

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 CONFERENCE COMMITTEE
4 SUBSTITUTE
5 FOR ENGROSSED
6 HOUSE BILL NO. 2384

By: Miller and Jones of the
House

and

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

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11 CONFERENCE COMMITTEE SUBSTITUTE

12 An Act relating to the Oklahoma Health Care
13 Authority; requiring budgeting in certain categories
14 and amounts; providing for duties and compensation of
15 employees; limiting salary of the Administrator;
16 authorizing payment of certain expenses; authorizing
17 the employing of certain attorneys; prohibiting
18 certain increases in budgetary limits; providing
19 budgetary limitations; providing procedures for
20 exempting certain funds from expenditure and
21 budgetary limitations; requiring certain filings and
22 approvals; specifying certain funding requirements;
23 authorizing transfers of certain funds; providing
24 procedures; authorizing the expenditure of previously
appropriated funds for certain purpose; requiring
recordkeeping; authorizing certain requests relating
to early transfers; authorizing certain expenditures;
exempting certain funds from fiscal year limitations;
providing an effective date; and declaring an
emergency.

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

1 SECTION 1. For the fiscal year ending June 30, 2009, the
 2 Oklahoma Health Care Authority shall budget all funds in the
 3 following categories and amounts:

<u>Category</u>	<u>Appropriation</u>	<u>Total</u>
4 Operations	\$ 15,901,209.00	\$ 46,916,438.00
5 Medicaid Payments	804,216,436.00	3,828,149,808.00
6 Medicaid Contracted		
7 Services	21,915,234.00	72,678,719.00
8 Premium Assistance Program	0.00	300,000,000.00
9 Rehabilitation Services	0.00	50,000.00
10 OSA Non-Title-XIX Medical	0.00	22,385,710.00
11 Non-Title-XIX Medical	<u>89,382.00</u>	<u>89,382.00</u>
12 TOTAL	\$842,122,261.00	\$4,270,270,057.00

14 SECTION 2. A. The duties and compensation of employees, not
 15 otherwise prescribed by law, necessary to perform the duties imposed
 16 upon the Oklahoma Health Care Authority by law shall be set by the
 17 Administrator of the Oklahoma Health Care Authority.

18 B. The salary of the Administrator shall not exceed One Hundred
 19 Thirty-three Thousand Four Hundred Fifty-five Dollars (\$133,455.00)
 20 per annum, payable monthly for the fiscal year ending June 30, 2009.

21 C. The Oklahoma Health Care Authority is authorized to:

- 22 1. Pay professional expenses of the Administrator of the
 23 Authority, including dues, licenses, professional memberships,

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1 continuing medical education classes conducted in the State of
2 Oklahoma, and medical malpractice insurance;

3 2. Pay professional expenses of any Oklahoma licensed
4 physician, including dues, licenses, professional memberships,
5 continuing medical education classes conducted in the State of
6 Oklahoma, and medical malpractice insurance, provided the physician
7 is a full-time employee of the Authority in accordance with
8 subsection B of Section 5006 of Title 63 of the Oklahoma Statutes or
9 paragraph 1 of subsection B of Section 840-5.5 of Title 74 of the
10 Oklahoma Statutes and utilizing those professional skills in the
11 performance of their job duties; and

12 3. Employ six (6) full-time-equivalent attorneys. This
13 authorization shall not increase the budgetary limits in this
14 section.

15 D. The Oklahoma Health Care Authority for the fiscal year
16 ending June 30, 2009, shall be subject to the following budgetary
17 limitations, except as may be authorized pursuant to the provisions
18 of Section 3603 of Title 74 of the Oklahoma Statutes:

<u>Budgetary Limitation</u>	<u>Amount</u>
Full-time-equivalent Employees	444.5
Lease-Purchase Agreements	\$0.00

22 Full-time-equivalent employees solely paid by grant funds will
23 not count against the agency's budgetary limitations as specified in
24 this section.

1 SECTION 3. A. The Administrator of the Oklahoma Health Care
2 Authority may request in the manner provided in this section that
3 receipt and expenditure of unanticipated federal funds awarded after
4 July 1, 2008, be exempt from expenditure limitations and from
5 budgetary limitations.

6 1. The Administrator shall make a request for exemption to the
7 Director of State Finance in writing and file a revised budget
8 program.

9 2. The Administrator shall also file copies of the request for
10 exemption and budget work program revisions with the Oklahoma House
11 of Representatives Appropriations and Budget Committee Chairman and
12 the Oklahoma State Senate Appropriations Committee Cochairs. The
13 Oklahoma House of Representatives Appropriations and Budget
14 Committee Chairman and/or the Oklahoma State Senate Appropriations
15 Committee Cochairs shall notify the Director of State Finance of any
16 noncompliance of the request with legislative intent within twelve
17 (12) calendar days of their receipt of the exemption request.

18 B. The Director of State Finance shall approve the request for
19 exemption unless both the Chair and Vice-chair of the Joint
20 Legislative Committee on Budget and Program Oversight provide
21 written notification to the Director of State Finance within twelve
22 (12) calendar days of the Committee's receipt of the exemption
23 request and that the exemption subverts the intention and objectives
24 of the Legislature in establishing the original limit. The Director

1 of State Finance shall give written notice of approval or
2 disapproval of each exemption to the agency, the Governor and the
3 Chair of the Oklahoma House of Representatives Appropriations and
4 Budget Committee and the Cochairs of the Oklahoma State Senate
5 Appropriations Committee within eighteen (18) calendar days of
6 receiving the request.

7 SECTION 4. The Director of State Finance shall transfer monies
8 appropriated from the General Revenue Fund and the 245 Fund of the
9 Oklahoma Health Care Authority to the Oklahoma Health Care Authority
10 disbursing funds in the amounts and ratios requested by the
11 Authority except that the cumulative amount transferred shall not
12 exceed the cumulative amount of equal monthly allotments of the
13 appropriation from the General Revenue Fund. Monies appropriated or
14 collected for the fiscal year ending June 30, 2009, may be
15 transferred to these disbursing funds for the fiscal year ending
16 June 30, 2008, to satisfy encumbrances and obligations of said
17 fiscal year; provided, that monies equal in amount are transferred
18 from appropriations or collections for the fiscal year ending June
19 30, 2008, to the disbursing fund for the fiscal year ending June 30,
20 2009, to satisfy encumbrances and obligations of said fiscal year.
21 All transfer requests shall be in writing to the Director of State
22 Finance. The Oklahoma Health Care Authority shall maintain record
23 of the inter-year transfers.

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1 SECTION 5. The Director of the Oklahoma Health Care Authority
2 may request through the Director of State Finance the early transfer
3 by the Oklahoma Tax Commission of tax collections to the General
4 Revenue Fund for the purpose of early allocation to the agency's
5 disbursing funds to alleviate cash-flow problems.

6 SECTION 6. The Oklahoma Health Care Authority is hereby granted
7 approval, notwithstanding any other provisions of law, to expend
8 from agency funds the sum of Eight Hundred Twenty Thousand Dollars
9 (\$820,000.00) to combine with funds from other sources for the
10 settlement of the Evans v. Fogarty case.

11 SECTION 7. The appropriations made by Sections 71, 72, 73 and
12 74 of Enrolled House Bill No. 2276 of the 2nd Session of the 51st
13 Oklahoma Legislature shall not be subject to fiscal year limitations
14 and shall be available for encumbrance and expenditure purposes for
15 a period of thirty (30) months from the effective date of this act.

16 SECTION 8. This act shall become effective July 1, 2008.

17 SECTION 9. It being immediately necessary for the preservation
18 of the public peace, health and safety, an emergency is hereby
19 declared to exist, by reason whereof this act shall take effect and
20 be in full force from and after its passage and approval.

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