ENGROSSED HOUSE
BILL NO. 2194

By: Mitchell of the House

and

Robinson of the Senate

(poor persons - amending Section 3, Chapter 280, O.S.L. 1994, as amended by Section 1, Chapter 204, O.S.L. 1995 (56 O.S. Supp. 1999, Section 2001) - intermediate care facilities for the mentally retarded -

emergency)

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

SECTION 1. AMENDATORY Section 3, Chapter 280, O.S.L. 1994, as amended by Section 1, Chapter 204, O.S.L. 1995 (56 O.S. Supp. 1998, Section 2001), is amended to read as follows:

Section 2001. A. 1. The 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 other services involved in the regulation of services, functions and programs for intermediate care facilities for the mentally retarded.

2. 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 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 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 the non-Medicaid patient gross revenues report, hereby required to be filed by the ICF-MR with the 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 for an intermediate care facility for the mentally retarded shall be calculated by multiplying the mean monthly patient gross revenues in the applicable base period by the percentage specified in subsection B of this section.

E. The applicable base period used to determine patient gross revenues for the purpose of calculating the monthly service fee for any fiscal year shall be the third quarter of the immediately preceding fiscal year.

F. 1. Payment of 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.

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

I. As used in this section:

1. "Intermediate care facilities for the mentally retarded" means any specialized facility licensed by the State Department of Health pursuant to ~~Section 1-1901 et seq. of Title 63 of the Oklahoma Statutes~~ the Nursing Home Care Act or licensed by the Department of Human Services which provides 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 Oklahoma Health Care Authority; and

3. "Patient gross revenues" means gross 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. 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 15th day of March, 2000.

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Speaker of the House of Representatives

Passed the Senate the ____ day of _____, 2000.

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President of the Senate