

ENGROSSED HOUSE
BILL NO. 1429

By: Benson of the House

and

Robinson of the Senate

An Act relating to public health and safety; amending Section 5, Chapter 340, O.S.L. 2000 (63 O.S. Supp. 2000, Section 5022.1), which relates to wage and salary adjustments of nursing home facilities; modifying powers and duties of the Oklahoma Health Care Authority related to reviews of certain reports; authorizing the Oklahoma Health Care Authority to offer to eligible contracted physician providers an income deferral program; authorizing certain contracts; providing limitations; requiring cooperation; creating the Medicaid Income Deferral Plan Account; specifying purpose; requiring promulgation of rules; providing for codification; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 5, Chapter 340, O.S.L. 2000 (63 O.S. Supp. 2000, Section 5022.1), is amended to read as follows:

Section 5022.1 A. 1. Effective November 1, 2000, the Oklahoma Health Care Authority shall grant a wage and salary adjustment including, but not limited to, employee benefits to be paid to the facility for employees specified in subsection B of this section in nursing facilities serving adults (NFs) and intermediate care facilities for the mentally retarded (ICFs/MR).

2. The adjustment shall be based upon a new minimum wage for specified employees of nursing facilities, standard private intermediate care facilities for the mentally retarded (ICFs/MR) and specialized private intermediate care facilities for the mentally retarded (ICFs/MR) in the amount of Six Dollars and Sixty-five Cents (\$6.65) per hour.

B. The provisions of this section shall only apply to the following specified employees:

1. Registered nurses;
2. Licensed practical nurses;
3. Nurse aides;
4. Certified medication aides;
5. Dietician staff;
6. Housekeeping staff;
7. Maintenance staff;
8. Laundry staff;
9. Social service staff; and
10. Other activities staff.

C. ~~The Oklahoma Health Care Authority shall review any reports or records retained by the nursing facilities during the regular cost-reporting process and normal auditing procedures of the Authority to ensure compliance with this section~~ may require reporting by facilities of compliance with this section and may penalize facilities for noncompliance with the payment of the adjustment. Such penalties may include paying the facility employee for adjustments not paid by the nursing facility.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5024 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. Effective July 1, 2001, the Oklahoma Health Care Authority is authorized to offer to eligible contracted incorporated physician providers, elective income deferral programs which can result in federal income tax advantages and other advantages to such providers and their employees. These deferral programs shall take into account present and future provisions of the United States Internal Revenue Code which now or in the future might have the beneficial effect of magnifying the after-tax value payments made by the state to incorporated physician providers. As a condition of

participation in these income deferral programs, all participating incorporated physician providers shall be subject to provisions for forfeiture of benefits for failure to maintain in force a Medicaid provider agreement and to furnish services to Medicaid recipients for specified duration.

B. The Oklahoma Health Care Authority is directed to work with the State Treasurer and the attorney General of the state to establish the program and to establish an account at the State Treasury. The account shall be called the "Medicaid Income Deferral Plan Account" that shall be maintained for the benefit of those contracted physician providers that elect to participate.

C. The Oklahoma Health Care Authority shall have the authority to promulgate rules regarding the operation of the program.

SECTION 3. 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 6th day of March, 2001.

Presiding Officer of the House of
Representatives

Passed the Senate the ____ day of _____, 2001.

Presiding Officer of the Senate