STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

SENATE BILL 2017 By: Johnson (Constance)

AS INTRODUCED

An Act relating to poor persons; amending Section 6, Chapter 434, O.S.L. 2005 (56 O.S. Supp. 2005, Section 198.11b), which relates to the Strategic Planning Committee on the Olmstead Decision; extending the committee; creating the Oklahoma Persons with Disabilities Transition Act; providing Legislative findings and intent; requiring the Oklahoma Health Care Authority to establish and maintain a certain pilot program; authorizing certain cooperation; requiring the Authority to enter into a certain contract; directing services of certain program; authorizing the use of certain funds; requiring the Authority to promulgate certain rules; requiring the Authority to make certain evaluation and recommendations; providing for codification; and providing an effective date.

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

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

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

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

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

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

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

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

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

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

1. a. The Governor shall appoint:

(1) one person who is a community placement service provider for persons with disabilities,

(2) one person who is an advocate for persons with disabilities,

(3) one parent or personal representative of a person with disabilities,

(4) one member from an organization that provides direct care services within the Advantage Waiver Program, and

(5) one member who is a consumer of disability services.

b. The President Pro Tempore of the Senate shall appoint:

(1) one member of the State Senate who is a member of the Human Resources Committee,

(2) one member of the State Senate who is a member of the Appropriations Subcommittee on Health and Human Services,

(3) a representative of a nonprofit agency, in a city of five hundred thousand (500,000) or more population, that collaborates on programs and services for persons with disabilities,

(4) two members who are consumers of disability services, and

(5) one member of the State Senate.

c. The Speaker of the House of Representatives shall appoint:

(1) one member of the House of Representatives who is a member of the Human Services Committee,

(2) one member of the House of Representatives who is a member of the Mental Health Committee,

(3) one parent or personal representative of a person with disabilities,

(4) two members who are consumers of disability services, and

(5) one member of the Oklahoma House of Representatives;

2. The ex officio voting members shall be:

a. the Attorney General, or designee,

b. the Director of the Department of Human Services, or designee,

c. the Division Director of the Developmental Disabilities Division of the Department of Human Services, if not the designee of the Director of Human Services,

d. the State Commissioner of Health, or designee,

e. the Commissioner of the Department of Mental Health and Substance Abuse Services, or designee,

f. the Administrator of the Oklahoma Health Care Authority, or designee,

g. the Director of the Office of State Finance, or designee,

h. the Director of the State Department of Rehabilitation Services, or designee,

i. the Director of the Office of Handicapped Concerns, or designee,

j. the Director of the Oklahoma Employment Security Commission, or designee,

k. the state coordinator for the federal Ticket To Work and Work Incentive Act, if not the designee of the Oklahoma Employment Security Director,

l. the Executive Director of a local housing authority, or designee,

m. the Executive Director of the Oklahoma Housing Finance Agency, or designee,

n. the State Superintendent of Public Instruction, or designee,

o. the Director of the Department of Transportation, or designee,

p. the Commissioner of Labor, or designee,

q. a representative from a local transit authority, or from a Community Action Agency, that provides transportation services to individuals with disabilities, and

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

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

a. the Developmental Disabilities Council,

b. the Statewide Independent Living Council,

c. the Centers for Independent Living,

d. the Center for Learning and Leadership,

e. the Oklahoma Disability Law Center,

f. ABLE-Tech, and

g. the Oklahoma Mental Health Consumer Council.

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

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

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

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

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

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

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

E. 1. The Department of Human Services and the Office of the Attorney General shall serve as lead agencies and as such shall provide primary staffing for the Committee. Appropriate personnel

from the Oklahoma Health Care Authority and the Department of Mental Health and Substance Abuse Services shall also assist with the work of the Committee.

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

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

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

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

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

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

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

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

c. reviewing existing statutes, policies, programs, services and funding sources that affect Oklahomans with disabilities, including, but not limited to, identifying unique approaches and strategies to funding,

d. identifying and reviewing funding and resource information available to persons with disabilities and their families in this state,

e. identifying gaps and barriers in programs and services to individuals with disabilities and making any recommendations to enhance programs and the delivery system for persons with disabilities in Oklahoma, and

f. taking all other actions necessary to develop the comprehensive strategic plan.

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

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

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

B. The Legislature finds that:

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

2. Due to the institutional bias of Medicaid, an inordinate number of persons with disabilities are unnecessarily placed in an institutional setting with little or no accountability from the

state or federal government to measure or assess the appropriateness of such institutional placement; and

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

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

D. Subject to the availability of funding, the Oklahoma Health Care Authority shall establish and maintain a three (3) year pilot program to assist qualified individuals with disabilities living in institutions to transition into the community. Such institutions include, but shall not be limited to, nursing facilities, intermediate care facilities for the mentally retarded and group homes. The Authority shall act as the lead agency and is authorized to consult and cooperate with the Department of Human Services as necessary to carry out the provisions of this act.

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

F. The Authority through its duly contracted entity shall:

1. Serve a minimum of 10 (ten) people;

2. Assess the functional needs of pilot program participants;

3. Provide ongoing assistance to address the functional needs of pilot program participants;

4. Work in conjunction with health care providers and case managers to coordinate services for pilot program participants;

5. Establish an effective system that allows money to follow pilot program participants from the institutional setting to the community;

6. Increase pilot program participant access to safe and affordable housing; and

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

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

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

1. Pay rent deposits;

2. Pay utility bills;

3. Purchase household supplies;

4. Purchase basic household appliances; and

5. Purchase furniture.

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

1. Eligibility criteria for services; and

2. Assessment protocols to identify persons in need of services.

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

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

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