

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 1484

By: Lindley, Covey, Easley,
Gilbert, Miller (Ray),
Nations, Roan, Toure and
Walker of the House

and

Muegge of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to persons with disabilities; enacting the Oklahoma Ticket to Work and Work Incentives Improvement Act; providing findings; establishing the Ticket to Work and Self-Sufficiency Program; specifying contents, purposes and administration of certain program; providing program components; providing for certain rulemaking; providing for certain report; directing certain state entity to implement certain health care program for certain persons with disabilities and making a contingency; providing for certain health care program components; directing implementation of certain pilot project by certain state entity; specifying conditions; specifying certain eligible program participants and services; providing certain definitions; providing for codification; 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 166.8 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. Sections 1 through 3 of this act shall be known and may be cited as the "Oklahoma Ticket to Work and Work Incentives Improvement Act", as authorized by Section 1305 et seq., 42 U.S.C., the federal Ticket to Work and Work Incentives Improvement Act of 1999, Public Law 106-170.

B. The purposes of the Oklahoma Ticket to Work and Work Incentives Improvement Act are to:

1. Provide employment and training preparation, placement services and health care coverage to working individuals with

disabilities by enabling them to reduce their dependency on Social Security Disability Insurance or Supplemental Security Income cash benefit programs;

2. Provide individuals with disabilities who receive Supplemental Security Income cash benefits the ability to purchase Medicaid coverage enabling them to maintain health care coverage while working; and

3. Ensure that programs and services provided to persons with disabilities produce productive outcomes.

C. The Oklahoma Legislature recognizes the following findings:

1. It is important to support programs that provide training and employment services to individuals with disabilities in order to help them lead productive work lives;

2. Health care coverage is important to all individuals and is particularly important to individuals with disabilities who often cannot afford the insurance available to them through the private market;

3. Many individuals with disabilities fear losing health care coverage, including necessary support services, which ultimately hinders the individuals from maximizing their employment, earning potential, and independence;

4. Many Social Security Disability Insurance and Supplemental Security Income beneficiaries risk losing Medicare or Medicaid coverage that is linked to their existing cash benefits, a risk that is an equal, or greater, work disincentive than the loss of cash benefits associated with obtaining work;

5. Many individuals with disabilities have greater opportunities for employment than ever before, aided by important public policy initiatives such as the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), advancements in public understanding of disability, and innovations in assistive technology, medical treatment, and rehabilitation; and

6. Creating financial incentive work programs, providing better choices in obtaining training and placement services, maintaining health care coverage while working, and redesigning existing service-related programs may eliminate barriers to work for persons with disabilities and may greatly improve their short- and long-term financial and personal well-being.

D. As used in the Oklahoma Ticket to Work and Work Incentives Improvement Act, "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.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 166.9 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The State Department of Rehabilitation Services, pursuant to rules promulgated by the Commission for Rehabilitation Services, shall establish a "Ticket to Work and Self-Sufficiency Program". The purpose of the Ticket to Work and Self-Sufficiency Program is to enhance the range of choices and options available to Social Security Disability Insurance and Supplemental Security Income disability beneficiaries who are seeking vocational rehabilitation services to obtain and maintain employment opportunities.

B. Components of the Ticket to Work and Self-Sufficiency Program pursuant to federal Ticket to Work and Work Incentives Improvement Act of 1999 shall include, but not be limited to:

1. Program participation guidelines, eligibility requirements, and program performance standards;
2. Requirements for periodic quality assurance reviews and customer service satisfaction surveys; and
3. Requirements for a dispute resolution process.

C. The Commission for Rehabilitation Services shall promulgate any rules necessary to implement provisions of the Oklahoma Ticket

to Work and Work Incentives Improvement Act regarding the Ticket to Work and Self-Sufficiency Program.

D. On or before January 15, 2002, the Department of Rehabilitation Services shall prepare a summary report of the Ticket to Work and Self-Sufficiency Program's findings and results to be submitted to the Speaker of the House of Representatives, the President Pro Tempore of the Senate and the Governor.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5000.24 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Health Care Authority, following directives of and upon approval of the Health Care Financing Administration, is directed to implement a Medicaid Buy-In Program for persons with disabilities, if funds become available. Components of such program shall include, but not be limited to:

1. Allowing individuals with disabilities who are sixteen (16) years of age and over, but under sixty-five (65) years of age, and who, except for earned income, would be eligible to receive Supplemental Security Income (SSI) benefits, regardless of whether they have ever received Supplemental Security Income (SSI) cash benefits, the option of purchasing Medicaid coverage that will enable individuals with disabilities to gain and/or maintain employment and reduce their dependency on existing cash benefit programs;

2. Removing work disincentives that inhibit individuals with disabilities from engaging in work that is commensurate with their abilities and capabilities;

3. Developing an infrastructure within and outside state government that supports efforts to enhance employment opportunities for individuals with disabilities; and

4. Ensuring meaningful input in the design, implementation, and evaluation of programs, policies, and procedures developed under

such program by individuals with disabilities and other interested parties.

B. The Oklahoma Health Care Authority Board shall promulgate any rules necessary to implement provisions of the Oklahoma Ticket to Work and Work Incentives Improvement Act regarding the Medicaid Buy-In Program.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5000.25 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Health Care Authority, upon approval of the Health Care Financing Administration, is directed to develop a results-based funding pilot project for eligible persons who participate in the Oklahoma Medicaid program and who are currently receiving outpatient behavioral health services, if funds become available.

B. As used in this section:

1. "Results-based funding" means an approach which emphasizes performance outcome measures, accountability of programmatic results, program results showing cost efficiency and effectiveness for the delivery of such program service, and consumer choice and satisfaction; and

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.

SECTION 5. 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.

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