

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 3322

By: Lindley

6
7 COMMITTEE SUBSTITUTE

8 (Poor persons - Opportunities for Independent Living
9 Act - codification -

10 effective date)

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

14 SECTION 1. AMENDATORY Section 2, Chapter 296, O.S.L.
15 2006 (56 O.S. Supp. 2007, Section 198.11c), is amended to read as
16 follows:

17 Section 198.11c A. This act shall be known and may be cited as
18 the "Opportunities for Independent Living Act".

19 B. The Legislature finds that:

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

1 2. Medicaid is presently structured to provide care to persons
2 with disabilities in institutional settings such as skilled nursing
3 facilities and private intermediate care facilities for persons with
4 mental retardation (ICFs-MR), and in community-based settings such
5 as group homes and waiver programs; and

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

12 C. It is the intent of the Legislature to establish a ~~three-~~
13 ~~year pilot~~ program that:

14 1. Is consistent with and implements the Olmstead Decision;

15 2. Develops eligibility criteria for the ~~pilot~~ program;

16 3. In coordination with the Oklahoma Health Care Authority and
17 the Department of Human Services Aging Division, utilizes the
18 Centers for Medicare and Medicaid Minimum Data Set (MDS) information
19 to identify ~~thirty~~ people who have requested to receive their
20 services in a community setting;

21 4. Identifies barriers to moving into the community;

22 5. ~~Works with nurses and case managers to coordinate services~~
23 ~~for eligible participants within the pilot program~~ Coordinates with

1 long-term care nurses, case managers and other appropriate entities
2 to ensure the health and safety of each consumer;

3 6. Establishes an infrastructure to allow for an effective
4 system that allows money to follow the person from Medicaid programs
5 into the community settings;

6 7. Increases the availability of safe, affordable and
7 accessible housing;

8 8. Establishes a presence within local hospitals to reduce the
9 number of inappropriate placements within institutional settings;

10 9. ~~Develops~~ Provides benefits counseling options; and

11 10. Allows qualified persons with disabilities the opportunity
12 to transition from institutions into the community.

13 D. Subject to the availability of funding, the Oklahoma Health
14 Care Authority shall establish and maintain a ~~three-year pilot~~
15 program to assist qualified individuals with disabilities living in
16 institutions to transition into the community. The Authority shall
17 act as the lead agency and is authorized to consult and cooperate
18 with the Department of Human Services as necessary to carry out the
19 provisions of this ~~act~~ section.

20 E. The Authority shall enter into contracts to carry out the
21 provisions of this ~~act~~ section. Such contracted entities shall be
22 consumer-controlled, non-residence-based, community-based, nonprofit
23 organizations with experience in transitioning persons with
24 disabilities into community settings, such as Centers for

1 Independent Living established pursuant to 29 U.S.C., Section 796f
2 et seq.

3 F. The Authority through its duly contracted entities shall:

4 1. Utilize MDS data to identify participants who prefer to
5 receive services within the community;

6 2. Develop eligibility criteria for ~~pilot~~ program participants
7 that are consistent with guidelines established by the Centers for
8 Medicare and Medicaid Services;

9 3. Provide ongoing assistance to further develop assessment
10 criteria for ~~pilot~~ program participants;

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

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

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

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

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

22 G. The Authority through its duly contracted entities is
23 authorized to use available funding to assist eligible persons under
24 this ~~act~~ section to:

- 1 1. Pay rent deposits;
- 2 2. Pay utility deposits;
- 3 3. Purchase initial household supplies;
- 4 4. Purchase basic initial household appliances; and
- 5 5. Purchase initial furniture and pay moving expenses.

6 H. The Authority shall promulgate rules as necessary to carry
7 out the provisions of this ~~aet~~ section. Such rules shall include
8 but are not limited to:

- 9 1. Eligibility criteria for services;
- 10 2. Assessment protocols to identify persons in need of
11 services; and
- 12 3. Funding to assist eligible persons.

13 I. 1. The Chief Executive Officer of the Oklahoma Health Care
14 Authority shall, no later than December 1, 2008, appoint an
15 Opportunities for Independent Living Advisory Committee to provide
16 guidance on the design, implementation and evaluation of the
17 program.

18 2. The Opportunities for Independent Living Advisory Committee
19 shall consist of twelve (12) individuals, of whom at least nine
20 shall be persons with disabilities.

21 3. Each member shall serve at the pleasure of the Chief
22 Executive Officer of the Oklahoma Health Care Authority.

23 4. Members of the Advisory Committee shall serve without
24 compensation, but shall be reimbursed for necessary expenses

1 incurred in the performance of their duties pursuant to the
2 provisions of the State Travel Reimbursement Act.

3 J. The Authority and the Department of Human Services shall
4 evaluate the implementation of the ~~pilot~~ program and annually make
5 recommendations to the Legislature regarding its effectiveness.

6 SECTION 2. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 198.18 of Title 56, unless there
8 is created a duplication in numbering, reads as follows:

9 The Oklahoma Health Care Authority, in consultation with Centers
10 for Independent Living established pursuant to 29 U.S.C., Section
11 796f et seq., shall apply for a home- and community-based waiver or
12 waivers from the Centers for Medicare and Medicaid Services for the
13 purpose of establishing a Self-Directed Care Program for persons
14 with physical disabilities. The program shall be based on the
15 provisions of the Self-Directed Care Pilot Program created in
16 Section 198.15 of Title 56 of the Oklahoma Statutes.

17 SECTION 3. This act shall become effective November 1, 2008.

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