

ENROLLED SENATE
BILL NO. 1487

By: Haney and Hobson of the
Senate

and

Mass and Bonny of the
House

An Act relating to health; requiring a transfer of funds within the J.D. McCarty Center for Children with Developmental Disabilities; specifying purpose; making an appropriation to the State Department of Health; stating purpose; authorizing certain expenditures for certain purposes; requiring budgeting in certain categories and amounts; requiring certain transfers; stating purposes; creating the Eldercare Revolving Fund; restricting use of certain monies; requiring certain expenditures; specifying purposes; making appropriations to the Oklahoma Health Care Authority; stating purposes; authorizing certain expenditures; providing for duties and compensation of employees; limiting salary of the Administrator; authorizing payment of certain expenses; authorizing the employing of certain attorneys; providing certain exceptions; providing budgetary limitations; making an appropriation to the University Hospitals Authority; stating purpose; making appropriations to the Department of Mental Health and Substance Abuse Services; stating purpose; requiring certain transfers; requiring budgeting in certain categories and amounts; stating legislative intent; requiring certain report; making an appropriation to the Department of Mental Health and Substance Abuse Services for the purpose of contractual services; providing for the responsibility of medical and surgical care of inmates of the Department of Corrections; providing for the transportation of inmates; providing that specific services be without cost to the Department of Corrections; making certain appropriations nonfiscal; providing exceptions to budgetary limitations; providing lapse dates; requiring certain budget procedures; prohibiting certain budget procedures; repealing Section 32, Chapter 433, O.S.L. 2001, Section 7, Chapter 217, O.S.L. 2001, as amended by Section 33, Chapter 433, O.S.L. 2001, Section 10, Chapter 217, O.S.L. 2001, as amended by Section 34, Chapter 433, O.S.L. 2001, Section 18, Chapter 217, O.S.L. 2001, as amended by Section 35, Chapter 433, O.S.L. 2001, Section 36, Chapter 433, O.S.L. 2001, 63 O.S. 2001, Section 1-107.1 (Section 37, Chapter 433, O.S.L. 2001), Section 39, Chapter 433, O.S.L. 2001, Section 40, Chapter

433, O.S.L. 2001, Section 98, Chapter 6, O.S.L. 2001, as amended by Section 53, Chapter 433, O.S.L. 2001, Section 100, Chapter 6, O.S.L. 2001, as amended by Section 54, Chapter 433, O.S.L. 2001, Section 101, Chapter 6, O.S.L. 2001, as amended by Section 55, Chapter 433, O.S.L. 2001, Section 3, Chapter 217, O.S.L. 2001, as amended by Section 56, Chapter 433, O.S.L. 2001, Section 57, Chapter 433, O.S.L. 2001, Section 34, Chapter 217, O.S.L. 2001, as amended by Section 58, Chapter 433, O.S.L. 2001, Section 42, Chapter 433, O.S.L. 2001, Section 90, Chapter 6, O.S.L. 2001, as amended by Section 43, Chapter 433, O.S.L. 2001, Sections 44 and 45, Chapter 433, O.S.L. 2001, Section 27, Chapter 217, O.S.L. 2001, as amended by Section 46, Chapter 433, O.S.L. 2001, Section 30, Chapter 217, O.S.L. 2001, as amended by Section 47, Chapter 433, O.S.L. 2001, Section 48, Chapter 433, O.S.L. 2001, 43A O.S. 2001, Section 3-701 (Section 51, Chapter 433, O.S.L. 2001), which relate to health services; providing for codification; providing for noncodification; and declaring an emergency.

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

SECTION 1. TRANSFER The J.D. McCarty Center for Children with Developmental Disabilities on July 1, 2001, shall transfer the sum of Five Hundred Forty-four Thousand Nine Hundred Dollars (\$544,900.00) from the funds appropriated in Section 105, Chapter 6, O.S.L. 2001 to the J.D. McCarty Center for Handicapped Children Revolving Fund. Any amounts transferred prior to the effective date of this act pursuant to Section 32, Chapter 433, O.S.L. 2001 shall be included within the transfer limitation provided in this section.

SECTION 2. There is hereby appropriated to the Oklahoma State Department of Health from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 2002, the sum of One Million Three Hundred Sixty-five Thousand Seven Hundred Fifty-one Dollars (\$1,365,751.00) or so much thereof as may be necessary to perform the duties imposed upon the State Department of Health by law, less any amounts disbursed or allocated prior to the effective date of this act pursuant to the appropriation made by Section 7, Chapter 217, O.S.L. 2001, as amended by Section 33, Chapter 433, O.S.L. 2001.

SECTION 3. For the fiscal year ending June 30, 2002, the State Department of Health shall budget all funds in the following categories and amounts:

<u>Category</u>	<u>Appropriation</u>	<u>Total</u>
Support Services	\$ 5,967,543.00	\$ 22,982,529.00
Disease and Prevention Services	8,115,954.00	31,214,264.00

Family Health Services	11,728,506.00	93,991,280.00
Community Health Services	43,435,272.00	78,612,592.00
Protective Health Services	<u>2,189,353.00</u>	<u>19,514,279.00</u>
TOTAL	\$71,436,628.00	\$246,314,944.00

SECTION 4. From the funds appropriated to the State Department of Health in Section 91, Chapter 6, O.S.L. 2001, the following categories and amounts shall be expended:

Contractual services of the Margaret Hudson Program for School Age Parents	\$ 42,977.00
Contractual Services of Community Health Centers, Incorporated	197,910.00
Contractual Services of the Southeast Area Health Center	197,910.00
Contractual Services of the Morton Comprehensive Health Services, Incorporated	461,902.00
Contractual Services of the Central Oklahoma Family Medical Center	225,000.00
Contractual Services of the Greenwood Educational and Cultural Center	150,000.00
Contractual Services of the Oklahoma City Indian Clinic	75,000.00
Contractual Services of the College of Osteopathic Medicine of Oklahoma State University for the Area Health Education Centers Campaign	460,000.00
Contractual Services of the Sickle Cell Research Foundation, Incorporated	196,500.00
Contractual Services of the Emerson Teen Parent Program	135,360.00
Contractual Services of the Alzheimer's Research Advisory Council	55,475.00
Contractual Services of the Tolliver Alternative Care Center, Incorporated	46,599.00
Contractual Services for the University of Oklahoma Health Science Center Pediatric Endocrinology Department	117,500.00
Contractual Services of the North Tulsa Heritage Foundation, Incorporated	45,000.00

Contractual Services of the Metropolitan Tulsa Urban League, Incorporated	45,000.00
Contractual Services of the Dunjee All- School Association, Incorporated	100,000.00
Contractual Services of the Alzheimer's Association, Oklahoma Chapter	10,000.00
Contractual Services of the Indian Health Care Resource Center of Tulsa	<u>10,000.00</u>
TOTAL	\$2,572,133.00

SECTION 5. TRANSFER The State Department of Health shall transfer the sum of Two Hundred Fifty Thousand Dollars (\$250,000.00) from the funds appropriated in Section 91, Chapter 6, O.S.L. 2001 to the Tobacco Cessation and Prevention Revolving Fund. Any amounts transferred prior to the effective date of this act pursuant to Section 36, Chapter 433, O.S.L. 2001 shall be included within the transfer limitation provided in this section.

SECTION 6. Of the funds appropriated to the State Department of Health in Section 91, Chapter 6, O.S.L. 2001, the amount of Five Hundred Thousand Dollars (\$500,000.00) or so much thereof as may be necessary shall be expended to provide additional breast and cervical cancer detection screenings. Any amounts expended prior to the effective date of this act pursuant to Section 39, Chapter 433, O.S.L. 2001 shall be included within the expenditure limitation provided in this section.

SECTION 7. Of the funds appropriated to the State Department of Health in Section 91, Chapter 6, O.S.L. 2001, the amount of Fifty Thousand Dollars (\$50,000.00) or so much thereof as may be necessary shall be expended to provide additional teen abstinence education. Any amounts expended prior to the effective date of this act pursuant to Section 40, Chapter 433, O.S.L. 2001 shall be included within the expenditure limitation provided in this section.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-107.1A of Title 63, unless there is created a duplication in numbering reads as follows:

A. There is hereby created in the State Treasury a Revolving Fund for the State Department of Health to be designated the "Eldercare Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies deposited to the credit of the fund by law.

B. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the State Department of Health for operation of local Eldercare case management programs. A full accounting of the expenditures of the program shall be sent to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the Governor by January 15 of each year. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against

claims filed as prescribed by law with the Director of State Finance for approval and payment.

C. The Eldercare Revolving Fund shall not be used for the costs the State Department of Health incurs in administering the local programs.

D. The State Department of Health shall recognize and reimburse indirect costs for Eldercare programs, administered by contractors, if the costs are charged in accordance with an indirect cost allocation plan developed in accordance with federal guidelines established by the United States Office of Management and Budget Circular A-87. In no case shall the State Department of Health reimburse indirect costs in excess of twenty percent (20%) of total direct salaries for Eldercare and Advantage program personnel.

SECTION 9. There is hereby appropriated to the Oklahoma Health Care Authority from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 2002, the sum of Three Hundred Forty Million Two Hundred Seventy-eight Thousand Six Hundred Six Dollars (\$340,278,606.00) or so much thereof as may be necessary to perform the duties imposed upon the Oklahoma Health Care Authority by law, less any amounts disbursed or allocated prior to the effective date of this act pursuant to the appropriation made by Section 98, Chapter 6, O.S.L. 2001, as amended by Section 53, Chapter 433, O.S.L. 2001.

SECTION 10. There is hereby appropriated to the Oklahoma Health Care Authority from any monies not otherwise appropriated from the Special Cash Fund of the State Treasury the sum of Twelve Million Two Hundred Ninety-seven Thousand Three Hundred Five Dollars (\$12,297,305.00) or so much thereof as may be necessary to perform the duties imposed upon the Oklahoma Health Care Authority by law, less any amounts disbursed or allocated prior to the effective date of this act pursuant to the appropriation made by Section 100, Chapter 6, O.S.L. 2001, as amended by Section 54, Chapter 433, O.S.L. 2001.

SECTION 11. The Oklahoma Health Care Authority is hereby authorized to expend during the fiscal year ending June 30, 2002, from the Tobacco Settlement Fund of the State Treasury, the sum of Twenty-three Million Four Hundred Twenty-eight Thousand Three Hundred Forty-four Dollars (\$23,428,344.00) or so much thereof as may be necessary to perform the duties imposed upon the Oklahoma Health Care Authority by law. Any amounts expended prior to the effective date of this act pursuant to Section 101, Chapter 6, O.S.L. 2001, as amended by Section 55, Chapter 433, O.S.L. 2001, shall be included within the expenditure limitations provided in this section.

SECTION 12. A. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Oklahoma Health Care Authority by law shall be set by the Administrator.

B. The salary of the Administrator shall not exceed One Hundred Twenty-five Thousand Five Hundred Dollars (\$125,500.00) per annum, payable monthly for the fiscal year ending June 30, 2002.

C. The Oklahoma Health Care Authority is authorized to:

1. Pay professional expenses of the Administrator of the Authority, including dues, licenses, professional memberships, continuing medical education classes conducted in the State of Oklahoma, and medical malpractice insurance;

2. Pay professional expenses of the Medical Director, including dues, licenses, professional memberships, continuing medical education classes conducted in the State of Oklahoma, and medical malpractice insurance, provided the Medical Director is a full-time employee of the Authority;

3. Pay professional expenses of the Associate Medical Director, including dues, licenses, professional memberships, continuing medical education classes conducted in the State of Oklahoma, and medical malpractice insurance, provided the Associate Medical Director is a full-time employee of the Authority; and

4. Employ five (5) full-time-equivalent attorneys. This authorization shall not increase the budgetary limits in this section.

D. The Oklahoma Health Care Authority for the fiscal year ending June 30, 2002, 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	285.5
Lease-Purchase Agreements	\$0.00

SECTION 13. There is hereby appropriated to the University Hospitals Authority from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 2002, the sum of Nine Million Seven Hundred Thousand Dollars (\$9,700,000.00) or so much thereof as may be necessary to perform the duties imposed upon the University Hospitals Authority by law, less any amounts disbursed or allocated prior to the effective date of this act pursuant to the appropriation made by Section 34, Chapter 217, O.S.L. 2001, as amended by Section 58, Chapter 433, O.S.L. 2001.

SECTION 14. There is hereby appropriated to the Oklahoma 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, 2002, the sum of One Hundred Seventy-nine Thousand Dollars (\$179,000.00) 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, less any amounts disbursed or allocated prior to the effective date

of this act pursuant to the appropriation made by Section 42, Chapter 433, O.S.L. 2001.

SECTION 15. There is hereby appropriated to the Oklahoma Department of Mental Health and Substance Abuse Services from any monies not otherwise appropriated from the Special Cash Fund of the State Treasury, the sum of Nine Hundred Eighty Thousand Dollars (\$980,000.00) or so much thereof as may be necessary to perform the duties imposed upon the Oklahoma Department of Mental Health and Substance Abuse Services by law, less any amounts disbursed or allocated prior to the effective date of this act pursuant to the appropriation made by Section 90, Chapter 6, O.S.L. 2001, as amended by Section 43, Chapter 433, O.S.L. 2001.

SECTION 16. TRANSFER The Oklahoma Department of Mental Health and Substance Abuse Services on July 1, 2001, shall transfer the sum of Six Hundred Thousand Dollars (\$600,000.00) from monies appropriated in Section 90, Chapter 6, O.S.L. 2001 to the Oklahoma Department of Corrections or so much thereof as may be necessary to perform the duties imposed upon the Oklahoma Department of Corrections by law, less any amounts transferred to the Oklahoma Department of Corrections pursuant to Section 44, Chapter 433, O.S.L. 2001 prior to the effective date of this act.

SECTION 17. TRANSFER The Oklahoma Department of Mental Health and Substance Abuse Services on July 1, 2001, shall transfer the sum of Seven Hundred Thousand Dollars (\$700,000.00) from monies appropriated in Section 86, Chapter 6, O.S.L. 2001 to the Oklahoma Department of Corrections or so much thereof as may be necessary to perform the duties imposed upon the Oklahoma Department of Corrections by law, less any amounts transferred to the Oklahoma Department of Corrections pursuant to Section 45, Chapter 433, O.S.L. 2001 prior to the effective date of this act.

SECTION 18. For the fiscal year ending June 30, 2002, 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	\$ 6,944,924.00	\$ 12,506,381.00
Inpatient Hospital	39,925,785.00	54,403,153.00
Community-based Programs	78,239,480.00	102,274,452.00
Substance Abuse Programs	16,633,110.00	46,626,961.00
Domestic Violence Programs	4,265,556.00	5,359,388.00
Residential Care Programs	<u>3,647,356.00</u>	<u>4,104,070.00</u>
TOTAL	\$149,656,211.00	\$225,274,405.00

SECTION 19. It is the intent of the Legislature that the Department of Mental Health and Substance Abuse Services, for the fiscal year ending June 30, 2002, 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, 2002, 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 20. There is hereby appropriated to the Oklahoma 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, 2002, the sum of Forty Thousand Dollars (\$40,000.00) or so much thereof as may be necessary to provide contractual services with NAIC - Center for Oklahoma Alcohol and Drug Services, Incorporated, less any amounts disbursed or allocated prior to the effective date of this act pursuant to the appropriation made by Section 48, Chapter 433, O.S.L. 2001.

SECTION 21. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-701a of Title 43A, unless there is created a duplication in numbering, reads as follows:

A. Until February 1, 2002, it shall be the responsibility of the Department of Mental Health and Substance Abuse Services, within facilities and professional capabilities, to provide at Griffin Memorial Hospital, Norman, Oklahoma, such medical and surgical inpatient and outpatient care as may be required by inmates from the several correctional institutions that are properly referred to the hospital by the Department of Corrections. The Department of Mental Health and Substance Abuse Services may refer to the University Hospitals, and University Hospitals shall accept those correctional inmate patients who are beyond the facilities' and professional capability of Griffin Memorial Hospital.

B. On and after February 1, 2002, it shall be the responsibility of the Department of Corrections or a contractor of the Department of Corrections to provide such medical and surgical inpatient and outpatient care as may be required by inmates of the Department of Corrections. The Department or a contractor of the Department may refer to the University Hospitals and the University Hospitals shall accept those correctional inmate patients who are determined by the Department of Corrections to be beyond the professional capabilities of the Department of Corrections or a contractor of the Department.

C. The Department of Corrections shall be responsible for transporting to, from, and between hospitals and for providing such physical security of correctional inmate patients as may be required beyond that security normal to hospital operation. The Department of Corrections shall immediately remove from the hospital those inmate patients as they are discharged by the hospital.

D. The hospital services provided by Griffin Memorial Hospital and the University Hospitals shall be without cost to the Department of Corrections.

SECTION 22. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

The appropriations made by Sections 73 through 79, 81, 82, 84, 85, 94, 95, and 98 through 101, Chapter 6, O.S.L. 2001 shall not be subject to fiscal year limitations and shall be available for encumbrance and expenditure purposes for a period of thirty (30) months from March 26, 2001.

SECTION 23. Budgetary and employee limitations otherwise imposed upon agencies by law shall not apply to expenditures by state agencies made from appropriations and transfers made by this act.

SECTION 24. Appropriations made by this act, not including appropriations made for capital outlay purposes, may be budgeted for the fiscal year ending June 30, 2002 (hereafter FY-02), or may be budgeted for the fiscal year ending June 30, 2003 (hereafter FY-03). Funds budgeted for FY-02 may be encumbered only through June 30, 2002, and must be expended by November 15, 2002. Any funds remaining after November 15, 2002, and not budgeted for FY-03, shall lapse to the credit of the proper fund for the then current fiscal year. Funds budgeted for FY-03 may be encumbered only through June 30, 2003. Any funds remaining after November 15, 2003, 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-02, and not required to pay obligations for that fiscal year, may be budgeted for FY-03, 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-02 budget work program and after such revision has been approved by the Office of State Finance.

SECTION 25. REPEALER Section 32, Chapter 433, O.S.L. 2001, Section 7, Chapter 217, O.S.L. 2001, as amended by Section 33, Chapter 433, O.S.L. 2001, Section 10, Chapter 217, O.S.L. 2001, as amended by Section 34, Chapter 433, O.S.L. 2001, Section 18, Chapter 217, O.S.L. 2001, as amended by Section 35, Chapter 433, O.S.L. 2001, Section 36, Chapter 433, O.S.L. 2001, 63 O.S. 2001, Section 1-107.1 (Section 37, Chapter 433, O.S.L. 2001), Section 39, Chapter 433, O.S.L. 2001, Section 40, Chapter 433, O.S.L. 2001, Section 42, Chapter 433, O.S.L. 2001, Section 90, Chapter 6, O.S.L. 2001, as amended by Section 43, Chapter 433, O.S.L. 2001, Sections 44 and 45, Chapter 433, O.S.L. 2001, Section 27, Chapter 217, O.S.L. 2001, as amended by Section 46, Chapter 433, O.S.L. 2001, Section 30, Chapter 217, O.S.L. 2001, as amended by Section 47, Chapter 433, O.S.L. 2001, Section 48, Chapter 433, O.S.L. 2001, 43A O.S. 2001, Section 3-701 (Section 51, Chapter 433, O.S.L. 2001), Section 98, Chapter 6, O.S.L. 2001, as amended by Section 53, Chapter 433, O.S.L. 2001, Section 100, Chapter 6, O.S.L. 2001, as amended by Section 54, Chapter 433, O.S.L. 2001, Section 101, Chapter 6, O.S.L. 2001, as amended by Section 55, Chapter 433, O.S.L. 2001, Section 3, Chapter 217, O.S.L. 2001, as amended by Section 56, Chapter 433, O.S.L. 2001, Section 57, Chapter 433, O.S.L. 2001, Section 34, Chapter 217, O.S.L. 2001, as amended by Section 58, Chapter 433, O.S.L. 2001, and Section 61, Chapter 433, O.S.L. 2001, are hereby repealed.

SECTION 26. 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 6th day of February, 2002.

Presiding Officer of the Senate

Passed the House of Representatives the 12th day of February, 2002.

Presiding Officer of the House
of Representatives