

1 STATE OF OKLAHOMA

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

3 CONFERENCE COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL 1259

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

6 and

7 Miller and Jones of the  
8 House

9  
10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to the State Department of Health;  
12 requiring budgeting in certain categories and  
13 amounts; requiring certain performance measures;  
14 providing certain exemptions; providing for duties  
15 and compensation of employees; limiting salary of the  
16 Commissioner; authorizing payment of certain expenses  
17 of Commissioner under certain conditions; specifying  
18 certain budgetary limitations; requiring employment  
19 of certain persons for certain program; requiring  
20 transfer of certain funds; requiring certain  
21 expenditures; specifying certain expenditures;  
22 authorizing request for bids; requiring transfer of  
23 funds; requiring certain reimbursement contracts;  
24 specifying entities authorized to perform contracts;  
imposing certain requirements related to contracts;  
requiring certain supporting data as condition for  
reimbursement; requiring methodology; authorizing  
promulgation of rules; providing for expenditure of  
certain amount; stating purpose; authorizing  
acceptance of donations; authorizing utilization of  
certain funds; authorizing certain agreements;  
providing for expenditure of certain amount; stating  
legislative intent; requiring annual progress report;  
providing lapse dates; prescribing and prohibiting  
certain budget procedures; providing an effective  
date; and declaring an emergency.

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

2 SECTION 1. For the fiscal year ending June 30, 2009, the State  
3 Department of Health shall budget all funds in the following  
4 categories and amounts:

5	<u>Category</u>	<u>Appropriation</u>	<u>Total</u>
6	Support Services	\$ 4,150,237.00	\$ 42,000,000.00
7	Disease and Prevention		
8	Services	10,732,932.00	74,000,000.00
9	Family Health	15,600,025.00	134,000,000.00
10	Community Health Services	35,707,490.00	100,000,000.00
11	Protective Health Services	<u>8,527,429.00</u>	<u>57,000,000.00</u>
12	TOTAL	\$74,718,113.00	\$407,000,000.00

13 The agency shall develop outcome-based performance measures for  
14 each budget category.

15 Receipt and expenditures of unanticipated federal funds awarded  
16 to the State Department of Health after July 1, 2008, shall be  
17 exempt from expenditure and budgetary limitations, provided that any  
18 such funds used for operations shall be included in the agency's  
19 budget work program.

20 SECTION 2. The duties and compensation of employees, not  
21 otherwise prescribed by law, necessary to perform the duties imposed  
22 upon the State Department of Health by law shall be set by the State  
23 Commissioner of Health. The salary of the State Commissioner of  
24 Health shall not exceed One Hundred Ninety-four Thousand Two Hundred

1 Fifty Dollars (\$194,250.00) per annum, payable monthly for the  
2 fiscal year ending June 30, 2009. The State Department of Health is  
3 authorized, provided that the Commissioner of Health possesses a  
4 Doctor of Medicine Degree or a Doctor of Osteopathy Degree and a  
5 license to practice medicine in this state, to pay the professional  
6 expenses of the Commissioner of Health, including dues, licenses,  
7 professional memberships, continuing medical education classes  
8 conducted in the State of Oklahoma, and medical malpractice  
9 insurance. The State Department of Health for the fiscal year  
10 ending June 30, 2009, shall be subject to the following budgetary  
11 limitations, except as may be authorized pursuant to the provisions  
12 of Section 3603 of Title 74 of the Oklahoma Statutes:

<u>Budgetary Limitation</u>	<u>Amount</u>
14 Full-time-equivalent Employees	2,530.0
15 Lease-Purchase Agreements	\$500,000.00

16 SECTION 3. Of the two thousand five hundred thirty (2,530.0)  
17 full-time-equivalent employees authorized in Section 2 of this act,  
18 two hundred fifty-four (254.0) shall be employed to provide services  
19 under the provisions of the Oklahoma Early Intervention Act.

20 SECTION 4. TRANSFER The State Department of Health shall  
21 transfer the sum of Three Million Three Hundred Thirty-six Thousand  
22 Four Hundred Eighty-two Dollars (\$3,336,482.00) from the funds  
23 appropriated in Section 69 of Enrolled House Bill No. 2276 of the  
24 2nd Session of the 51st Oklahoma Legislature to the Child Abuse

1 Prevention Fund established pursuant to Section 1-227.8 of Title 63  
2 of the Oklahoma Statutes, to be expended in accordance with law.

3 SECTION 5. TRANSFER The State Department of Health shall  
4 transfer the sum of Three Hundred Seventy-five Thousand Dollars  
5 (\$375,000.00) from the funds appropriated in Section 69 of Enrolled  
6 House Bill No. 2276 of the 2nd Session of the 51st Oklahoma  
7 Legislature to the Dental Loan Repayment Revolving Fund established  
8 pursuant to Section 1-2714 of Title 63 of the Oklahoma Statutes, to  
9 be expended in accordance with law.

10 SECTION 6. TRANSFER The State Department of Health shall  
11 transfer the sum of One Hundred Thirteen Thousand Nine Hundred  
12 Seventy Dollars (\$113,970.00) from the funds appropriated in Section  
13 69 of Enrolled House Bill No. 2276 of the 2nd Session of the 51st  
14 Oklahoma Legislature to the Kidney Health Revolving Fund established  
15 pursuant to Section 1-2603 of Title 63 of the Oklahoma Statutes, to  
16 be expended in accordance with law.

17 SECTION 7. TRANSFER The State Department of Health shall  
18 transfer the sum of Thirty-nine Thousand Six Hundred Sixty-one  
19 Dollars (\$39,661.00) from the funds appropriated in Section 69 of  
20 Enrolled House Bill No. 2276 of the 2nd Session of the 51st Oklahoma  
21 Legislature to the Alternatives-to-Abortion Services Revolving Fund  
22 established pursuant to Section 1-740.12 of Title 63 of the Oklahoma  
23 Statutes, to be expended in accordance with law.

24

1 SECTION 8. TRANSFER The State Department of Health shall  
2 transfer the sum of Three Million Dollars (\$3,000,000.00) from the  
3 funds appropriated in Section 69 of Enrolled House Bill No. 2276 of  
4 the 2nd Session of the 51st Oklahoma Legislature to the Oklahoma  
5 Institute for Disaster and Emergency Medicine Revolving Fund  
6 established pursuant to Section 1-2523 of Title 63 of the Oklahoma  
7 Statutes, to be expended in accordance with law.

8 SECTION 9. From the funds appropriated to the State Department  
9 of Health in Section 69 of Enrolled House Bill No. 2276 of the 2nd  
10 Session of the 51st Oklahoma Legislature, the following categories  
11 and amounts shall be expended:

12	Contractual services of the Margaret	
13	Hudson Program for School Age Parents	\$ 34,091.00
14	Contractual services of the Emerson	
15	Teen Parent Program	107,372.00
16	Contractual services of the Oklahoma	
17	Institute for Child Advocacy	75,000.00
18	Contractual services of Dental for the	
19	Disabled and Elderly in Need of	
20	Treatment (D-DENT)	136,764.00
21	Contractual services of the Hearts for	
22	Hearing Foundation	200,000.00
23	Contractual services of the College of	
24	Osteopathic Medicine of Oklahoma	

1	State University for the Area Health	
2	Education Centers Campaign	564,887.00
3	Contractual services of the Sickle Cell	
4	Research Foundation, Incorporated	182,662.00
5	Contractual services of the Alzheimer's	
6	Association, Oklahoma Chapter	7,932.00
7	Contractual services of the University	
8	of Oklahoma Health Sciences Center,	
9	Department of Pathology	44,005.00
10	Contractual services of the Tolliver	
11	Alternative Care Center, Incorporated	36,965.00
12	Contractual services for the University	
13	of Oklahoma Health Sciences Center	
14	Pediatric Endocrinology Department	93,205.00
15	Contractual services of the North Tulsa	
16	Heritage Foundation, Incorporated	35,695.00
17	Contractual services of the Metropolitan	
18	Tulsa Urban League, Incorporated	39,195.00
19	Contractual services of the Greenwood	
20	Educational and Cultural Center	118,985.00
21	Contractual services of the Oklahoma	
22	Dental Foundation	100,000.00
23		
24		

1	Contractual services of the University	
2	of Oklahoma College of Medicine -	
3	Tulsa	400,000.00
4	Contractual services of the College of	
5	Osteopathic Medicine of Oklahoma	
6	State University	500,000.00
7	Contractual services of the Oklahoma	
8	Economic Development Association	18,500.00
9	Contractual services of the Oklahoma	
10	State Board of Examiners for Long-	
11	Term Care Administrators	<u>347,000.00</u>
12	TOTAL	\$3,042,258.00

13 SECTION 10. From the funds appropriated to the State Department  
14 of Health in Section 69 of Enrolled House Bill No. 2276 of the 2nd  
15 Session of the 51st Oklahoma Legislature, the State Department of  
16 Health shall, pursuant to the existing contract, continue contracted  
17 services with Emergency Medical Services Authority (EMSA) for  
18 operation of a trauma transfer and referral center. Prior to  
19 completion, termination, or cancellation date of existing contract,  
20 the State Department of Health may request competitive bids for such  
21 service and award to successful bidder. Any funds remaining from  
22 the Emergency Medical Services Authority (EMSA) contract shall be  
23 transferred to the selected provider contract. The State Department

24

1 of Health shall work towards minimizing interruption of services  
2 during any contract transitions.

3 SECTION 11. From the funds appropriated to the State Department  
4 of Health in Section 69 of Enrolled House Bill No. 2276 of the 2nd  
5 Session of the 51st Oklahoma Legislature, the amount of Two Million  
6 Four Hundred Sixty-three Thousand Five Hundred Seventy-seven Dollars  
7 (\$2,463,577.00) shall be used for providing perinatal, women's and  
8 children's services for low-income persons statewide.

9 Direct services for maternal and child  
10 health and to encourage early entry  
11 of high-risk clients into the health  
12 care system \$2,254,148.00

13 Contractual services with the Perinatal  
14 Continuing Education Program within  
15 the Department of Obstetrics and  
16 Gynecology of the University of  
17 Oklahoma College of Medicine \$209,429.00

18 SECTION 12. A. From the funds appropriated to the State  
19 Department of Health in Section 69 of Enrolled House Bill No. 2276  
20 of the 2nd Session of the 51st Oklahoma Legislature, Two Million  
21 Forty-one Thousand One Hundred Twenty Dollars (\$2,041,120.00) shall  
22 be expended in the following manner. It is the intent of the  
23 Legislature that the amount of One Million Three Hundred Forty-one  
24 Thousand One Hundred Twenty Dollars (\$1,341,120.00) shall be

1 | disbursed to community health centers (CHCs) authorized under  
2 | Section 330 of the Public Health Services Act deemed as Federally  
3 | Qualified Health Centers (FQHC), and incorporated in the State of  
4 | Oklahoma. Any disbursement shall be solely for the reimbursement of  
5 | uncompensated care costs associated with the delivery of primary  
6 | health care to uninsured patients as regulated by 42 CFR, Chapter 1,  
7 | Part 51c and all applicable current and future subparts and  
8 | sections. Any disbursement shall be supported by data contained  
9 | within the annually submitted Federal Uniform Data System Report and  
10 | supporting documentation as specified by the State Department of  
11 | Health within the contract. The methodology for disbursement shall  
12 | be developed by the Primary Care Office within the Community  
13 | Development Service of the State Department of Health with the  
14 | approval of the Commissioner of Health. The State Board of Health  
15 | is authorized to promulgate the methodology into rules. The amount  
16 | of Seven Hundred Thousand Dollars (\$700,000.00) shall be expended as  
17 | follows: the State Department of Health, Office of Primary Care and  
18 | Rural Health Development within the Community Development Service,  
19 | for the following purpose: Implement the Charitable Health Care  
20 | Provider Initiative as specified in Section 152.2 of Title 51 of the  
21 | Oklahoma Statutes; and continued expansion of Section 330, Federally  
22 | Qualified Health Centers (FQHCs) and/or Federally Qualified Look-A-  
23 | Like community health centers, as defined by 42 U.S.C., Section  
24 | 1396d(1)(2)(B) including:

1 1. Contracts and related costs for the provision of Charitable  
2 Health Care Providers, as defined under the provisions of Section  
3 152.2 of Title 51 Of the Oklahoma Statutes;

4 2. Contracts to provide for grant development to assist  
5 communities in application submission for federal funding to  
6 establish and/or expand FQHC services;

7 3. Contracts for specified technical assistance to Section 330  
8 federally granted FQHCs having received their initial federal awards  
9 after July 1, 2007; and

10 4. Contracts for operational support to community health center  
11 projects having received FY-2008 state funds to establish FQHC Look-  
12 A-Like designation.

13 B. The State Department of Health is authorized to accept  
14 donations of land, property, buildings, equipment and gifts of money  
15 or other objects of value for the purpose of establishing or  
16 expanding Federally Qualified Health Centers.

17 C. The State Department of Health is authorized to utilize  
18 grant funds, donations and other funds made available to the  
19 Department for the purpose of establishing or expanding Federally  
20 Qualified Health Centers, to the extent funds are available.

21 SECTION 13. From the funds appropriated to the State Department  
22 of Health in Section 69 of Enrolled House Bill No. 2276 of the 2nd  
23 Session of the 51st Oklahoma Legislature, Seventy Thousand Dollars  
24 (\$70,000.00) shall be expended by reimbursement contract to Eastern

1 Oklahoma Donated Dental Services (EODDS). It is the intent of the  
2 Legislature that Eastern Oklahoma Donated Dental Services shall be  
3 the contracted provider of donated dental services in Tulsa and  
4 Rogers Counties.

5 SECTION 14. It is the intent of the Legislature that the  
6 Children First Program shall comply with the uniform components of  
7 the State Plan for the Prevention of Child Abuse. The State  
8 Department of Health shall contract with a university-related  
9 program for a performance-based evaluation of programs. Program  
10 sites shall fully cooperate and comply with the evaluation process  
11 and sites shall provide weekly caseload and referral information to  
12 the State Department of Health.

13 An annual progress and evaluation report on the Children First  
14 Program shall be delivered to the President Pro Tempore of the  
15 Senate, the Speaker of the House of Representatives and the  
16 Governor.

17 SECTION 15. Appropriations made by Section 69 of Enrolled House  
18 Bill No. 2276 of the 2nd Session of the 51st Oklahoma Legislature,  
19 not including appropriations made for capital outlay purposes, may  
20 be budgeted for the fiscal year ending June 30, 2009 (hereafter FY-  
21 09), or may be budgeted for the fiscal year ending June 30, 2010  
22 (hereafter FY-10). Funds budgeted for FY-09 may be encumbered only  
23 through June 30, 2009, and must be expended by November 15, 2009.  
24 Any funds remaining after November 15, 2009, and not budgeted for

1 FY-10, shall lapse to the credit of the proper fund for the then  
2 current fiscal year. Funds budgeted for FY-10 may be encumbered  
3 only through June 30, 2010. Any funds remaining after November 15,  
4 2010, shall lapse to the credit of the proper fund for the then  
5 current fiscal year. These appropriations may not be budgeted in  
6 both fiscal years simultaneously. Funds budgeted in FY-09, and not  
7 required to pay obligations for that fiscal year, may be budgeted  
8 for FY-10, after the agency to which the funds have been  
9 appropriated has prepared and submitted a budget work program  
10 revision removing these funds from the FY-09 budget work program and  
11 after such revision has been approved by the Office of State  
12 Finance.

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

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

18

19 51-2-3788 ADS 5/5/2008 4:25:09 PM

20

21

22

23

24