

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

SENATE BILL 1656

By: Cain

AS INTRODUCED

An Act relating to public health and safety; amending 63 O.S. 2001, Sections 1-107.1 and 1-111.1, which relate to Eldercare; providing for transfer of the Eldercare Program and related provisions from the State Department of Health to the Department of Human Services; transferring specific provisions; providing for retention of employee position and status; requiring coordination of certain transfer elements; providing for review and monitoring of specified contracts and time frame; renaming revolving fund; clarifying duties; providing for codification; providing for recodification; providing an effective date; 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 3010 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. 1. Effective July 1, 2002, the Eldercare Program within the State Department of Health is hereby transferred to the Aging Services Division of the Department of Human Services. All unexpended funds, property, records, central office personnel, and outstanding financial obligations and encumbrances of the Eldercare Program are transferred to the Department of Human Services.

2. All transferred personnel shall retain their employee position and status as unclassified or classified employees.

B. The Director of State Finance is hereby directed to coordinate the transfer of funds, allotments, purchase orders, and outstanding financial obligations or encumbrances, provided for by the provisions of subsection A of this section.

C. The Department of Human Services is directed to review and monitor existing Eldercare contracts and shall continue such contracts until July 1, 2003.

SECTION 2. AMENDATORY 63 O.S. 2001, Section 1-107.1, is amended to read as follows:

Section 1-107.1 A. There is hereby created in the State Treasury a Revolving Fund for the ~~State~~ Department of ~~Health~~ Human Services 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~~ Human Services 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~~ Human Services incurs in administering the local programs.

D. The ~~State~~ Department of ~~Health~~ Human Services 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~~ Human Services reimburse indirect costs in

excess of twenty percent (20%) of total direct salaries for Eldercare and Advantage Waiver program personnel.

SECTION 3. AMENDATORY 63 O.S. 2001, Section 1-111.1, is amended to read as follows:

Section 1-111.1 There is hereby re-created, to continue until July 1, 2004, in accordance with the provisions of the Oklahoma Sunset Law, the Eldercare Program Advisory Committee. The Committee shall be a seven-member committee appointed by the ~~Commissioner~~ Director of the ~~State~~ Department of ~~Health~~ Human Services. Four of the members shall be designated by the Oklahoma Alliance on Aging and two members shall be selected by the ~~Commissioner~~ Director from the State of Oklahoma at large. The ~~Commissioner~~ Director or ~~the a~~ a designee ~~of the Commissioner~~ shall be the chair. Appointment to the Committee shall be for two (2) years. The duties of the Advisory Committee will be to advise the ~~Commissioner of Health~~ Director regarding program needs for the frail elderly to enable them to remain in a home environment. ~~It is the intent of the Legislature that fees~~ Fees shall be collected where appropriate for services from home care programs for the aging funded by the ~~State~~ Department of ~~Health~~ Human Services and shall be collected in accordance with a schedule of fees approved by the ~~State Board of Health~~ Commission for Human Services and deposited in the ~~Public Health~~ Human Services Special Fund. A report of the total program shall be submitted to the Legislature at the end of each fiscal year.

SECTION 4. RECODIFICATION 63 O.S. 2001, Sections 1-107.1 and 1-111.1, shall be recodified as Sections 3011 and 3012 of Title 56 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 5. This act shall become effective July 1, 2002.

SECTION 6. 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.

48-2-2580

CJ

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