

ENGROSSED SENATE AMENDMENT
TO
ENGROSSED HOUSE
BILL NO. 2042

By: Mitchell and Bonny of the
House

and

Morgan and Robinson of the
Senate

(State Department of Health - appropriation -
effective date -

emergency)

AMENDMENT NO. 1. Page 1, strike the stricken title, enacting
clause and entire bill and insert

"An Act relating to the State Department of Health;
making an appropriation thereto; stating purpose;
requiring budgeting in certain categories and
amounts; requiring certain performance measures;
providing certain exemptions; providing for duties
and compensation of employees; authorizing payment of
certain expenses of Commissioner under certain
conditions; specifying certain budgetary limitations;
requiring employment of certain persons for certain
program; requiring transfer of certain funds;
requiring certain expenditures; specifying certain
expenditures; requiring certain reports; providing
for certain contracts; authorizing certain transfers
of funds for certain purposes; requiring budgeting in
certain categories and amounts; providing for
legislative intent; defining term; providing for
contents of certain report; requiring cooperation;
requiring certain reports; providing for certain
reimbursements; requiring compliance with certain
programs; requiring certain expenditures; requiring
development of certain methodology; requiring
compliance with certain programs; requiring certain
contracts for evaluations; requiring compliance;
providing for budgetary exemptions; requiring filing
of certain requests; requiring certain notice and
time periods; providing for certain approvals of
exemptions; providing exceptions; providing budgetary
limitations; requiring certain budget procedures;
providing lapse date; prohibiting certain budget
procedures; providing an effective date; and
declaring an emergency.

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

SECTION 1. There is hereby appropriated to the State Department of Health from any monies not otherwise appropriated from the Special Cash Fund of the State Treasury the sum of Four Hundred Sixty-five Thousand Dollars (\$465,000.00) or so much thereof as may be necessary to perform the duties imposed upon the State Department of Health by law.

SECTION 2. For the fiscal year ending June 30, 2005, 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	\$ 3,670,929.00	\$ 29,000,000.00
Disease and Prevention Services	7,407,870.00	59,000,000.00
Family Health	10,449,526.00	98,000,000.00
Community Health Services	32,860,989.00	78,000,000.00
Protective Health Services	<u>3,138,912.00</u>	<u>21,000,000.00</u>
TOTAL	\$57,528,226.00	\$285,000,000.00

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

Receipt and expenditures of unanticipated federal funds awarded to the State Department of Health after July 1, 2004, shall be exempt from expenditure limitations, provided that any such funds used for operations shall be included in the agency's budget work program.

SECTION 3. 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 State Department of Health is authorized, provided that the 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 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, 2005, 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	2574.3
Lease-Purchase Agreements	\$500,000.00

SECTION 4. Of the two thousand five hundred seventy-four and three tenths (2574.3) full-time-equivalent employees authorized in Section 3 of this act, two hundred twenty (220) shall be employed to provide services under the provisions of the Oklahoma Early Intervention Act.

SECTION 5. TRANSFER The State Department of Health shall transfer the sum of Two Million Six Hundred Eighty-six Thousand Four Hundred Eighty-two Dollars (\$2,686,482.00) from the funds appropriated in Section 69 of Enrolled House Bill No. 2007 of the 2nd Session of the 49th Oklahoma Legislature 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 6. TRANSFER The State Department of Health shall transfer the sum of One Hundred Thirteen Thousand Nine Hundred Seventy Dollars (\$113,970.00) from the funds appropriated in Section 69 of Enrolled House Bill No. 2007 of the 2nd Session of the 49th Oklahoma Legislature 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 7. From the funds appropriated to the State Department of Health in Section 69 of Enrolled House Bill No. 2007 of the 2nd Session of the 49th Oklahoma Legislature, the following categories and amounts shall be expended:

Contractual services of the Margaret Hudson Program for School Age Parents	\$ 34,091.00
Contractual services of the Oklahoma Health Care Project	39,661.00
Contractual services of the Metropolitan Better Living Center	39,661.00
Contractual services of the Greenwood Educational and Cultural Center	118,985.00
Contractual services of Dental for the Disabled and Elderly in Need of Treatment (D-Dent)	136,764.00
Contractual services of the Oklahoma City Indian Clinic	59,492.00
Contractual services of the College of Osteopathic Medicine of Oklahoma State University for the Area Health Education Centers Campaign	364,887.00
Contractual services of the Sickle Cell Research Foundation, Incorporated	182,662.00
Contractual services of the Emerson Teen Parent Program	107,372.00
Contractual services of the Alzheimer's Research Advisory Council	44,005.00
Contractual services of the Tolliver Alternative Care Center, Incorporated	36,965.00
Contractual services for the University of Oklahoma Health Sciences Center Pediatric Endocrinology Department	93,205.00
Contractual services of the Emergency Medical Services Authority for establishment and operation of a trauma transfer and referral center	400,000.00

Contractual services of the North Tulsa Heritage Foundation, Incorporated	35,695.00
Contractual services of the Metropolitan Tulsa Urban League, Incorporated	39,195.00
Contractual services of the Alzheimer's Association, Oklahoma Chapter	7,932.00
Contractual services of the Indian Health Care Resource Center of Tulsa	7,932.00
Contractual services of the Ki Bois Community Action Foundation	47,426.00
Contractual services of the Oklahoma Economic Development Association for Advantage services in Beaver, Cimarron, and Texas counties	<u>18,500.00</u>
TOTAL	\$1,814,430.00

SECTION 8. From the funds appropriated to the State Department of Health in Section 69 of Enrolled House Bill No. 2007 of the 2nd Session of the 49th Oklahoma Legislature, the amount of Two Million Five Hundred Nineteen Thousand One Hundred Twenty-three Dollars (\$2,519,123.00) 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	\$2,254,148.00
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Contractual services with the Perinatal Continuing Education Program within the Department of Obstetrics and Gynecology of the University of Oklahoma College of Medicine	\$209,429.00
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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

\$55,546.00

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 9. From the funds appropriated to the State Department of Health in Section 69 of Enrolled House Bill No. 2007 of the 2nd Session of the 49th Oklahoma Legislature, Nine Hundred Fifty-eight Thousand Eight Hundred Fifty Dollars (\$958,850.00) shall be expended by reimbursement contract to community health centers (CHCs) authorized under Section 330 of the Public Health Service Act deemed as a Federally Qualified Health Center (FQHC), and incorporated in the state of Oklahoma. Any contracted reimbursement shall be solely for the provision of uncompensated care costs associated with the delivery of primary health care to uninsured patients as regulated by 42 CFR Chapter 1 part 51c and all applicable current and future subparts and sections. Any contracted reimbursement shall be supported by data contained within the annually submitted federal Uniform Data System Report (UDS). The appropriated amount shall be equitably disbursed to community health centers in accordance with a methodology based on actual unreimbursed costs for uninsured client encounters. The methodology shall be jointly developed and approved

by Oklahoma Primary Care Association (OKPCA) and the State Department of Health by no later than June 15, 2004. Application of the methodology to reimburse community health centers shall commence no later than July 1, 2004. Any revision to the methodology shall be jointly developed and approved by the OKPCA and the State Department of Health by no later than January 15, 2005, at which time the State Board of Health is authorized to promulgate the methodology into rules.

SECTION 10. It is the intent of the Legislature that the Children First Program 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.

SECTION 11. 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, 2004, 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 Budget and Program Oversight within eighteen (18) calendar days of receiving the request.

SECTION 12. Appropriations made by this act and in Section 69 of Enrolled House Bill No. 2007 of the 2nd Session of the 49th Oklahoma Legislature, not including appropriations made for capital outlay purposes, may be budgeted for the fiscal year ending June 30, 2005 (hereafter FY-05) or may be budgeted for the fiscal year ending June 30, 2006 (hereafter FY-06). Funds budgeted for FY-05 may be encumbered only through June 30, 2005, and must be expended by November 15, 2005. Any funds remaining after November 15, 2005, and not budgeted for FY-06, shall lapse to the credit of the proper fund for the then current fiscal year. Funds budgeted for FY-06 may be encumbered only through June 30, 2006. Any funds remaining after November 15, 2006, 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-05, and not required to pay obligations for that fiscal year, may be budgeted for FY-06, 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-05 budget work program and

after such revision has been approved by the Office of State Finance.

SECTION 13. This act shall become effective July 1, 2004.

SECTION 14. 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 21st day of April, 2004.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2004.

Presiding Officer of the House
of Representatives