

ENROLLED SENATE
BILL NO. 1027

By: Haney and Hobson of the
Senate

and

Mass and Bonny of the
House

An Act relating to the Department of Mental Health and Substance Abuse Services; making appropriations; stating purposes; requiring budgeting in certain categories and amounts; requiring performance measures; providing for duties and compensation of employees; limiting salary of the Commissioner; providing budgetary limitations; providing limitations for certain reimbursements; providing procedures for exemption from expenditure limitations for certain funds; requiring certain filings; providing for notices; stating legislative intent; requiring certain report; specifying contents of report; requiring certain revisions necessary to policy and rules; authorizing certain employees to be placed in unclassified service; requiring certain employees be in the classified service; providing exceptions; providing lapse dates; requiring certain budget procedures; prohibiting certain budget procedures; providing an effective date; and declaring an emergency.

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

DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES

SECTION 1. There is hereby appropriated to the Department of Mental Health and Substance Abuse Services from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 2003, the sum of One Hundred Forty-nine Million Seven Hundred Seventy-five Thousand Nine Hundred Ten Dollars (\$149,775,910.00) or so much thereof as may be necessary to perform the duties imposed upon the Department of Mental Health and Substance Abuse Services by law.

SECTION 2. There is hereby appropriated to the Department of Mental Health and Substance Abuse Services from any monies not otherwise appropriated from the Tobacco Settlement Fund of the State Treasury for the fiscal year ending June 30, 2003, the sum of One Million One Hundred Forty-eight Thousand Five Hundred Forty-two Dollars (\$1,148,542.00) or so much thereof as may be necessary to

perform the duties imposed upon the Department of Mental Health and Substance Abuse Services by law.

SECTION 3. For the fiscal year ending June 30, 2003, the Department of Mental Health and Substance Abuse Services shall budget all funds in the following categories and amounts:

<u>Category</u>	<u>Appropriation</u>	<u>Total</u>
Central Administration	\$ 7,159,391.00	\$ 13,726,729.00
Inpatient Hospital	38,083,917.00	54,237,405.00
Community-based Programs	78,541,053.00	102,434,452.00
Substance Abuse Programs	19,233,880.00	50,512,894.00
Domestic Violence Programs	4,261,944.00	5,979,157.00
Residential Care Programs	<u>3,644,267.00</u>	<u>4,104,070.00</u>
TOTAL	\$150,924,452.00	\$230,994,707.00

The agency shall develop outcome-based performance measures for each budget category.

SECTION 4. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Department of Mental Health and Substance Abuse Services by law shall be set by the Commissioner. The salary of the Commissioner shall not exceed One Hundred Twenty-five Thousand Dollars (\$125,000.00) per annum, payable biweekly for the fiscal year ending June 30, 2003. The Department of Mental Health and Substance Abuse Services for the fiscal year ending June 30, 2003, shall be subject to the following budgetary limitations, except as may be authorized pursuant to the provisions of Section 3603 of Title 74 of the Oklahoma Statutes:

<u>Budgetary Limitation</u>	<u>Amount</u>
Full-time-equivalent Employees	2,651.0
Lease-Purchase Agreements	\$1,418,429.00

The Department of Mental Health and Substance Abuse Services for the fiscal year ending June 30, 2003, shall set the reimbursement rate for residential care facilities at a level not to exceed Eight Dollars and sixty-six cents (\$8.66) per mental health resident per day.

SECTION 5. A. The Commissioner of the Oklahoma Department of Mental Health and Substance Abuse Services may request in the manner provided in this section that receipt and expenditure of unanticipated federal funds awarded after July 1, 2002, be exempt from expenditure limitations and from budgetary limitations.

1. The Commissioner shall make a request for exemption to the Director of State Finance in writing and file a revised budget program.

2. The Commissioner shall also file copies of the request for exemption and budget work program revisions with the Joint Legislative Committee on Budget and Program Oversight created by Section 41.47 of Title 62 of the Oklahoma Statutes. The Committee shall notify the Director of State Finance of any noncompliance of the request with legislative intent within twelve (12) calendar days of the Committee's receipt of the exemption request.

B. The Director of State Finance shall approve the request for exemption unless both the Chair and Vice Chair of the Joint Legislative Committee on Budget and Program Oversight provide written notification to the Director of State Finance within twelve (12) calendar days of the Committee's receipt of the exemption request that the exemption subverts the intention and objectives of the Legislature in establishing the original limit. The Director of State Finance shall give written notice of approval or disapproval of each exemption to the agency, the Governor and the Chair and Vice Chair of the Joint Legislative Committee on Program and Budget Oversight within eighteen (18) calendar days of receiving the request.

SECTION 6. It is the intent of the Legislature that the Department of Mental Health and Substance Abuse Services set aside a minimum of Five Million Seven Hundred Twenty-five Thousand Dollars (\$5,725,000.00) for purchase of newer generation medications. On or before April 1, 2003, the Department of Mental Health and Substance Abuse Services shall prepare and submit a written report to the Speaker of the House of Representatives and the President Pro Tempore of the Senate detailing expenditures for such medications.

SECTION 7. It is the intent of the Legislature that the Department of Mental Health and Substance Abuse Services set aside a minimum of Two Million Dollars (\$2,000,000.00) for Programs for Assertive Community Treatment (PACT) teams.

The Department of Mental Health and Substance Abuse Services shall work with the Oklahoma Health Care Authority to establish and submit any revisions to policies and rules needed to maximize Medicaid funding for the services provided by Programs for Assertive Community Treatment (PACT) teams.

The Department of Mental Health and Substance Abuse Services shall deliver a progress and evaluation report on Programs for Assertive Community Treatment (PACT) teams to the President Pro Tempore of the Senate and the Speaker of the House of Representatives on or before April 1, 2003.

SECTION 8. Full-time-equivalent employees utilized at the Central Office of the Department of Mental Health and Substance Abuse Services may be placed in the unclassified service. All other employees of the Central Office shall be in the classified service, except as provided in Section 840-5.5 of Title 74 of the Oklahoma Statutes.

SECTION 9. Appropriations made by this act, not including appropriations made for capital outlay purposes, may be budgeted for the fiscal year ending June 30, 2003 (hereafter FY-03), or may be budgeted for the fiscal year ending June 30, 2004 (hereafter FY-04). Funds budgeted for FY-03 may be encumbered only through June 30, 2003, and must be expended by November 15, 2003. Any funds remaining after November 15, 2003, and not budgeted for FY-04, shall lapse to the credit of the proper fund for the then current fiscal year. Funds budgeted for FY-04 may be encumbered only through June 30, 2004. Any funds remaining after November 15, 2004, shall lapse to the credit of the proper fund for the then current fiscal year. These appropriations may not be budgeted in both fiscal years simultaneously. Funds budgeted in FY-03, and not required to pay obligations for that fiscal year, may be budgeted for FY-04, after the agency to which the funds have been appropriated has prepared and submitted a budget work program revision removing these funds from the FY-03 budget work program and after such revision has been approved by the Office of State Finance.

SECTION 10. This act shall become effective July 1, 2002.

SECTION 11. 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 Senate the 20th day of May, 2002.

Presiding Officer of the Senate

Passed the House of Representatives the 22nd day of May, 2002.

Presiding Officer of the House
of Representatives

