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SHORT TITLE: Appropriations; various health service agencies;
effective date.

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

SENATE BILL NO. 923

By: Haney and Hobson of the
Senate

and

Hamilton and Settle of the
House

AS INTRODUCED

An Act relating to various health services agencies;
making an appropriation to the Oklahoma Health Care
Authority; stating purpose; requiring budgeting in
certain categories and amounts; providing for
duties and compensation of employees; limiting
salary of the Administrator; authorizing
compensation for certain expenses of the
Administrator; authorizing compensation for certain
expenses of the Medical Director; authorizing the
employing of certain attorneys; providing certain
exceptions; providing budgetary limitations;
exempting certain funds from expenditure and
budgetary limitations; authorizing hiring of
certain full-time-equivalent employees for certain
purposes; providing certain time restrictions;
specifying certain funding requirements;
authorizing the transfer of certain funds for
certain purposes; authorizing the expenditure of
previously appropriated funds for certain purpose;
requiring the keeping of certain records;
authorizing certain requests relating to early
transfers; stating purpose; making an appropriation
to the State Department of Health; stating purpose;

requiring budgeting in certain categories and amounts; providing for duties and compensation of employees; limiting salary of the Commissioner; providing budgetary limitations; exempting certain funds from expenditure and budgetary limitations; requiring certain transfers of certain funds for certain purposes; requiring crediting of certain funds; requiring the submitting of certain reports; specifying contents of such reports; stating legislative intent; specifying the expenditure of certain funds; making an appropriation to the J.D. McCarty Center for Children with Developmental Disabilities; stating purpose; requiring budgeting in certain categories and amounts; providing for duties and compensation of employees; limiting salary of the Director; providing budgetary limitations; making an appropriation to the Department of Mental Health and Substance Abuse Services; stating purpose; requiring budgeting in certain categories and amounts; providing for duties and compensation of employees; limiting salary of the Commissioner; providing budgetary limitations; stating legislative intent; requiring certain report; specifying contents of report; specifying certain requirements for written discharge plan for certain institutionalized patients; authorizing certain employees to be placed in unclassified service; requiring certain employees be in the classified service; providing exceptions; making an appropriation to the University Hospitals Authority; stating purpose; making an appropriation to the Oklahoma Department

of Veterans Affairs; stating purpose; requiring budgeting in certain categories and amounts; providing for duties and compensation of employees; limiting salary of the Director; providing budgetary limitations; authorizing certain expenditures relating to veterans and minor dependents of veterans; limiting receipt of certain benefits to minor dependents; defining term; and providing an effective date.

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

OKLAHOMA HEALTH CARE AUTHORITY

SECTION 1. 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, 1999, 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 2. For the fiscal year ending June 30, 1999, the Oklahoma Health Care Authority shall budget all funds in the following categories and amounts:

| <u>Category</u> | <u>Appropriation</u> | <u>Total</u> |
|------------------------------|----------------------|--------------|
| Operations | \$0.00 | \$0.00 |
| Medicaid Payments | 0.00 | 0.00 |
| Medicaid Contracted Services | 0.00 | 0.00 |
| OSA Non-Title XIX Medical | 0.00 | 0.00 |
| Non-Title XIX Medical | 0.00 | 0.00 |
| Indigent Health Care Grant | <u>0.00</u> | <u>0.00</u> |
| TOTAL | \$0.00 | \$0.00 |

SECTION 3. 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 One Hundred Twenty-one Thousand Five Hundred Dollars (\$121,500.00) per annum, payable monthly for the fiscal year ending June 30, 1999. The Oklahoma Health Care Authority is authorized to pay professional expenses of the Administrator of the Authority, including dues, licenses, professional memberships, continuing medical education classes conducted in the State of Oklahoma, and medical malpractice insurance. The Oklahoma Health Care Authority is further authorized to pay professional expenses of the Medical Director, including dues, licenses, professional memberships, continuing medical education classes conducted in the State of Oklahoma, and medical malpractice insurance, provided the Medical Director is a full-time employee of the Authority. The Oklahoma Health Care Authority is authorized to employ three (3) full-time-equivalent attorneys. The Oklahoma Health Care Authority for the fiscal year ending June 30, 1999, shall be subject to the following budgetary limitations, 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 | 0.0 |
| Lease-Purchase Agreements | \$0.00 |

SECTION 4. Receipt and expenditure of unanticipated federal funds awarded after July 1, 1998, shall be exempt from expenditure limitations and from budgetary limitations, provided that any such funds used for operations shall be included in the agency's budget work program.

SECTION 5. The Oklahoma Health Care Authority is authorized to employ ten (10) full-time-equivalent employees as project indefinite appointments under paragraph 4 of Section 840-5.5 of Title 74 of the

Oklahoma Statutes as staffing for a managed Medicaid start-up program. No employment in these positions shall extend beyond the fiscal year ending June 30, 1999. Under such authorization, five of the authorized positions will be abolished by June 30, 1998. The remaining five positions shall be abolished by June 30, 1999. All positions authorized under this section shall be funded under the current match formula.

SECTION 6. The Director of State Finance shall transfer monies appropriated from the General Revenue Fund to the Oklahoma Health Care Authority disbursing funds in the amounts and ratios requested by the Authority except that the cumulative amount transferred shall not exceed the cumulative amount of equal monthly allotments of the appropriation from the General Revenue Fund. Monies appropriated or collected for the fiscal year ending June 30, 1999, may be transferred to these disbursing funds for the fiscal year ending June 30, 1998, to satisfy encumbrances and obligations of said fiscal year; provided, that monies equal in amount are transferred from appropriations or collections for the fiscal year ending June 30, 1998, to the disbursing fund for the fiscal year ending June 30, 1999, to satisfy encumbrances and obligations of said fiscal year. All transfer requests shall be in writing to the Director of State Finance. The Oklahoma Health Care Authority shall maintain record of the inter-year transfers.

SECTION 7. The Director of the Oklahoma Health Care Authority may request through the Director of State Finance the early transfer by the Oklahoma Tax Commission of tax collections to the General Revenue Fund for the purpose of early allocation to the agency's disbursing funds to alleviate cash-flow problems.

STATE DEPARTMENT OF HEALTH

SECTION 8. 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, 1999, 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 9. For the fiscal year ending June 30, 1999, the State Department of Health shall budget all funds in the following categories and amounts:

| <u>Category</u> | <u>Appropriation</u> | <u>Total</u> |
|---|----------------------|--------------|
| Support | \$0.00 | \$0.00 |
| Family Health | 0.00 | 0.00 |
| Communicable Disease | 0.00 | 0.00 |
| Chronic Disease | 0.00 | 0.00 |
| Local Health | 0.00 | 0.00 |
| Consumer Protection | 0.00 | 0.00 |
| Eldercare | 0.00 | 0.00 |
| Health Promotion and Policy Analysis | <u>0.00</u> | <u>0.00</u> |
| TOTAL | \$0.00 | \$0.00 |

SECTION 10. 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-seven Thousand Six Hundred Twenty Dollars (\$97,620.00) per annum, payable monthly for the fiscal year ending June 30, 1999. The State Department of Health for the fiscal year ending June 30, 1999, shall be subject to the following budgetary limitations, 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 | 0.0 |
| Lease-Purchase Agreements | \$0.00 |

SECTION 11. Receipt and expenditure of unanticipated federal funds awarded after July 1, 1998, shall be exempt from expenditure

limitations and from budgetary limitations, provided that any such funds used for operations shall be included in the agency's budget work program.

SECTION 12. The State Department of Health shall transfer the sum of _____ Dollars (\$0.00) from the funds appropriated in Section ___ 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. Seventy-five percent (75%) of Medicaid or other funds generated by an Eldercare Program shall be credited to the contract of the program for the following fiscal year.

SECTION 13. The State Department of Health shall transfer the sum of _____ Dollars (\$0.00) from the funds appropriated in Section ___ 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 14. The State Department of Health shall transfer the sum of _____ Dollars (\$0.00) from the funds appropriated in Section ___ of this act to the Kidney Health Revolving Fund established pursuant to Section 1-2603 of Title 63 of the Oklahoma Statutes to be expended in accordance with law.

SECTION 15. 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.

SECTION 16. From the funds appropriated to the State Department of Health in Section ___ 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 Community Health

| | |
|---|-------------|
| Centers, Incorporated | 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 Konawa Community Health Center | 0.00 |
| Contractual services of the Oklahoma City Indian Clinic | 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 Tolliver Alternative Care Center, Incorporated | 0.00 |
| Contractual services of Dental for the Disabled and Elderly in Need of Treatment (D-DENT) | 0.00 |
| Contractual services for the Children Association, Inc. | 0.00 |
| Contractual services for the National Kidney Foundation of Oklahoma, Inc. | <u>0.00</u> |
| TOTAL | \$0.00 |

SECTION 17. It is the intent of the Legislature that of the funds appropriated to the State Department of Health in Section ___ of this act, the amount of _____ Dollars (\$0.00) shall be used for providing perinatal, women's and children's services for low-income persons 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; _____ Dollars (\$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; and _____ Dollars (\$0.00) is to be allocated to the Oklahoma University Health Sciences Center for health services programs for women and children who are uninsured, underinsured, or otherwise unable to pay for services rendered; provided the Oklahoma University Health Sciences Center shall file a monthly report with the State Department of Health detailing the services provided to patients who are uninsured, underinsured, or otherwise unable to pay.

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 18. The State Department of Health shall transfer the sum of _____ Dollars (\$0.00) from the funds appropriated in Section ___ of this act to the Children First Fund to be expended in accordance with law.

SECTION 19. It is the intent of the Legislature that of the funds appropriated to the State Department of Health in Section ___ of this act, the amount of _____ Dollars (\$0.00) shall be used for the purpose of establishing family resource programs to be known as the Children First Program. The State Department of Health may employ and train staff as necessary to prepare for implementation.

Projects shall comply with the uniform components of the State Plan for the Prevention of Child Abuse. The State Department of Health shall contract with a university-related program for a performance-based evaluation of programs. Program sites shall fully cooperate and comply with the evaluation process and sites shall provide weekly caseload and referral information to the State Department of Health.

If approved for Medicaid reimbursement, the Department shall pursue such funding for Children First Programs.

The State Department of Health shall promulgate rules regarding Children First Program design and the funding formula.

An annual progress and evaluation report on the Children First Program shall be delivered to the President Pro Tempore of the Senate, the Speaker of the House of Representatives and the Governor.

J. D. McCARTY CENTER FOR CHILDREN WITH
DEVELOPMENTAL DISABILITIES

SECTION 20. 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, 1999, 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 21. For the fiscal year ending June 30, 1999, the J.D. McCarty Center for Children with Developmental Disabilities shall budget all funds in the following categories and amounts, excluding expenditures for capital and special projects and excluding expenditures from the gifts and bequests fund:

| <u>Category</u> | <u>Appropriation</u> | <u>Total</u> |
|--------------------|----------------------|---------------|
| General Operations | <u>\$0.00</u> | <u>\$0.00</u> |
| TOTAL | \$0.00 | \$0.00 |

SECTION 22. 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 Cerebral Palsy Commission. The salary of the Director shall not exceed Fifty-five Thousand Seven Hundred Ninety-eight Dollars (\$55,798.00) per annum, payable monthly for the fiscal year ending June 30, 1999. The J.D. McCarty Center for Children with Developmental Disabilities, for the fiscal year ending June 30, 1999, shall be subject to the following budgetary limitations, 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 | 0.0 |

DEPARTMENT OF MENTAL HEALTH AND
SUBSTANCE ABUSE SERVICES

SECTION 23. 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, 1999, 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 24. For the fiscal year ending June 30, 1999, the Department of Mental Health and Substance Abuse Services shall budget all funds in the following categories and amounts:

| <u>Category</u> | <u>Appropriation</u> | <u>Total</u> |
|----------------------------|----------------------|--------------|
| Central Administration | \$0.00 | \$0.00 |
| Inpatient Hospital | 0.00 | 0.00 |
| Community-based Programs | 0.00 | 0.00 |
| Substance Abuse Programs | 0.00 | 0.00 |
| Domestic Violence Programs | 0.00 | 0.00 |
| Residential Care Programs | <u>0.00</u> | <u>0.00</u> |
| TOTAL | \$0.00 | \$0.00 |

SECTION 25. 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-two Thousand Nine Hundred Twenty-six Dollars (\$92,926.00) per annum, payable biweekly for the fiscal year ending June 30, 1999. The Department of Mental Health and Substance Abuse Services for the fiscal year ending June 30, 1999, shall be subject to the following budgetary limitations, 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 | 0.0 |
| Lease-Purchase Agreements | \$0.00 |

SECTION 26. 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 and medically indicated atypical antipsychotic medications for clients with treatment-resistant schizophrenia. On

or before April 1, 1999, 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 schizophrenia 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. Such medications shall be offered and made available to each institutionalized treatment-resistant schizophrenia 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 27. Full-time-equivalent employees utilized at the Central Office of the Department of Mental Health and Substance Abuse Services may be placed in the unclassified service. All other employees of the Central Office shall be in the classified service, except as provided in Section 840-5.5 of Title 74 of the Oklahoma Statutes.

UNIVERSITY HOSPITALS AUTHORITY

SECTION 28. 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, 1997, 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.

OKLAHOMA DEPARTMENT OF VETERANS AFFAIRS

SECTION 29. 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, 1999, 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 30. For the fiscal year ending June 30, 1999, the Oklahoma Department of Veterans Affairs shall budget all funds in the following categories and amounts:

| <u>Category</u> | <u>Appropriation</u> | <u>Total</u> |
|--------------------------------------|----------------------|--------------|
| Central Administration | \$0.00 | \$0.00 |
| Nursing Care | 0.00 | 0.00 |
| George Nigh Rehabilitation Institute | 0.00 | 0.00 |
| Claims and Benefits | 0.00 | 0.00 |
| State Accrediting Agency | <u>0.00</u> | <u>0.00</u> |
| TOTAL | \$0.00 | \$0.00 |

SECTION 31. 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 Sixty-four Thousand Two Hundred Sixty Dollars (\$64,260.00) per annum, payable monthly for the fiscal year ending June 30, 1999. The Oklahoma Department of Veterans Affairs for the fiscal year ending June 30, 1999, shall be subject to the following budgetary limitations, 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 | 0.0 |
| Lease-Purchase Agreements | \$0.00 |

SECTION 32. The appropriation made by Section ___ 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 the 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.

SECTION 33. This act shall become effective September 1, 1998.

46-2-1979

DSB