

STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

HOUSE BILL \_HB2533By:

Boyd

AS INTRODUCED

An Act relating to the Oklahoma Commission on Children and Youth; amending 10 O.S. 1991, Section 600, which relates to services to children and youth; modifying and deleting certain definitions; amending 10 O.S. 1991, Section 601.3, which relates to duties of the Oklahoma Commission on Children and Youth; eliminating regional planning and coordination boards; amending 10 O.S. 1991, Section 601.9, as last amended by Section 1, Chapter 1, O.S.L. 1999 (10 O.S. Supp. 1999, Section 601.9), which relates to the State Plan for Services to Children and Youth; adding duties of the Office of Planning and Coordination; deleting reference to the Oklahoma Planning and Coordinating Council for Services to Children and Youth; amending 10 O.S. 1991, Section 601.11, as amended by Section 188, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1999, Section 601.11), which relates to membership of regional and district planning and coordinating boards; modifying membership of district boards; amending 10 O.S. 1991, Section 601.12, which relates to duties of regional and district planning boards; modifying duties of district boards; deleting reference to regional planning boards; amending 10 O.S. 1991, Section 601.50, as amended by Section 5, Chapter 364, O.S.L. 1998 (10 O.S. Supp. 1999, Section 601.50), which relates to the annual plan for comprehensive system of mental health services for children and youth; modifying appointing authority; repealing 10 O.S. 1991, Section 601.7, as last amended by Section 186, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1999, Section 601.7), which relates to the creation of the Oklahoma Planning and Coordinating Council for Services to Children and Youth; repealing 10 O.S. 1991, Section 601.8, as last amended by Section 2, Chapter 364, O.S.L. 1998 (10 O.S. Supp. 1999, Section 601.8), which relates to responsibilities of the Oklahoma Planning and Coordinating Council for Services to Children and Youth; repealing 10 O.S. 1991, Section 601.43, as last amended by Section 190, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1999, Section 601.43), which relates to the Act for Coordination of Special Services to Children and Youth; repealing 10 O.S. 1991, Section 601.44, as amended by Section 2, Chapter 377, O.S.L. 1994 (10 O.S. Supp. 1999, Section 601.44), which relates to the creation and duties of the Joint Legislative Committee for Review of Social Services to Children and Youth; repealing 10 O.S. 1991, Section 601.45, as last amended by Section 191, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1999, Section 601.45), which relates to the appointment and duties

of the Interagency Coordinating Council for Special Services to Children and Youth; repealing 10 O.S. 1991, Section 601.46 as last amended by Section 4, Chapter 364, O.S.L. 1998 (10 O.S. Supp. 1999, Section 601.46), which relates to the State Plan for Special Education Related Services Coordination and Assistance; and providing an effective date.

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

SECTION 1. AMENDATORY 10 O.S. 1991, Section 600, is amended to read as follows:

Section 600. As used in Sections ~~2~~ 601.1 through ~~14~~ 601.12 of this ~~act~~ title:

1. "Children and youth service system" means health, mental health, social, rehabilitative assistance and educational services provided to children and youth by and through the courts and public and private agencies;

2. "Client" means a child or a family member of a child who is receiving services through the children and youth service system;

3. "Commission" means the Oklahoma Commission on Children and Youth;

4. ~~"Council" means the Oklahoma Planning and Coordinating Council for Services to Children and Youth;~~

~~5.~~ "District boards" means the local district planning and coordinating body for services to children and youth established pursuant to Section ~~13~~ 601.11 of this ~~act~~ title;

~~6.~~ 5. "District" means the local planning and coordinating areas within ~~each region~~ the state established pursuant to Section ~~13~~ 601.11 of this ~~act~~ title;

~~7.~~ ~~"Regional board" means the regional planning and coordinating board for services to children and youth appointed by the Commission pursuant to Section 13 of this act;~~

~~8. "Region" means the regional planning and coordinating bodies established pursuant to Section 13 of this act;~~

9. 6. "State and state-supported services to children and youth" means services to children and youth, offered or provided by a public or private agency or organization, that are supported in whole or in part through state funds or federal funds administered by the state; and

~~10.~~ 7. "State Plan for Services to Children and Youth" means the planning document required by Section ~~12~~ 601.9 of this ~~act~~ title.

SECTION 2. AMENDATORY 10 O.S. 1991, Section 601.3, is amended to read as follows:

Section 601.3 The Oklahoma Commission on Children and Youth is hereby authorized and directed to:

1. Establish and maintain the Office of Planning and Coordination for Services to Children and Youth;
2. Establish and maintain the Office of Juvenile System Oversight; and
3. Designate district ~~and regional~~ planning and coordination areas ~~and district and regional boards~~ for services to children and youth and, within the limitations of available funds, whether appropriated or otherwise available, provide staff, technical assistance and other assistance as necessary and appropriate to the district ~~and regional~~ boards.

SECTION 3. AMENDATORY 10 O.S. 1991, Section 601.9, as last amended by Section 1, Chapter 1, O.S.L. 1999 (10 O.S. Supp. 1999, Section 601.9), is amended to read as follows:

Section 601.9 A. The Office of Planning Coordination shall:

1. Make recommendations to the Commission regarding the development and improvement of services provided to children and youth no later than May 1 of each year; and

2. Forward a report of its recommendations to each agency affected by the recommendations.

B. The Oklahoma Commission on Children and Youth shall, ~~with the assistance of the Oklahoma Planning and Coordinating Council for Services to Children and Youth,~~ evaluate and review the development and quality of services to children and youth and shall:

1. Publish and distribute an annual report of its findings on or before July 1 of each year to the Governor, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the Chief Justice of the Supreme Court of the State of Oklahoma, and to the chief administrative officer of each agency affected by the report. Such report shall include activities of the Commission, recommendations for the further development and improvement of services to children and youth, and budget and program needs; and

2. Include in its annual report the State Plan for Services to Children and Youth for the next succeeding fiscal year. The State Plan for Services to Children and Youth shall:

- a. identify and establish goals and priorities for services for children and youth, and the estimated costs of implementing such goals and priorities,
- b. show previous and current expenditures for state and state-supported services to children and youth,
- c. include information concerning the availability and accessibility of ~~community-based~~ various human services, health, mental health and education programs that work to reduce the potential for abuse and neglect in at-risk families serve children and their families at the community level, and when applicable, establish a plan for developing ~~preventive and intervention-related~~ programs in areas of the state where the need for such services exists,

- d. include such other information or recommendations as may be necessary and appropriate for the improvement and coordinated development of the children and youth service system, and
- e. be distributed as provided by paragraph 1 of this section and shall be made available to the general public.

SECTION 4. AMENDATORY 10 O.S. 1991, Section 601.11, as amended by Section 188, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1999, Section 601.11), is amended to read as follows:

Section 601.11 A. There are hereby created ~~regional and~~ district planning and coordination boards for services to children and youth~~.~~

~~1.~~ Each district board shall be composed of representatives of public and private agencies and organizations, ~~representatives of local health departments~~ and private individuals in accordance with the guidelines established by the Oklahoma Commission on Children and Youth. Each district board shall include but not be limited to representatives of the Department of Human Services, the Office of Juvenile Affairs, the State Department of Health, the Department of Mental Health and Substance Abuse Services, local school districts, representatives of private child and family services and programs within the district ~~and representatives of other private agencies and organizations;~~ local business leaders, and parents of children with special needs.

~~2. The membership of each regional board shall be composed of the elected representatives of each of the district boards within the respective regions.~~

B. The Commission on Children and Youth shall designate ~~regional planning and coordination areas for services to children and youth within the state and shall designate~~ local district planning and coordination areas within ~~each region~~ the state.

C. Selection of a coordinator and membership of ~~regional and~~ district boards shall be determined as follows:

1. Each ~~regional and~~ district board shall elect a coordinator from among its membership. The elected coordinators shall serve two-year terms and may be reelected; and

2. Membership shall be in accordance with the bylaws of the district board and guidelines of the Commission. The members of the district boards shall serve a two-year term and may be reappointed;

~~3. Each district board shall elect two individuals from among its membership, one to serve as its representative on the regional board for that area and one to serve as an alternate representative. Said representative may be, but shall not be required to be, the coordinator for that district; and~~

~~4. Each regional board shall elect an individual from among its membership to serve as its representative on the Oklahoma Planning and Coordinating Council for Services to Children and Youth. Said representative may be, but shall not be required to be, the coordinator for that region.~~

D. The Oklahoma Commission on Children and Youth shall:

1. Establish guidelines for the election of coordinators of the ~~regional and~~ district boards;

2. Establish guidelines for the membership of the district planning and coordination boards for services to children and youth which will assure an opportunity for broad community participation and the representation of both urban and rural concerns in the planning process;

3. Establish guidelines for the coordination, preparation and implementation of the ~~regional and~~ district plans for children and youth services; and

4. Provide administrative support and technical assistance to the ~~regional and~~ district boards as otherwise provided by this act.

E. Nothing in this act shall prohibit local municipalities or counties from establishing planning and coordinating bodies for services to children and youth and providing information and recommendations to the ~~regional and~~ district boards established by this section.

SECTION 5. AMENDATORY 10 O.S. 1991, Section 601.12, is amended to read as follows:

Section 601.12 A. Each ~~regional and~~ district board shall, with the assistance of the Office of Planning and Coordination for Services to Children and Youth, prepare and implement a plan for children and youth services and for the development and coordination of such services within its ~~region or~~ district. The ~~regional and~~ district plans shall be transmitted to the Office of Planning and Coordination for Services to Children and Youth and ~~shall be~~ reviewed by said Office and the ~~Council~~ Oklahoma Commission on Children and Youth in the preparation of the State Plan for Services to Children and Youth ~~and other reports and recommendations of said Office and the Council.~~

B. Each district board shall ensure that services provided to students pursuant to the Individuals with Disabilities Education Act (IDEA) are:

1. Delivered cooperatively by local education agencies, the State Department of Education, the State Department of Vocational and Technical Education, the Department of Human Services, the Office of Juvenile Affairs, the State Department of Health, the Department of Mental Health and Substance Abuse Services, the State Department of Rehabilitation Services, the Oklahoma Health Care Authority, and other appropriate public agencies and private agencies supported in whole or in part with public funds;

2. Meeting the requirements of the state and federal laws pertaining to the eligible population; and

3. Enhancing the capacity of families to meet the needs of their children who are members of the eligible population.

C. Each ~~regional and~~ district board shall develop a written statement clearly identifying its operating procedures, purpose, overall responsibilities and method of meeting those responsibilities.

~~C.~~ D. The district plan shall include, but not be limited to:

1. A description of programs currently serving children and youth, including information on impact of programs, cost effectiveness and sources of funding;

2. A continuum of programs and services which would be necessary for a comprehensive approach for the development and coordination of services to children and youth as well as a brief description of such programs and services;

3. A plan for steps to be taken in meeting identified needs, including the coordination and integration of services to avoid unnecessary duplication and cost, and alternative funding strategies for meeting needs through the reallocation of existing resources, utilization of volunteers, contracting with local universities and local government or private agency funding;

4. A description of barriers to the accomplishment of a comprehensive approach to the development and coordination of services to children and youth; and

5. Recommendations for any necessary changes that can be accomplished administratively or which may require legislative action.

~~D. The regional plan shall include and incorporate the components listed in subsection C of this section and the plans prepared by each district within the region. The regional plan shall be reviewed by the district boards within the region prior to the transmission of the regional plan to the Office of Planning and Coordination for Services to Children and Youth.~~

SECTION 6. AMENDATORY 10 O.S. 1991, Section 601.50, as amended by Section 5, Chapter 364, O.S.L. 1998 (10 O.S. Supp. 1999, Section 601.50), is amended to read as follows:

Section 601.50 A. The Department of Mental Health and Substance Abuse Services, the Oklahoma Health Care Authority, the State Department of Health, the Department of Human Services, the State Department of Education and private mental health service providers designated ~~by the Governor~~ pursuant to the provisions of subsection C of this section shall jointly establish an annual plan for a comprehensive system of mental health services for children and youth. Said plan shall include but not be limited to:

1. Identification of three- to five-year goals and priorities;
2. Delineation of service responsibilities and coordination of delivery of services to the eligible population by the agencies subject to the provisions of ~~the act~~ this section and Sections 1-880.5 to 1-880.7 of Title 63 of the Oklahoma Statutes;

3. Guidelines for assigning responsibilities to appropriate agencies and means whereby appropriate agency personnel are involved in the development of services;

4. Establishment of service regions, delineation of organizational structures or other means whereby coordination required by this act will be accomplished at the local and regional level;

5. Development of an appropriate array ~~and mix~~ of inpatient, outpatient, residential, home-based, evaluation and other mental health services for children and youth;

6. Procedures for monitoring and improving such service delivery on a continuing basis;

7. Methods for resolving disputes by mediation and other means;

and

8. A funding and implementation plan which shall provide for the utilization of all financial resources from federal, state,

local and private resources and the coordination of those resources to fund related services.

Said plan shall be annually updated and modified as necessary.

B. For the purpose of efficiency, cost effectiveness, and to avoid duplication of services, said plan shall:

1. Be based upon the existing system of services to children and youth;

2. Consider the recommendations of current information, reports and the contents of existing plans, including updated plans, in the area of mental health services to children and adolescents; and

3. Include but not be limited to recommendations for implementation of the plan and the funding necessary for such implementation.

C. For the purpose of developing said comprehensive plan:

1. The Commissioner of the Department of Mental Health and Substance Abuse Services, the Director of the Oklahoma Health Care Authority, the Commissioner of the State Department of Health, the Director of the Department of Human Services and the State Superintendent of Schools shall, within existing personnel, each designate ~~two employees~~ an employee of their respective agencies to ~~prepare~~ assist the Oklahoma Commission on Children and Youth in ~~preparing~~ the plan ~~and shall provide other staff support and assistance as necessary; and~~

2. The Governor shall ~~designate~~ appoint four private mental health ~~services~~ service providers to participate in the preparation and establishment of the plan as follows:

- a. ~~three~~ one from a list submitted by the Oklahoma Hospital Association,
- b. ~~two~~ one from a list submitted by the Oklahoma Association of Community Mental Health Center Directors,

- c. ~~two~~ one from a list submitted by the Oklahoma Psychological Association, and
- d. ~~two~~ one psychiatrist from a list submitted by the Oklahoma State Medical Association, ~~one of whom shall be a psychiatrist,~~
- e. ~~two~~ from a list submitted by the Chemical Abuse Program Directors Association, ~~and~~
- f. ~~upon the recommendation of the Oklahoma Commission on Children and Youth, representatives of other organizations or associations of agencies that provide services to children.;~~

3. The Speaker of the House of Representatives shall appoint one parent of a child who has a serious emotional disturbance and three private mental health service providers to participate in the preparation and establishment of the plan as follows;

- a. one from a list submitted by the Oklahoma Hospital Association,
- b. one from a list submitted by the Oklahoma Association of Community Mental Health Center Directors, and
- c. one from a list submitted by the Oklahoma Psychological Association;

4. The President Pro Tempore of the Senate shall appoint one parent of a child who has a serious emotional disturbance and three private mental health service providers to participate in the preparation and establishment of the plan as follows:

- a. one psychiatrist from a list submitted by the Oklahoma State Medical Association, and
- b. two from a list submitted by the Chemical Abuse Program Directors Association; and

~~3.~~ 5. The Commission on Children and Youth shall provide meeting space and convene and facilitate such meetings as are necessary to complete the plan.

D. Members appointed to participate in the preparation and establishment of the plan shall serve at the pleasure of the appointing authority.

E. Appointed members shall be reimbursed by the appointing authority for travel expenses incurred in the performance of their duties pursuant to the State Travel Reimbursement Act.

F. 1. On or before May 1 of each year, the comprehensive plan shall be submitted to the Oklahoma Commission on Children and Youth for review and comment. The review of the plan by the Commission shall include but not be limited to the conformance and compatibility of the comprehensive plan for mental health services for children and adolescents with other services and plans for services to children and youth.

2. The Oklahoma Commission on Children and Youth shall incorporate, as appropriate, the findings and recommendations of the comprehensive plan in the annual report required by Section 601.9 of this title.

SECTION 7. REPEALER 10 O.S. 1991, Section 601.7, as last amended by Section 186, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1999, Section 601.7), is hereby repealed.

SECTION 8. REPEALER 10 O.S. 1991, Section 601.8, as last amended by Section 2, Chapter 364, O.S.L. 1998 (10 O.S. Supp. 1999, Section 601.8), is hereby repealed.

SECTION 9. REPEALER 10 O.S. 1991, Section 601.43, as last amended by Section 190, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1999, Section 601.43), is hereby repealed.

SECTION 10. REPEALER 10 O.S. 1991, Section 601.44, as amended by Section 2, Chapter 377, O.S.L. 1994 (10 O.S. Supp. 1999, Section 601.44), is hereby repealed.

SECTION 11. REPEALER 10 O.S. 1991, Section 601.45, as last amended by Section 191, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1999, Section 601.45), is hereby repealed.

SECTION 12. REPEALER 10 O.S. 1991, Section 601.46, as last amended by Section 4, Chapter 364, O.S.L. 1998 (10 O.S. Supp. 1999, Section 601.46), is hereby repealed.

SECTION 13. This act shall become effective November 1, 2000.

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