropriate local education area (LEA). The term "cerebral palsy" as used in this title shall include all types of cerebral palsy.

SECTION 2. AMENDATORY 63 O.S. 1991, Section 485.3, as amended by Section 16, Chapter 307, O.S.L. 1992 (63 O.S. Supp. 1994, Section 485.3), is amended to read as follows:

Section 485.3 A. The Oklahoma Cerebral Palsy Commission is hereby authorized and empowered to:

1. Establish and maintain the J.D. McCarty Center for Children with Developmental Disabilities, ~~and furnish to provide care and, maintenance, training, treatment, equipment, education habilitation~~ and rehabilitation of persons afflicted with cerebral palsy and other developmental disabilities within said institute;

2. Enter into contracts for the purchase of real estate or other property and to buy or sell real estate, personal property and equipment necessary or incidental to the carrying out of the provisions of this act;

3. Enter into contracts with the Oklahoma Public Welfare Commission and with other agencies of the state and of the counties in furtherance of the provisions of this act, provided the Oklahoma Cerebral Palsy Commission shall receive from the Oklahoma Public Welfare Commission payments aggregating a minimum of One Hundred Thousand Dollars (\$100,000.00) annually from funds set aside in the Children with Special Health Care Needs Program, and provided further, the Commission may negotiate with the Oklahoma Public Welfare Commission or its successors for additional payments above One Hundred Thousand Dollars (\$100,000.00) from said funds.

B. The Commission shall be charged with the duties of management and control of the J.D. McCarty Center for Children with Developmental Disabilities and shall:

1. Have power to sue or be sued in its own name; and

2. Obtain and pay for an annual audit of the books and records of the J.D. McCarty Center for Children with Developmental Disabilities, conducted by the Office of the State Auditor and Inspector or by a qualified, independent auditor in conformance with standards and guidelines established by the State Auditor and Inspector.

C. The Attorney General shall furnish the Commission with legal representation. The Commission shall not contract for private legal counsel except for extraordinary situations other than normal day-to-day situations, and when approved by the Attorney General.

SECTION 3. AMENDATORY 63 O.S. 1991, Section 485.6, is amended to read as follows:

Section 485.6 The members of the Commission shall select from the Commission a Chairman and Secretary and organize itself for the purpose of carrying out the provisions of this act. The Commission is hereby authorized in its discretion to employ a Director and such other professional and nonprofessional personnel as may be required in their estimation to carry out the provisions of this act and to fix the salaries or compensation of all such personnel so employed by them. The Commission is authorized to hire an attorney to provide legal assistance or to contract for such specialized services only as provided for in Section 485.3 of this title.

SECTION 4. The University Hospitals' Child Study Center performs a vital service to the citizens of Oklahoma. In order to maintain uninterrupted delivery of those services, the Child Study Center shall remain at its present location in the building it currently occupies. The Legislature finds, however, that the Child Study Center could be operated in a more efficient and cost-

effective manner. The Director of the Child Study Center, therefore, shall prepare a report which describes the organizational and resource-related barriers that exist in the delivery of Child Study Center services to the public. This report shall include, but not be limited to, a description of the organizational structure of the Child Study Center, its billing system, and its patient scheduling system and recommendations for improving each. The report shall also include a summary of the Child Study Center's actual revenue collections and expenditures from all sources for fiscal years 1995 and 1996. The report shall also summarize the Oklahoma University Health Sciences Center's actual revenue collections and expenditures associated with the operation of the Child Study Center during fiscal years 1995 and 1996. Revenues from grants, private patients and teaching functions shall be included in this summary. Employees of the Oklahoma University Health Sciences Center shall assist in providing this financial information to the Director of the Child Study Center. Finally, the report shall describe the steps the Child Study Center will need to take in order to compete and thrive in a managed health care environment. The report shall be delivered to the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives by January 12, 1996.

SECTION 5. NONCODIFICATION Section 4 of this act shall not be codified in the Oklahoma Statutes.

SECTION 6. This act shall become effective July 1, 1995.

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.

Passed the House of Representatives the 18th day of May, 1995.

Speaker of the House of
Representatives

Passed the Senate the 18th day of May, 1995.

President of the Senate