

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 CONFERENCE COMMITTEE
4 SUBSTITUTE
5 FOR ENGROSSED
6 HOUSE BILL NO. 1231

By: Bengé and Miller of the
House

7 And

8 Crutchfield, Johnson
(Mike), Adelson and Myers
of the Senate

9
10
11 CONFERENCE COMMITTEE SUBSTITUTE

12 An Act relating to the Department of Mental Health
13 and Substance Abuse Services; requiring budgeting in
14 certain categories and amounts; providing for duties
and compensation of employees; limiting salary of the
15 Commissioner; providing budgetary limitations;
providing limitations for certain reimbursements;
16 authorizing certain transfers; stating legislative
intent; requiring certain funds be set aside for
17 certain purposes; requiring certain report; making
certain funds exempt from certain expenditure
18 limitations; providing for certain exemptions;
specifying contents of reports; authorizing certain
19 employees to be placed in unclassified service;
requiring certain employees to be in the classified
20 service; providing exceptions; requiring and
prohibiting certain budget procedures; providing
21 lapse dates; providing an effective date; and
declaring an emergency.

22
23
24 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

1 SECTION 1. For the fiscal year ending June 30, 2008, the
 2 Department of Mental Health and Substance Abuse Services shall
 3 budget all funds in the following categories and amounts:

<u>Category</u>	<u>Appropriation</u>	<u>Total</u>
4 Central Administration	\$7,091,586.00	\$13,874,239.00
5 Inpatient Hospital	43,422,139.00	58,377,847.00
6 Community-based Programs	108,464,154.00	145,858,867.00
7 Substance Abuse Programs	41,857,013.00	83,844,977.00
8 Co-Occurring Programs	1,735,945.00	3,703,000.00
9 Residential Care		
10 Programs	<u>4,958,292.00</u>	<u>5,612,228.00</u>
11 TOTAL	\$207,529,129.00	\$311,271,158.00

12 SECTION 2. The duties and compensation of employees, not
 13 otherwise prescribed by law, necessary to perform the duties imposed
 14 upon the Department of Mental Health and Substance Abuse Services by
 15 law shall be set by the Commissioner. The salary of the
 16 Commissioner shall not exceed One Hundred Thirty-three Thousand Four
 17 Hundred Fifty-five Dollars (\$133,455.00) per annum, payable biweekly
 18 for the fiscal year ending June 30, 2008. The Department of Mental
 19 Health and Substance Abuse Services for the fiscal year ending June
 20 30, 2008, shall be subject to the following budgetary limitations,
 21 except as may be authorized pursuant to the provisions of Section
 22 3603 of Title 74 of the Oklahoma Statutes:
 23

<u>Budgetary Limitation</u>	<u>Amount</u>
-----------------------------	---------------

1	Full-time-equivalent Employees	2,575.0
2	Lease-Purchase Agreements	\$1,418,429.00

3 The Department of Mental Health and Substance Abuse Services for the
4 fiscal year ending June 30, 2008, shall set the minimum
5 reimbursement rate for residential care facilities at Ten Dollars
6 (\$10.00) per mental health resident per day.

7 In order to facilitate cash management of federal grant receipts
8 and disbursements, the Director of State Finance shall transfer
9 monies between the Department of Mental Health and Substance Abuse
10 Services federal and revolving funds in amounts requested by the
11 Department of Mental Health and Substance Abuse Services.

12 Receipt and expenditures of unanticipated federal funds awarded
13 the Oklahoma Department of Mental Health and Substance Abuse
14 Services after July 1, 2007, shall be exempt from expenditure and
15 budgetary limitations, provided that any such funds used for
16 operations shall be included in the agency's budget work program.

17 SECTION 3. It is the intent of the Legislature that the
18 Department of Mental Health and Substance Abuse Services set aside a
19 minimum of Six Million Five Hundred Two Thousand One Hundred Sixty-
20 three Dollars (\$6,502,163.00) for the purchase of newer generation
21 medications. On or before April 1, 2008, the Department of Mental
22 Health and Substance Abuse Services shall prepare and submit a
23 written report to the Speaker of the House of Representatives and
24

1 the President Pro Tempore of the Senate detailing expenditures for
2 such medications.

3 SECTION 4. It is the intent of the Legislature that the
4 Department of Mental Health and Substance Abuse Services set aside a
5 minimum of Five Million Three Hundred Thousand Dollars
6 (\$5,300,000.00) for Programs for Assertive Community Treatment
7 (PACT) teams.

8 The Department of Mental Health and Substance Abuse Services
9 shall work with the Oklahoma Health Care Authority to establish and
10 submit any revisions to policies and rules needed to maximize
11 Medicaid funding for the services provided by Programs for Assertive
12 Community Treatment (PACT) teams.

13 The Department of Mental Health and Substance Abuse Services
14 shall deliver a progress and evaluation report on Programs for
15 Assertive Community Treatment (PACT) teams to the President Pro
16 Tempore of the Senate and the Speaker of the House of
17 Representatives on or before April 1, 2008.

18 SECTION 5. Full-time-equivalent employees utilized at the
19 Central Office of the Department of Mental Health and Substance
20 Abuse Services may be placed in the unclassified service. All other
21 employees of the Central Office shall be in the classified service,
22 except as provided in Section 840-5.5 of Title 74 of the Oklahoma
23 Statutes.

24

1 SECTION 6. Appropriations made by Section 79 of Enrolled Senate
2 Bill No. 334 of the 1st Session of the 51st Oklahoma Legislature,
3 not including appropriations made for capital outlay purposes, may
4 be budgeted for the fiscal year ending June 30, 2008 (hereafter FY-
5 08) or may be budgeted for the fiscal year ending June 30, 2009
6 (hereafter FY-09). Funds budgeted for FY-08 may be encumbered only
7 through June 30, 2008, and must be expended by November 15, 2008.
8 Any funds remaining after November 15, 2008, and not budgeted for
9 FY-09, shall lapse to the credit of the proper fund for the then
10 current fiscal year. Funds budgeted for FY-09 may be encumbered
11 only through June 30, 2009. Any funds remaining after November 15,
12 2009, shall lapse to the credit of the proper fund for the then
13 current fiscal year. These appropriations may not be budgeted in
14 both fiscal years simultaneously. Funds budgeted in FY-08, and not
15 required to pay obligations for that fiscal year, may be budgeted
16 for FY-09, after the agency to which the funds have been
17 appropriated has prepared and submitted a budget work program
18 revision removing these funds from the FY-08 budget work program and
19 after such revision has been approved by the Office of State
20 Finance.

21 SECTION 7. This act shall become effective July 1, 2007.

22 SECTION 8. It being immediately necessary for the preservation
23 of the public peace, health and safety, an emergency is hereby
24

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

3

4 51-1-15280 MN 05/11/07

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24