

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 1926

6 By: McDaniel (Jeannie)

7 COMMITTEE SUBSTITUTE

8 An Act relating to public health and safety; creating
9 the Advantage Waiver and Developmental Disability
10 Services Rate Review Committee; providing duties;
11 making recommendations nonbinding and advisory only;
12 providing date for initial meeting; requiring certain
13 number of meetings; requiring certain report;
14 specifying contents; providing that Committee meet in
15 certain years; providing term of office; providing
16 for appointments and reappointments; providing for
17 staffing; providing for election of Chair and
18 Cochair; providing duties of Chair and Cochair;
19 providing for codification; and providing an
20 effective date.

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

22 SECTION 1. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 1430.42 of Title 10, unless
24 there is created a duplication in numbering, reads as follows:

A. There is hereby created the Advantage Waiver and
Developmental Disability Services Rate Review Committee. The
Committee shall:

1 1. Review the reimbursement rates provided for in the Advantage
2 and Home- and Community-Based Waivers and all other reimbursement
3 rates to providers of services to the aged and developmentally
4 disabled and administered by the Aging Services Division and
5 Developmental Disability Services Division of the Department of
6 Human Services;

7 2. Calculate reimbursement rates which provide a level of care
8 to the aged and developmentally disabled of the state enabling them,
9 to the greatest extent possible, to function, live, and work in
10 their own homes or a community-based setting; and

11 3. Make a recommendation in the report of the Committee
12 regarding an increase in funding specifically dedicated to providing
13 services to persons not currently receiving services but who have
14 formally requested those services from the Department of Human
15 Services.

16 B. In no event shall the recommendations of the Committee be
17 binding on the Oklahoma State Legislature, Governor, or Department
18 of Human Services. Recommendations shall be advisory only and may
19 not be used as evidence in any court of law or legal proceeding.

20 C. The Committee shall convene no later than June 30, 2007, and
21 shall meet no less than three times. By September 1 of 2007, the
22 Committee shall submit to the Governor, Legislature, Department of
23 Human Services and the Office of State Finance a report containing
24 the following:

- 1 1. A description of the rates reviewed by the Committee as well
2 as an explanation of their purpose;
- 3 2. A recommended rate calculated by the Committee for the
4 rates;
- 5 3. A description of how the individual rates were calculated
6 including a list of the factors and variables considered when
7 calculating the rates;
- 8 4. A specific recommendation of funding for providing services
9 to persons not currently receiving services from the Department of
10 Human Services but who have requested those services pursuant to the
11 policy of the Developmental Disability Services Division. To the
12 best of its ability, the Committee shall indicate the number of
13 persons it believes could be served by the recommended increase in
14 funding;
- 15 5. A calculation of the total dollars required from the State
16 Treasury to fund the recommended rates at the current level of
17 services provided by the Department of Human Services; and
- 18 6. A calculation of the total dollars leveraged, if any, from
19 the federal government through the Advantage and Home- and
20 Community-Based Waivers or any other relevant source, if the
21 recommended rates were enacted.
- 22 D. The Committee shall convene every odd year and shall be
23 charged with the same responsibilities and duties as provided in
24 subsection C of this section.

1 E. The members of the Committee shall serve four-year terms and
2 may be reappointed to the Committee by the appointing authorities as
3 provided in subsection F of this section.

4 F. The members of the Committee shall be appointed as follows:

5 1. The Governor shall appoint three members of the Committee as
6 follows:

7 a. a parent or legal guardian of a developmentally
8 disabled child currently receiving services from the
9 Developmental Disability Services Division of the
10 Department of Human Services,

11 b. a parent or legal guardian of a developmentally
12 disabled child not currently receiving services from
13 the Developmental Disability Services Division of the
14 Department of Human Services but who has applied for
15 the services pursuant to Department of Human Services
16 policy, and

17 c. a person or legal guardian of a person receiving
18 services under the Advantage Waiver;

19 2. The Speaker of the Oklahoma House of Representatives shall
20 appoint four members of the Committee as follows:

21 a. a provider of services to the developmentally disabled
22 who has contracted with the Developmental Disability
23 Services Division of the Department of Human Services
24

1 to provide such services and who employs more than
2 fifty-five persons,

3 b. a provider of services to the developmentally disabled
4 who has contracted with the Developmental Disability
5 Services Division of the Department of Human Services
6 to provide such services and who employs less than
7 fifty-five persons,

8 c. a provider of services to the aged under the Advantage
9 Waiver who employs more than fifty-five persons, and

10 d. a provider of services to the aged under the Advantage
11 Waiver who employs less than fifty-five persons;

12 3. The President Pro Tempore of the Oklahoma State Senate shall
13 appoint three members of the Committee as follows:

14 a. an independent auditor of providers of services to the
15 developmentally disabled who has contracted to provide
16 the services with the Developmental Disability
17 Services Division of the Department of Human Services,

18 b. a Certified Public Accountant who has particular
19 expertise in the day-to-day financial operations of
20 businesses that provide services to the
21 developmentally disabled which contracts with the
22 Developmental Disability Services Division of the
23 Department of Human Services, and

1 c. a Certified Public Accountant who has particular
2 expertise in the day-to-day financial operations of
3 businesses that provide services to the aged under the
4 Advantage Waiver;

5 4. The Director of the Aging Services Division of the
6 Department of Human Services or a designee;

7 5. The Director of the Developmental Disability Services
8 Division of the Department of Human Services or a designee;

9 6. The Director of the Oklahoma Health Care Authority or a
10 designee; and

11 7. The Director of the Office of State Finance or a designee.

12 G. The Department of Human Services shall provide necessary
13 staffing for the Committee as required.

14 H. At the first meeting, the Committee shall elect a chair and
15 cochair from among the members of the Committee. The chair shall be
16 responsible for setting the agenda for the Committee meetings,
17 determining the meeting dates after consultation with the members of
18 the Committee, and ensuring that the final report of the Committee
19 is submitted as required by subsection C of this section. In the
20 absence of the chair, the cochair of the Committee shall be
21 responsible for convening the meetings.

22 SECTION 2. This act shall become effective November 1, 2007.

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24 51-1-7177 SAB 02/15/07