

By: Crutchfield and Rabon of
the Senate

and

Benge and Newport of the
House

An Act relating to the State Department of Health; requiring budgeting in certain categories and amounts; requiring certain performance measures; providing certain exemptions; providing for duties and compensation of employees; limiting salary of the Commissioner; 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 reimbursement contracts; specifying entities authorized to perform contracts; imposing certain requirements related to contracts; requiring certain supporting data as condition for reimbursement; requiring methodology; authorizing promulgation of rules; providing for expenditure of certain amount; stating purpose; authorizing acceptance of donations; authorizing utilization of certain funds; authorizing certain agreements; providing for expenditure of certain amount; stating legislative intent; requiring annual progress report; creating the Oklahoma Institute for Disaster and Emergency Medicine Revolving Fund; stating purpose; authorizing the State Department of Health to develop and support the Oklahoma Institute for Disaster and Emergency Medicine; allowing certain expenditures; providing lapse dates; prescribing and prohibiting certain budget procedures; providing for codification; and providing effective date.

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

SECTION 1. For the fiscal year ending June 30, 2007, 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	\$ 4,284,841.00	\$ 42,000,000.00
Disease and Prevention Services	10,191,541.00	75,000,000.00
Family Health	14,587,868.00	114,000,000.00

Community Health Services	34,476,833.00	92,000,000.00
Protective Health Services	<u>7,693,048.00</u>	<u>56,000,000.00</u>
TOTAL	\$71,234,131.00	\$379,000,000.00

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, 2006, shall be exempt from expenditure and budgetary limitations, provided that any such funds used for operations shall be included in the agency's budget work program.

SECTION 2. 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 One Hundred Ninety-four Thousand Two Hundred Fifty Dollars (\$194,250.00) per annum, payable monthly for the fiscal year ending June 30, 2007. 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, 2007, 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	2,540.0
Lease-Purchase Agreements	\$500,000.00

SECTION 3. Of the two thousand five hundred forty (2,540.0) full-time-equivalent employees authorized in Section 3 of this act,

two hundred fifty-four (254) shall be employed to provide services under the provisions of the Oklahoma Early Intervention Act.

SECTION 4. TRANSFER The State Department of Health shall transfer the sum of Three Million Three Hundred Thirty-six Thousand Four Hundred Eighty-two Dollars (\$3,336,482.00) from the funds appropriated in Section 44 of Enrolled Senate Bill No. 80XX of the 2nd Extraordinary Session of the 50th 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 5. 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 44 of Enrolled Senate Bill No. 80XX of the 2nd Extraordinary Session of the 50th 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 6. TRANSFER The State Department of Health shall transfer the sum of Thirty-nine Thousand Six Hundred Sixty-one Dollars (\$39,661.00) from the funds appropriated in Section 44 of Enrolled Senate Bill 80XX of the 2nd Extraordinary Session of the 50th Oklahoma Legislature to the Alternatives-to-Abortion Services Revolving Fund established pursuant to Section 22 of Enrolled Senate Bill No. 1742 of the 2nd Session of the 50th Oklahoma Legislature, to be expended in accordance with law.

SECTION 7. TRANSFER The State Department of Health shall transfer the sum of Three Million Dollars (\$3,000,000.00) from the funds appropriated in Section 44 of Enrolled Senate Bill 80XX of the 2nd Extraordinary Session of the 50th Oklahoma Legislature to the Oklahoma Institute for Disaster and Emergency Medicine Revolving Fund created in this act, to be expended in accordance with law.

SECTION 8. From the funds appropriated to the State Department of Health in Section 44 of Enrolled Senate Bill No. 80XX of the 2nd Extraordinary Session of the 50th 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 Institute for Child Advocacy	75,000.00
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 Hearts for Hearing Foundation	200,000.00
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 Oklahoma Dental Foundation	100,000.00
Contractual services of the Oklahoma State Board of Examiners for Nursing Home Administrators	100,000.00
Contractual services of the Oklahoma Economic Development Association for Advantage services in Beaver, Cimarron, and Texas counties	<u>18,500.00</u>
TOTAL	\$2,095,258.00

SECTION 9. From the funds appropriated to the State Department of Health in Section 44 of Enrolled Senate Bill No. 80XX of the 2nd Extraordinary Session of the 50th Oklahoma Legislature, the amount of Two Million Four Hundred Sixty-three Thousand Five Hundred Seventy-seven Dollars (\$2,463,577.00) 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
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

SECTION 10. A. From the funds appropriated to the State Department of Health in Section 44 of Enrolled Senate Bill No. 80XX of the 2nd Extraordinary Session of the 50th Oklahoma Legislature, One Million Seven Hundred Forty-one Thousand One Hundred Twenty Dollars (\$1,741,120.00) shall be expended in the following manner. It is the intent of the Legislature that the amount of One Million Forty-one Thousand One Hundred Twenty Dollars (\$1,041,120.00) shall be expended by reimbursement contract to community health centers (CHCs) authorized under Section 330 of the Public Health Services Act deemed as Federally Qualified Health Centers (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 and supporting documentation as specified by the State Department of Health within the contract. The methodology for reimbursement shall be developed by the Primary Care Office within the Community Health Development Service of the State Department of Health with the approval of the Commissioner of Health. The State Board of Health is authorized to promulgate the methodology into rules. The amount of Seven Hundred Thousand Dollars (\$700,000.00) shall be expended as follows: the Oklahoma State Department of Health, Office of Primary Care and Rural Health Development within the Community Health Development Service, for the following purpose: Assist Oklahoma communities in the development and necessary technical assistance to assure the submission of Section 330 federal grant applications to establish new Federally Qualified Health Centers (FQHCs) and or Federally Qualified Look-A-Like community health centers, as defined by 42 U.S.C., Section 13986d(1) (2) (B) including:

1. Contracts to provide for community planning and development necessary for establishing federally funded community health centers (FQHCs) and/or Federally Qualified Look-A-Like centers; and

2. Contracts to provide for grant development and/or grant writers to assist communities in application development for federal Section 330 FQHC funding and/or Federally Qualified Look-A-Like designation; and

3. Contracts for specified technical assistance to Section 330 federally granted FQHCs having federal awards after July 1, 2005, providing development for administrative and financial operating support; and

4. Contracts for operational support to Section 330 federally granted FQHCs and specific state-funded centers receiving said awards after July 1, 2005. Support from these funds shall not extend past December 31, 2006.

B. The State Department of Health is authorized to accept donations of land, property, buildings, equipment and gifts of money or other objects of value for the purpose of establishing or expanding Federally Qualified Health Centers.

C. The State Department of Health is authorized to utilize grant funds, donations and other funds made available to the Department for the purpose of establishing or expanding Federally Qualified Health Centers, to the extent funds are available.

D. The State Department of Health may enter into agreements with public or private entities as necessary for the purpose of establishing new Federally Qualified Health Centers and for the technical support of already established centers.

SECTION 11. From the funds appropriated to the State Department of Health in Section 44 of Enrolled Senate Bill No. 80XX of the 2nd Extraordinary Session of the 50th Oklahoma Legislature, Seventy Thousand Dollars (\$70,000.00) shall be expended by reimbursement contract to Eastern Oklahoma Donated Dental Services (EODDS). It is

the intent of the Legislature that Eastern Oklahoma Donated Dental Services shall be the contracted provider of donated dental services in Tulsa and Rogers County.

SECTION 12. 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 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-2523 of Title 63, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a revolving fund for the State Department of Health, to be designated the "Oklahoma Institute for Disaster and Emergency Medicine Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the State Department of Health from state appropriations for such fund. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the State Department of Health as follows:

The State Department of Health is authorized to develop and support the Oklahoma Institute for Disaster and Emergency Medicine (the "Institute") at the OU College of Medicine in Tulsa. The primary duties and responsibilities of the Institute shall include:

1. Creation and delivery of educational initiatives related to trauma systems development and trauma systems coordination, in order to strengthen the quality of trauma care services rendered statewide;

2. Development and support of an emergency medical response infrastructure to include statewide planning and training functions;

3. Establishment and support of an allopathic emergency medicine residency program in Oklahoma; and

4. In partnership with the State Department of Health, to further develop an injury prevention research program to identify significant risks and design and implement effective interventions to mitigate those risks.

Up to Five Hundred Thousand Dollars (\$500,000.00) of this fund may be used for delivery of urgent care in under-served areas.

Expenditures from said 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.

SECTION 14. The appropriation made by Section 44 of Enrolled Senate Bill 80XX of the 2nd Extraordinary Session of the 50th Oklahoma Legislature, not including appropriations made for capital outlay purposes, may be budgeted for the fiscal year ending June 30, 2007 (hereafter FY-07) or may be budgeted for the fiscal year ending June 30, 2008 (hereafter FY-08). Funds budgeted for FY-07 may be encumbered only through June 30, 2007, and must be expended by November 15, 2007. Any funds remaining after November 15, 2007, and not budgeted for FY-08, shall lapse to the credit of the proper fund for the then current fiscal year. Funds budgeted for FY-08 may be encumbered only through June 30, 2008. Any funds remaining after November 15, 2008, 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-07, and not required to pay obligations for that fiscal year, may be

budgeted for FY-08, 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-07 budget work program and after such revision has been approved by the Office of State Finance.

SECTION 15. Section 6 of this act shall become effective November 1, 2006.

Passed the Senate the 21st day of June, 2006.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2006.

Presiding Officer of the House
of Representatives