

SHORT TITLE: Oklahoma Department of Developmental Disabilities Services; transferring certain functions from the Department of Human Services; codification; effective dates; emergency.

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

SENATE BILL NO. 382

By: Rozell

AS INTRODUCED

An Act relating to poor persons; stating beliefs of the state with regard to certain individuals; stating mission; creating the Oklahoma Department of Developmental Disabilities Services; providing for administrative control; specifying individuals to be served; providing for responsibility of the Department; creating the Oklahoma State Board of Developmental Disabilities Services; providing for composition, appointment and method of appointment and terms of members; providing for appointment of the Director and staff; providing for certain Committee to advise the Board and the Department on certain matters; recognizing the family as primary resource for certain purposes; providing for distribution of state resources according to certain order of priority; providing for provision of administrative support functions; transferring certain powers and duties from the Department of Human Services and the Commission for Human Services to the Oklahoma State Board of Developmental Disabilities Services; providing for a transition plan by certain date and stating contents of the transition plan; requiring orderly transition in accordance with mission statement; requiring certain Division to file operational plan and stating contents of plan; requiring update of

operational plan; creating the Developmental Disabilities Services Oversight Committee and stating function; providing for composition, duties and staffing of the Committee; providing for codification; providing for effective dates; 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 this state 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 Oklahoma 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 Oklahoma Department of Developmental Disabilities Services are those who have a developmental disability as defined in Section 1-818.2 of Title 63 of the Oklahoma Statutes.

C. The Oklahoma 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 Oklahoma State Board of Developmental Disabilities Services, which shall serve as the policymaking body of the Oklahoma Department of Developmental Disabilities Services. 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 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 matters relating to the care and treatment of the mentally retarded, provided for in 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 around the needs of individuals with developmental disabilities, the state 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 Oklahoma 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 Developmental Disabilities Services Division 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 Developmental Disabilities Services Division, are hereby transferred from the Department of Human Services and the Commission for Human Services to the Oklahoma State Board of Developmental Disabilities Services

and shall be under the jurisdiction, supervision, management and control of the Board.

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:

The Department of Human Services shall file with the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives by September 30, 1995, a transition plan for the transfer of assets, operational control and responsibility for services to people with developmental disabilities to the Oklahoma 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 agency and the Oklahoma Health Care Authority. The orderly transition of operations from the Department of Human Services to the Oklahoma Department of Developmental Disabilities Services shall occur in a manner consistent with the mission statement of this state as set forth in Section 1 of this act.

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. The Developmental Disabilities Services Division of the Department of Human Services shall file with the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives a five-year operational plan which provides for services to people with developmental disabilities by January 1, 1996. 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, 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 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 627 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created, to continue until July 1, 2000, 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 mission of this state, as set forth in Section 1 of this act, is enacted. The Committee shall be responsible for overseeing:

1. The development by the Department of Human Services of the transition plan prescribed in Section 6 of this act;

2. The creation of the Oklahoma Department of Developmental Disabilities Services;

3. The implementation of the five-year operational plan of the Oklahoma Department of Developmental Disabilities Services; and

4. The actual changes in programs and the redistribution of state resources pursuant to the mission 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 President Pro Tempore of the Senate shall appoint the chair of the Committee and the Speaker of the House of Representatives shall appoint the vice-chair. The Committee may consult with a variety of citizens of this state, 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 Oklahoma Department of Developmental Disabilities Services shall act in an informational and support role to the work 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

3. 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 existing Developmental Disabilities Services Division staff of the Department of Human Services.

SECTION 9. Sections 1, 4, 6, 7 and 8 of this act shall become effective July 1, 1995.

SECTION 10. Sections 2, 3 and 5 of this act shall become effective July 1, 1996.

SECTION 11. 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.

45-1-0179

CJ