ENROLLED SENATE
BILL NO. 40

By: Morgan and Robinson of the Senate

and

Mitchell and Bonny of the House

An Act relating to the Oklahoma Health Care Authority; making appropriations; stating purposes; requiring budgeting in certain categories and amounts; providing for duties and compensation of employees; requiring certain performance measures; limiting salary of the Administrator; authorizing payment of certain expenses of the Administrator and of the Medical Director and Associate Medical Director of the Authority; 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 filings and approvals; specifying certain time limitations; providing for certain notices; specifying certain funding requirements; authorizing the transfer of certain funds for certain purposes; providing exceptions; authorizing the expenditure of previously appropriated funds for certain purpose; requiring the keeping of certain records; authorizing certain requests relating to early transfers; making appropriations nonfiscal; 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, 2004, the sum of Four Hundred Fourteen Million Dollars ($414,000,000.00) or so much thereof as may be necessary to perform the duties imposed upon the Oklahoma Health Care Authority by law.

SECTION 2. Pursuant to the provisions of paragraph 4 of Section 23 of Article X of the Oklahoma Constitution which relate to a decrease in the General Revenue Fund, there is hereby appropriated

to the Oklahoma Health Care Authority from any monies not otherwise appropriated from the Constitutional Reserve Fund of the State Treasury, the sum of Fifteen Million Dollars ($15,000,000.00) or so much thereof as may be necessary to perform the duties imposed upon the Oklahoma Health Care Authority by law.

SECTION 3. There is hereby appropriated to the Oklahoma Health Care Authority from any monies not otherwise appropriated from the Tobacco Settlement Fund of the State Treasury for the fiscal year ending June 30, 2004, the sum of Ten Million Dollars ($10,000,000.00) or so much thereof as may be necessary to perform the duties imposed upon the Oklahoma Health Care Authority by law.

SECTION 4. For the fiscal year ending June 30, 2004, the Oklahoma Health Care Authority shall budget all funds in the following categories and amounts:

Category	Appropriation	Total
Operations	$8,810,747.00	$21,442,932.00
Medicaid Payments	418,557,558.00	2,570,018,926.00
Medicaid Contracted Services	11,617,313.00	44,580,637.00
Rehabilitation Services	0.00	50,000.00
OSA Non-Title XIX Medical	0.00	22,385,710.00
Non-Title XIX Medical	14,382.00	14,382.00
Indigent Health Care Grant	0.00	0.00
TOTAL	$439,000,000.00	$2,658,492,587.00

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

SECTION 5. 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, 2004.

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, 2004, 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	290.5
Lease-Purchase Agreements	$0.00

SECTION 6. 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, 2003, 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 7. 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, 2004, may be transferred to these disbursing funds for the fiscal year ending June 30, 2003, 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, 2003, to the disbursing fund for the fiscal year ending June 30, 2004, 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 records of the interyear transfers.

SECTION 8. 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.

SECTION 9. The appropriations made by Sections 1, 2 and 3 of this act 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 the effective date of this act.

SECTION 10. This act shall become effective July 1, 2003.

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 16th day of May, 2003.

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Presiding Officer of the Senate

Passed the House of Representatives the 19th day of May, 2003.

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Presiding Officer of the House
of Representatives