STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

SENATE BILL 263 By: Haney and Hobson of the Senate

and

Mass and Bonny of the House

AS INTRODUCED

An Act relating to various health services agencies; making an appropriation to the Oklahoma Health Care Authority; stating purpose; requiring budgeting in certain categories and amounts; requiring certain performance measures; providing for duties and compensation of employees; limiting salary of the Administrator; authorizing payment of certain expenses of the Administrator; authorizing payment of certain expenses of the Medical Director and Associate Medical Director; authorizing the employing of certain attorneys; providing certain exceptions; providing budgetary limitations; providing procedures for exempting certain funds from expenditure and budgetary limitations; requiring certain approvals; specifying certain funding requirements; authorizing the transfer of certain funds for certain purposes; authorizing the expenditure of previously appropriated funds for certain purpose; requiring the keeping of certain records; authorizing certain requests relating to early transfers; making an appropriation to the State Department of Health; stating purpose; requiring budgeting in certain categories and amounts; requiring certain performance measures; providing for duties and compensation of employees; limiting salary of the State Commissioner; authorizing payment of certain expenses of Commissioner under certain conditions; providing budgetary limitations; providing procedures for exempting certain funds from expenditure and budgetary limitations; providing exceptions; requiring certain approvals; requiring certain transfers of certain funds for certain purposes; requiring crediting of certain funds; expressing legislative intent; requiring expenditures in certain categories and amounts; specifying composition of certain boards; requiring the submitting of certain reports; specifying contents of such reports; specifying the expenditure of certain funds; requiring certain evaluation reports; requiring submission; specifying Legislative intent; requiring transfer of certain funds for certain purpose; providing requirements for certain programs; requiring certain report; making an appropriation to the J.D. McCarty Center for Children with Developmental Disabilities; stating purpose;

requiring budgeting in certain categories and amounts; requiring certain performance measures; providing for duties and compensation of employees; limiting salary of the Director; providing budgetary limitations; making an appropriation to the Department of Mental Health and Substance Abuse Services; stating purpose; requiring budgeting in certain categories and amounts; requiring certain performance measures; providing for duties and compensation of employees; limiting salary of the Commissioner; providing budgetary limitations; providing limitations for certain reimbursements; stating legislative intent; requiring certain report; specifying contents of report; specifying certain requirements for written discharge plan for certain institutionalized patients; authorizing certain employees to be placed in unclassified service; requiring certain employees be in the classified service; providing exceptions; making an appropriation to the University Hospitals Authority; stating purpose; providing budgetary limitations; making an appropriation to the Oklahoma Department of Veterans Affairs; stating purpose; requiring budgeting in certain categories and amounts; requiring certain performance measures; providing for duties and compensation of employees; limiting salary of the Director; providing budgetary limitations; 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:

OKLAHOMA HEALTH CARE AUTHORITY

SECTION 1. 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 _____ Dollars ($0.00) or so much thereof as may be necessary to perform the duties imposed upon the Oklahoma Health Care Authority by law.

SECTION 2. For the fiscal year ending June 30, 2002, the Oklahoma Health Care Authority shall budget all funds in the following categories and amounts:

Category	Appropriation	Total
Operations	$0.00	$0.00
Medicaid Payments	0.00	0.00

Medicaid Contracted Services	0.00	0.00
Rehabilitation Services	0.00	0.00
OSA Non-Title XIX Medical	0.00	0.00
Non-Title XIX Medical	0.00	0.00
Indigent Health Care Grant	0.00	0.00
TOTAL	$0.00	$0.00

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

SECTION 3. 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. The salary of the Administrator shall not exceed _____ Dollars ($0.00) per annum, payable monthly for the fiscal year ending June 30, 2002. The Oklahoma Health Care Authority is authorized to 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. The Oklahoma Health Care Authority is further authorized to 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. The Oklahoma Health Care Authority is further authorized to 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. The Oklahoma Health Care Authority is authorized to employ four (4) full-time-equivalent attorneys. This authorization shall not increase the budgetary limits in this section. 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:

Budgetary Limitation	Amount
Full-time-equivalent Employees	0.0
Lease-Purchase Agreements	$0.00

SECTION 4. A. The Administrator of the Oklahoma Health Care Authority may request in the manner provided in this section that receipt and expenditure of unanticipated federal funds awarded after July 1, 2001, be exempt from expenditure limitations and from budgetary limitations.

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

2. The Administrator 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 5. The Director of State Finance shall transfer monies appropriated from the General Revenue Fund to the Oklahoma Health Care Authority disbursing funds in the amounts and ratios requested by the Authority except that the cumulative amount transferred shall not exceed the cumulative amount of equal monthly allotments of the appropriation from the General Revenue Fund. Monies appropriated or collected for the fiscal year ending June 30, 2002, may be transferred to these disbursing funds for the fiscal year ending June 30, 2001, to satisfy encumbrances and obligations of said fiscal year; provided, that monies equal in amount are transferred from appropriations or collections for the fiscal year ending June 30, 2001, to the disbursing fund for the fiscal year ending June 30, 2002, to satisfy encumbrances and obligations of said fiscal year. All transfer requests shall be in writing to the Director of State Finance. The Oklahoma Health Care Authority shall maintain record of the inter-year transfers.

SECTION 6. The Director of the Oklahoma Health Care Authority may request through the Director of State Finance the early transfer by the Oklahoma Tax Commission of tax collections to the General Revenue Fund for the purpose of early allocation to the agency's disbursing funds to alleviate cash-flow problems.

STATE DEPARTMENT OF HEALTH

SECTION 7. There is hereby appropriated to the 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 _____ Dollars ($0.00) or so much thereof as may be necessary to perform the duties imposed upon the State Department of Health by law.

SECTION 8. For the fiscal year ending June 30, 2002, the State Department of Health shall budget all funds in the following categories and amounts:

Category	Appropriation	Total
Support	$0.00	$0.00
Family Health	0.00	0.00
Communicable Disease	0.00	0.00
Chronic Disease	0.00	0.00
Local Health	0.00	0.00
Consumer Protection	0.00	0.00
Eldercare	0.00	0.00
Health Promotion and Policy Analysis	0.00	0.00
TOTAL	$0.00	$0.00

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

SECTION 9. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the State Department of Health by law shall be set by the State Commissioner of Health. The salary of the State Commissioner of Health shall not exceed _____ Dollars ($0.00) per annum, payable monthly for the fiscal year ending June 30, 2002. The State Department of Health is authorized, provided that the State Commissioner of Health possesses a Doctor of Medicine Degree or a Doctor of Osteopathy Degree and a license to practice medicine in this state, to pay the professional expenses of the State Commissioner of Health, including dues, licenses, professional memberships, continuing medical education classes conducted in the State of Oklahoma, and medical malpractice insurance. The State Department of Health 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:

Budgetary Limitation	Amount
Full-time-equivalent Employees	0.0
Lease-Purchase Agreements	$0.00

SECTION 10. A. The State Commissioner of Health may request in the manner provided in this section that receipt and expenditure of unanticipated federal funds awarded after July 1, 2001, 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 11. The State Department of Health shall transfer the sum of _____ Dollars ($0.00) from the funds appropriated in Section __ of this act to the Eldercare Revolving Fund. A quarterly financial report for the Eldercare Program specifying how funds have been expended shall be submitted to the State Department of Health by each Eldercare contractor. Seventy-five percent (75%) of Medicaid or other funds generated by an Eldercare Program shall be credited to the contract of the program for the following fiscal year.

SECTION 12. The State Department of Health shall transfer the sum of _____ Dollars ($0.00) from the funds appropriated in Section __ of this act to the Child Abuse Prevention Fund established pursuant to Section 1-227.8 of Title 63 of the Oklahoma Statutes, to be expended in accordance with law.

SECTION 13. The State Department of Health shall transfer the sum of _____ Dollars ($0.00) from the funds appropriated in Section __ of this act to the Kidney Health Revolving Fund established pursuant to Section 1-2603 of Title 63 of the Oklahoma Statutes to be expended in accordance with law.

SECTION 14. It is the intent of the Legislature that all Health Department media campaigns that exceed Twenty-five Thousand Dollars ($25,000.00) in budget shall be funded using the Health Department Media Campaign Revolving Fund.

SECTION 15. From the funds appropriated to the State Department of Health in Section ___ of this act the following categories and amounts shall be expended:

Contractual services of the Margaret Hudson Program for School Age Parents	$0.00
Contractual services of Community Health Centers, Incorporated	0.00
Contractual services of the Southeast Area Health Center	0.00

Contractual services of the Morton Comprehensive Health Services, Incorporated	0.00
Contractual services of the Konawa Community Health Center	0.00
Contractual services of the Greenwood Educational and Cultural Center	0.00
Contractual services of the Oklahoma City Indian Clinic	0.00
Contractual services of the College of Osteopathic Medicine of Oklahoma State University for the Area Health Education Centers Campaign	0.00
Contractual services of the Sickle Cell Research Foundation, Incorporated	0.00
Contractual services of the Emerson Teen Parent Program	0.00
Contractual services of the Alzheimer's Research Advisory Council	0.00
Contractual services of the Tolliver Alternative Care Center, Incorporated	0.00
Contractual services for Care for the Children Association, Inc.	0.00
TOTAL	$0.00

SECTION 16. From the funds appropriated to the State Department of Health in Section __ of this act, the amount of _____ Dollars ($0.00) shall be used for a program providing dental services to the disabled and elderly.

Any program receiving funds authorized by this section shall be governed by a board composed of a majority of members who are certified members of the dental profession. The board shall also

include representatives of the disabled and elderly populations and one member appointed by the State Commissioner of Health.

The program shall file a monthly financial report with the State Department of Health as well as a monthly report detailing the dental services provided to the disabled and elderly.

SECTION 17. From the funds appropriated to the State Department of Health in Section __ of this act, the amount of _____ Dollars ($0.00) shall be used for providing perinatal, women's and children's services for low-income persons statewide.

Direct services for maternal and child health and to encourage early entry of high-risk clients into the health care system	$0.00
Contractual services with the Perinatal Continuing Education Program within the Department of Obstetrics and Gynecology of the University of Oklahoma College of Medicine	$0.00
A demonstration project with a full complement of prevention and comprehensive perinatal services, including ambulatory care, community organizing and case management, social work and nutrition, public education and follow-up services, to be located in a select county with a high teen pregnancy rate	$0.00

On or before January 15 of each year, the State Department of Health shall prepare and submit a written report to the Speaker of the House of Representatives and President Pro Tempore of the Senate detailing receipts and expenditures of any local, state and federal funds spent for perinatal services by county as defined above. It is the intent of the Legislature that perinatal health services

shall be defined as prenatal care, postnatal care and infant care up to one (1) year of age. The report shall include employees' time-and-effort reports, a list of contractors, number of clients served, and full-time-equivalent employees for the following categories: Maternity Services, Child Health, Immunizations, Family Planning and WIC.

SECTION 18. The State Department of Health shall transfer the sum of _____ Dollars ($0.00) from the funds appropriated in Section __ of this act to the Children First Fund to be expended in accordance with law.

SECTION 19. It is the intent of the Legislature that the funds transferred in Section __ of this law shall be used for the purpose of establishing family resource programs to be known as the Children First Program.

Programs shall comply with the uniform components of the State Plan for the Prevention of Child Abuse. The State Department of Health shall contract with a university-related program for a performance-based evaluation of programs. Program sites shall fully cooperate and comply with the evaluation process and sites shall provide weekly caseload and referral information to the State Department of Health.

An annual progress and evaluation report on the Children First Program shall be delivered to the President Pro Tempore of the Senate, the Speaker of the House of Representatives and the Governor.

J.D. MCCARTY CENTER FOR CHILDREN WITH

DEVELOPMENTAL DISABILITIES

SECTION 20. There is hereby appropriated to the J.D. McCarty Center for Children with Developmental Disabilities 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 _____ Dollars ($0.00) or so much thereof as may be necessary to

perform the duties imposed upon the J.D. McCarty Center for Children with Developmental Disabilities by law.

SECTION 21. For the fiscal year ending June 30, 2002, the J.D. McCarty Center for Children with Developmental Disabilities shall budget all funds in the following categories and amounts, excluding expenditures for capital and special projects and excluding expenditures from the gifts and bequests fund:

Category	Appropriation	Total
General Operations	$0.00	$0.00
TOTAL	$0.00	$0.00

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

SECTION 22. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the J.D. McCarty Center for Children with Developmental Disabilities by law shall be set by the Cerebral Palsy Commission. The salary of the Director shall not exceed _____ Dollars ($0.00) per annum, payable monthly for the fiscal year ending June 30, 2002. The J.D. McCarty Center for Children with Developmental Disabilities, 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:

Budgetary Limitation	Amount
Full-time-equivalent Employees	0.0

DEPARTMENT OF MENTAL HEALTH AND

SUBSTANCE ABUSE SERVICES

SECTION 23. 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, 2002, the sum of _____ Dollars ($0.00) 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 24. 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:

Category	Appropriation	Total
Central Administration	$0.00	$0.00
Inpatient Hospital	0.00	0.00
Community-based Programs	0.00	0.00
Substance Abuse Programs	0.00	0.00
Domestic Violence Programs	0.00	0.00
Residential Care Programs	0.00	0.00
TOTAL	$0.00	$0.00

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

SECTION 25. 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 _____ Dollars ($0.00) per annum, payable biweekly for the fiscal year ending June 30, 2002. The Department of Mental Health and Substance Abuse Services 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:

Budgetary Limitation	Amount
Full-time-equivalent Employees	0.0
Lease-Purchase Agreements	$0.00

The Department of Mental Health and Substance Abuse Services for the fiscal year ending June 30, 2002, shall set the reimbursement rate for residential care facilities at a level not to exceed Seven

Dollars and thirty-six cents ($7.36) per mental health resident per day.

SECTION 26. It is the intent of the Legislature that the Department of Mental Health and Substance Abuse Services set aside _____ Dollars ($0.00) for purchase of clozapine and related blood monitoring costs and medically indicated atypical antipsychotic medications for clients with treatment-resistant schizophrenia. 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 and providing a progress report on each treatment-resistant schizophrenia patient who is a Department of Mental Health and Substance Abuse Services client. The report shall be presented in a manner that does not violate the confidentiality of the patient as established by law. Such medications shall be offered and made available to each institutionalized treatment-resistant schizophrenia patient for whom such medication is medically indicated. The written discharge plan for each institutionalized treatment-resistant schizophrenic patient shall provide for appropriate case management to be delivered by community mental health centers or such other case management services as may be available to the Department of Mental Health and Substance Abuse Services.

SECTION 27. 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.

UNIVERSITY HOSPITALS AUTHORITY

SECTION 28. 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 _____ Dollars ($0.00) or so much thereof as may be necessary to perform the duties imposed upon the University Hospitals Authority by law.

SECTION 29. The University Hospitals 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:

Budgetary Limitation	Amount
Full-time-equivalent Employees	0.0

OKLAHOMA DEPARTMENT OF VETERANS AFFAIRS

SECTION 30. There is hereby appropriated to the Oklahoma Department of Veterans Affairs 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 _____ Dollars ($0.00) or so much thereof as may be necessary to perform the duties imposed upon the Oklahoma Department of Veterans Affairs by law.

SECTION 31. For the fiscal year ending June 30, 2002, the Oklahoma Department of Veterans Affairs shall budget all funds in the following categories and amounts:

Category	Appropriation	Total
Central Administration	$0.00	$0.00
Nursing Care	0.00	0.00
Claims and Benefits	0.00	0.00
State Accrediting Agency	0.00	0.00
TOTAL	$0.00	$0.00

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

SECTION 32. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed

upon the Oklahoma Department of Veterans Affairs by law shall be set by the War Veterans Commission of Oklahoma. The salary of the Director shall not exceed _____ Dollars ($0.00) per annum, payable monthly for the fiscal year ending June 30, 2002. The Oklahoma Department of Veterans Affairs 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:

Budgetary Limitation	Amount
Full-time-equivalent Employees	0.0
Lease-Purchase Agreements	$0.00

SECTION 33. 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 budgeted 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 34. This act shall become effective July 1, 2001.

SECTION 35. 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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