

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

HOUSE JOINT

RESOLUTION NO. 1025\_\_\_\_

By: Fields and Gray of the  
House

and

Stipe of the Senate

AS INTRODUCED

A Joint Resolution relating to proposed rules of the Oklahoma Health Care Authority Board; disapproving proposed revocations of permanent rules OAC 317:30-5-241(a)(11), OAC 317:30-5-246(1)(K), OAC 317:30-5-246(2)(T) and (U) and OAC 317:30-5-246(3)(T) and (U), proposed permanent rules OAC 317:30-5-240(c)(4) and OAC 317:30-5-241(a)(8)(B), (a)(9)(A) and (a)(10)(A), and proposed amendments to permanent rules OAC 317:30-5-246(2)(C) and OAC 317:30-5-246(3)(C), regarding outpatient behavioral health services; directing adoption and promulgation of certain rules; expressing legislative intent; directing distribution; and declaring an emergency.

WHEREAS, pursuant to Sections 250.2 and 308 of Title 75 of the Oklahoma Statutes, the Legislature reserves the right to designate the method for rule promulgation, establish policy, determine that a rule is not consistent with legislative intent and disapprove any rule or any portion thereof at any time; and

WHEREAS, on March 4, 1999, the Oklahoma Health Care Authority Board adopted proposed revocations of permanent rules OAC 317:30-5-241(a)(11), OAC 317:30-5-246(1)(K), OAC 317:30-5-246(2)(T) and (U), OAC 317:30-5-246(3)(T) and (U), proposed permanent rules OAC 317:30-5-240(c)(4), OAC 317:30-5-241(a)(8)(B), (a)(9)(A) and (a)(10)(A), and proposed amendments to permanent rules OAC 317:30-5-246(2)(C) and OAC 317:30-5-246(3)(C), regarding outpatient behavioral health services, relating to eligible providers, coverage for adults and children, and covered services, and on March 15, 1999, the agency submitted the rules to the Legislature for its review; and

WHEREAS, the Legislature recognizes that proposed revocations of permanent rules OAC 317:30-5-241(a) (11), OAC 317:30-5-246(1) (K), OAC 317:30-5-246(2) (T) and (U), OAC 317:30-5-246(3) (T) and (U), proposed permanent rules OAC 317:30-5-240(c) (4), OAC 317:30-5-241(a) (8) (B), (a) (9) (A) and (a) (10) (A), and proposed amendments to permanent rules OAC 317:30-5-246(2) (C) and OAC 317:30-5-246(3) (C), are inconsistent with legislative intent.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 1ST SESSION OF THE 47TH OKLAHOMA LEGISLATURE:

SECTION 1. The Legislature hereby disapproves proposed revocations of permanent rules OAC 317:30-5-241(a) (11), OAC 317:30-5-246(1) (K), OAC 317:30-5-246(2) (T) and (U), OAC 317:30-5-246(3) (T) and (U), proposed permanent rules OAC 317:30-5-240(c) (4), OAC 317:30-5-241(a) (8) (B), (a) (9) (A) and (a) (10) (A), and proposed amendments to permanent rules OAC 317:30-5-246(2) (C) and OAC 317:30-5-246(3) (C).

SECTION 2. The Legislature hereby directs and authorizes, in accordance with subsection C of Section 308 of Title 75 of the Oklahoma Statutes, the Oklahoma Health Care Authority Board to adopt and promulgate emergency rules to be effective no later than July 1, 1999, which allow current providers to continue providing much-needed behavioral health services, individuals currently receiving services from nursing facility behavioral health rehabilitative services to continue receiving the services and which are consistent with legislative intent.

SECTION 3. The Legislature hereby finds that desirable language to be included as OAC 317:30-5-240(c) (4) would read as follows:

(4) Until July 1, 2004, in lieu of one of the above, a Master's or Bachelor's Degree in a mental health treatment field (i.e., psychology, counseling, applied behavioral science, alcohol and drug studies, etc.), and two (2) years experience in a behavioral health treatment program providing direct patient care, and/or all persons

known as Qualified Mental Health Professionals (QMHP), as identified by the Department of Mental Health and Substance Abuse Services (DMHSAS) criteria.

SECTION 4. The Legislature hereby finds that desirable language to be included as OAC 317:30-5-241(a) (8) (B), would read as follows:

(B) Providers - A BHRS or MHP must provide this service.

Residents of Nursing and ICF/MRs Facilities and children receiving Residential Behavioral Management Group in a foster or home setting are eligible for this service.

SECTION 5. The Legislature hereby finds that desirable language to be included as OAC 317:30-5-241(a) (9) (A), would read as follows:

(9) Group Rehabilitative Treatment Services (Adult).

(A) Description - Rehabilitative Treatment Services for adults are behavioral health remedial services, which are necessary to improve the patient's ability to function in the community. They are performed to assist patients with mental health illnesses and AOD disorders. Examples of services, which may be covered under the definition of rehabilitation, are: independent living, self-care, social skills (re)development, lifestyle change and recovery principles and practices. Services will be provided in the least restrictive setting appropriate for the reduction of psychiatric and behavioral impairment and the restoration of functioning consistent with the requirements of independent living and enhanced self-sufficiency. Each service must have purpose that is related directly to the individual treatment plan and diagnosis of each participant. Compensable Rehabilitative Treatment Services are provided to patients who have the ability to benefit from the service. Travel time to and from activities is not covered. The maximum staffing ratio is fourteen clients to one staff. Countable staff must be appropriately trained in an anger management/intervention technique such as MANDT or CAPE to be directly involved in patient care. Clients residing in a Nursing

Facility or Intermediate Care Facility for the Mentally Retarded (ICF/MR) will be eligible for this service.

SECTION 6. The Legislature hereby finds that desirable language to be included as OAC 317:30-5-241(a)(10)(A), would read as follows:

(10) Group Rehabilitation Treatment Services (Children).

(A) Description - Group Rehabilitative Treatment Services for children are behavioral health remedial services, as specified in the individual treatment plan which are necessary for the treatment of mental health and AOD disorders. They may be provided alone or in conjunction with other behavioral health services. Examples of educational and supportive services which may be covered under the definition of rehabilitative treatment services are basic living skills, social skills (re)development, interdependent living, self-care, lifestyle change and recovery principles. Services will be provided in the least restrictive setting appropriate for the reduction of psychiatric impairment and the restoration of functioning consistent with the requirements of age appropriate behavioral functioning and self-sufficiency. Meeting with family members, legal guardian and/or significant other is covered when the services are directed exclusively to the effective treatment of the recipient. Each service provided under Rehabilitative Treatment Services must have a goal and purpose, which relates directly to the individual treatment plan of each participant. Compensable Rehabilitative Treatment Services are provided to clients who have the ability to benefit from the service. The child must be able to actively participate and must possess the cognitive, developmental and communication skills necessary to benefit from the service. Travel time to and from activities is not covered. Staff to patient ratio shall not exceed eight children to one staff member. Countable staff must be appropriately trained, including training and certification in a recognized anger management intervention technique, such as MANDT or CAPE to be directly involved in patient

care. Patients residing in a nursing facility or an Intermediate Care Facility for the Mentally Retarded (ICF/MR) or children receiving Residential Behavioral Management Services in a foster or group home will be eligible for this service.

SECTION 7. The Secretary of State is hereby directed to distribute copies of this resolution to the Governor, the Secretary of the Oklahoma Health Care Authority Board and the Editor of "The Oklahoma Register".

SECTION 8. 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 resolution shall take effect and be in full force from and after its passage and approval.

47-1-6698      TK      6/12/15