

3 **Senate Bill No. 2017**
4 **As Amended**

5 SENATE BILL NO. 2017 - By: JOHNSON (Constance) of the Senate and
6 BALKMAN of the House.

7 [**poor persons - Strategic Planning Committee on the**
8 **Olmstead Decision - Oklahoma Persons with Disabilities**
9 **Transition Act - codification - effective date**]

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

11 SECTION 1. AMENDATORY Section 6, Chapter 434, O.S.L.
12 2005 (56 O.S. Supp. 2005, Section 198.11b), is amended to read as
13 follows:

14 Section 198.11b. A. It is the public policy of the State of
15 Oklahoma to:

16 1. Recognize and support individuals with disabilities by
17 treating them with dignity and respect as productive members of our
18 society in Oklahoma;

19 2. Acknowledge their contributions as productive and
20 independent citizens in the state and the useful work they perform
21 in their local communities;

22 3. Support a service delivery system for individuals with
23 disabilities ensuring that the individuals, their families, or
24 guardians are well informed as to the types of services and
25 resources available to such individuals in order to encourage their

1 independence, self-esteem, and self-worth, regardless of the
2 severity of the disability; and

3 4. Recognize that self-choice on the part of individuals with
4 disabilities is critical and that the most appropriate setting for
5 meeting their needs should be a paramount consideration when
6 determining appropriate placement of such individuals in community-
7 based programs, residential care facilities, or any other placement
8 or service that benefits the needs and well-being of individuals
9 with disabilities.

10 B. There is hereby created the Strategic Planning Committee on
11 the Olmstead Decision to continue until ~~January~~ July 1, 2007. The
12 purpose of the Committee is to develop a comprehensive, strategic
13 plan of implementation for the State of Oklahoma regarding the
14 Olmstead Decision.

15 C. The Strategic Planning Committee on the Olmstead Decision
16 shall be composed of seventeen (17) appointed members, eighteen (18)
17 ex officio members, and representatives from disability-related
18 organizations, all of whom shall be voting members, as follows:

- 19 1. a. The Governor shall appoint:
- 20 (1) one person who is a community placement service
21 provider for persons with disabilities,
 - 22 (2) one person who is an advocate for persons with
23 disabilities,

- 1 (3) one parent or personal representative of a person
2 with disabilities,
- 3 (4) one member from an organization that provides
4 direct care services within the Advantage Waiver
5 Program, and
- 6 (5) one member who is a consumer of disability
7 services.
- 8 b. The President Pro Tempore of the Senate shall appoint:
- 9 (1) one member of the State Senate who is a member of
10 the Human Resources Committee,
- 11 (2) one member of the State Senate who is a member of
12 the Appropriations Subcommittee on Health and
13 Human Services,
- 14 (3) a representative of a nonprofit agency, in a
15 city of five hundred thousand (500,000) or more
16 population, that collaborates on programs and
17 services for persons with disabilities,
- 18 (4) two members who are consumers of disability
19 services, and
- 20 (5) one member of the State Senate.
- 21 c. The Speaker of the House of Representatives shall
22 appoint:

- 1 (1) one member of the House of Representatives who is
- 2 a member of the Human Services Committee,
- 3 (2) one member of the House of Representatives who is
- 4 a member of the Mental Health Committee,
- 5 (3) one parent or personal representative of a person
- 6 with disabilities,
- 7 (4) two members who are consumers of disability
- 8 services, and
- 9 (5) one member of the Oklahoma House of
- 10 Representatives;

11 2. The ex officio voting members shall be:

- 12 a. the Attorney General, or designee,
- 13 b. the Director of the Department of Human Services, or
- 14 designee,
- 15 c. the Division Director of the Developmental
- 16 Disabilities Division of the Department of Human
- 17 Services, if not the designee of the Director of Human
- 18 Services,
- 19 d. the State Commissioner of Health, or designee,
- 20 e. the Commissioner of the Department of Mental Health
- 21 and Substance Abuse Services, or designee,
- 22 f. the Administrator of the Oklahoma Health Care
- 23 Authority, or designee,

- 1 g. the Director of the Office of State Finance, or
2 designee,
- 3 h. the Director of the State Department of Rehabilitation
4 Services, or designee,
- 5 i. the Director of the Office of Handicapped Concerns, or
6 designee,
- 7 j. the Director of the Oklahoma Employment Security
8 Commission, or designee,
- 9 k. the state coordinator for the federal Ticket To Work
10 and Work Incentive Act, if not the designee of the
11 Oklahoma Employment Security Director,
- 12 l. the Executive Director of a local housing authority,
13 or designee,
- 14 m. the Executive Director of the Oklahoma Housing Finance
15 Agency, or designee,
- 16 n. the State Superintendent of Public Instruction, or
17 designee,
- 18 o. the Director of the Department of Transportation, or
19 designee,
- 20 p. the Commissioner of Labor, or designee,
- 21 q. a representative from a local transit authority, or
22 from a Community Action Agency, that provides

1 transportation services to individuals with
2 disabilities, and

3 r. the Director of the Oklahoma Commission on Children
4 and Youth, or designee; and

5 3. The membership may also include as voting members, but need
6 not be limited to, a representative from each of the following
7 disability-related organizations:

- 8 a. the Developmental Disabilities Council,
- 9 b. the Statewide Independent Living Council,
- 10 c. the Centers for Independent Living,
- 11 d. the Center for Learning and Leadership,
- 12 e. the Oklahoma Disability Law Center,
- 13 f. ABLE-Tech, and
- 14 g. the Oklahoma Mental Health Consumer Council.

15 D. 1. Members shall serve at the pleasure of their appointing
16 authorities. A vacancy on the Committee shall be filled by the
17 original appointing authority.

18 2. The Committee shall be composed of persons serving on the
19 Strategic Planning Committee on the Olmsted Decision, immediately
20 prior to enactment of Enrolled House Bill No. 1253 of the 1st
21 Session of the 50th Oklahoma Legislature.

1 3. A majority of the members of the Committee shall constitute
2 a quorum. A majority of the members present at a meeting may act
3 for the Committee.

4 4. The President Pro Tempore and the Speaker shall each
5 designate a cochair from among the members of the Committee.

6 5. The cochairs of the Committee shall annually establish a
7 schedule of each year's meetings. The Committee shall meet at least
8 four times annually.

9 6. Proceedings of all meetings of the Committee shall comply
10 with the provisions of the Oklahoma Open Meeting Act.

11 7. The Committee may divide into subcommittees in furtherance
12 of its purpose.

13 E. 1. The Department of Human Services and the Office of the
14 Attorney General shall serve as lead agencies and as such shall
15 provide primary staffing for the Committee. Appropriate personnel
16 from the Oklahoma Health Care Authority and the Department of Mental
17 Health and Substance Abuse Services shall also assist with the work
18 of the Committee.

19 2. The Committee may use the expertise and services of the
20 staffs of the State Senate and the House of Representatives and may,
21 as necessary, employ and contract for the advice and services of
22 experts in the field as well as other necessary professional and
23 clerical staff.

1 F. All departments, officers, agencies, and employees of this
2 state shall cooperate with the Committee in fulfilling its duties
3 and responsibilities including, but not limited to, providing any
4 information, records, or reports requested by the Committee.

5 G. Members of the Committee shall receive no compensation for
6 their service, but shall receive travel reimbursement as follows:

7 1. Legislative members of the Committee shall be reimbursed for
8 necessary travel expenses incurred in the performance of their
9 duties in accordance with the provisions of Section 456 of Title 74
10 of the Oklahoma Statutes; and

11 2. Nonlegislative members of the Committee shall be reimbursed
12 by their appointing authorities or respective agencies for necessary
13 travel expenses incurred in the performance of their duties in
14 accordance with the State Travel Reimbursement Act.

15 H. The duties and responsibilities of the Strategic Planning
16 Committee on the Olmstead Decision shall include, but need not be
17 limited to:

18 a. developing a comprehensive, strategic plan for
19 Oklahomans with disabilities, pursuant to the Olmstead
20 Decision,

21 b. reviewing Oklahoma's service delivery system and the
22 way in which persons with disabilities currently
23 access the services,

- 1 c. reviewing existing statutes, policies, programs,
2 services and funding sources that affect Oklahomans
3 with disabilities, including, but not limited to,
4 identifying unique approaches and strategies to
5 funding,
6 d. identifying and reviewing funding and resource
7 information available to persons with disabilities and
8 their families in this state,
9 e. identifying gaps and barriers in programs and services
10 to individuals with disabilities and making any
11 recommendations to enhance programs and the delivery
12 system for persons with disabilities in Oklahoma, and
13 f. taking all other actions necessary to develop the
14 comprehensive strategic plan.

15 I. The Committee shall prepare and submit a report of its
16 findings and recommendations to the Legislature and Governor by July
17 15, 2005, and each July 15 thereafter, and shall submit a final
18 report by ~~January~~ July 1, 2007.

19 SECTION 2. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 198.11c of Title 56, unless
21 there is created a duplication in numbering, reads as follows:

22 A. This act shall be known and may be cited as the "Oklahoma
23 Persons with Disabilities Transition Act".

1 B. The Legislature finds that:

2 1. In the landmark *Olmstead v. L.C.* decision, the Supreme Court
3 interpreted Title II of the Americans with Disabilities Act to
4 require states to administer programs in the most integrated setting
5 appropriate to the needs of qualified persons with disabilities;

6 2. Due to the institutional bias of Medicaid, an inordinate
7 number of persons with disabilities are unnecessarily placed in an
8 institutional setting with little or no accountability from the
9 state or federal government to measure or assess the appropriateness
10 of such institutional placement; and

11 3. Persons with disabilities living in institutional settings
12 must meet certain low income standards to become eligible for
13 institutional care. Therefore, when a person with disabilities
14 wishes to move into the community, he or she has little or no
15 resources to pay for rent and utility deposits or purchase basic
16 household items.

17 C. It is the intent of the Legislature to test the
18 effectiveness of a pilot program which will allow qualified persons
19 with disabilities the opportunity to transition from institutions
20 into the community.

21 D. Subject to the availability of funding, the Oklahoma Health
22 Care Authority shall establish and maintain a three (3) year pilot
23 program to assist qualified individuals with disabilities living in

1 institutions to transition into the community. Such institutions
2 include, but shall not be limited to, nursing facilities,
3 intermediate care facilities for the mentally retarded and group
4 homes. The Authority shall act as the lead agency and is authorized
5 to consult and cooperate with the Department of Human Services as
6 necessary to carry out the provisions of this act.

7 E. The Authority shall enter into a contract to carry out the
8 provisions of this act. Such contracted entity shall be a consumer
9 controlled, non-residential, community-based, non-profit
10 organization with experience in transitioning persons with
11 disabilities into community settings.

12 F. The Authority through its duly contracted entity shall:

- 13 1. Serve a minimum of 10 (ten) people;
- 14 2. Assess the functional needs of pilot program participants;
- 15 3. Provide ongoing assistance to address the functional needs
16 of pilot program participants;
- 17 4. Work in conjunction with health care providers and case
18 managers to coordinate services for pilot program participants;
- 19 5. Establish an effective system that allows money to follow
20 pilot program participants from the institutional setting to the
21 community;
- 22 6. Increase pilot program participant access to safe and
23 affordable housing; and

1 7. Offer follow-up services such as training, technical
2 assistance and support for pilot program participants; and

3 8. Develop curriculum and marketing materials to train future
4 service providers.

5 G. The Authority through its duly contracted entity is
6 authorized to use available funding to assist eligible persons under
7 this act to:

- 8 1. Pay rent deposits;
- 9 2. Pay utility bills;
- 10 3. Purchase household supplies;
- 11 4. Purchase basic household appliances; and
- 12 5. Purchase furniture.

13 H. The Authority shall promulgate rules as necessary to carry
14 out the provisions of this act. Such rules shall include but are
15 not limited to:

- 16 1. Eligibility criteria for services; and
- 17 2. Assessment protocols to identify persons in need of
18 services.

19 I. The Authority and the Department of Human Services shall
20 evaluate the implementation of the pilot program and make
21 recommendations to the Legislature periodically for its improvement.

22 SECTION 3. This act shall become effective November 1, 2006.

23 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-22-06 - DO
24 PASS, As Amended and Coauthored.