

1 STATE OF OKLAHOMA

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

3 CONFERENCE COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL 1265

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

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

22 SECTION 1. For the fiscal year ending June 30, 2009, the  
23 Department of Mental Health and Substance Abuse Services shall  
24 budget all funds in the following categories and amounts:

1	<u>Category</u>	<u>Appropriation</u>	<u>Total</u>
2	Central Administration	\$ 7,091,586.00	\$ 14,760,634.00
3	Inpatient Hospital	42,822,139.00	62,389,875.00
4	Community-based Programs	109,964,154.00	158,648,320.00
5	Substance Abuse Programs	40,857,013.00	88,340,379.00
6	Co-Occurring Programs	1,735,945.00	3,917,413.00
7	Residential Care Programs	<u>4,958,292.00</u>	<u>5,892,839.00</u>
8	TOTAL	\$207,429,129.00	\$333,949,460.00

9 The agency shall develop outcome-based performance measures for  
10 each budget category.

11 SECTION 2. The duties and compensation of employees, not  
12 otherwise prescribed by law, necessary to perform the duties imposed  
13 upon the Department of Mental Health and Substance Abuse Services by  
14 law shall be set by the Commissioner. The salary of the  
15 Commissioner shall not exceed One Hundred Thirty-three Thousand Four  
16 Hundred Fifty-five Dollars (\$133,455.00) per annum, payable biweekly  
17 for the fiscal year ending June 30, 2009. The Department of Mental  
18 Health and Substance Abuse Services for the fiscal year ending June  
19 30, 2009, shall be subject to the following budgetary limitations,  
20 except as may be authorized pursuant to the provisions of Section  
21 3603 of Title 74 of the Oklahoma Statutes:

22	<u>Budgetary Limitation</u>	<u>Amount</u>
23	Full-time-equivalent Employees	2,575.0
24	Lease-Purchase Agreements	\$1,418,429.00

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

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

10 Receipt and expenditures of unanticipated federal funds awarded  
11 the Oklahoma Department of Mental Health and Substance Abuse  
12 Services after July 1, 2008, shall be exempt from expenditure and  
13 budgetary limitations, provided that any such funds used for  
14 operations shall be included in the agency's budget work program.

15 SECTION 3. It is the intent of the Legislature that the  
16 Department of Mental Health and Substance Abuse Services set aside a  
17 minimum of Six Million Five Hundred Two Thousand One Hundred Sixty-  
18 three Dollars (\$6,502,163.00) for the purchase of newer generation  
19 medications. On or before April 1, 2009, the Department of Mental  
20 Health and Substance Abuse Services shall prepare and submit a  
21 written report to the Speaker of the House of Representatives and  
22 the President Pro Tempore of the Senate detailing expenditures for  
23 such medications.

24

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

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

11 The Department of Mental Health and Substance Abuse Services  
12 shall deliver a progress and evaluation report on Programs for  
13 Assertive Community Treatment (PACT) teams to the President Pro  
14 Tempore of the Senate and the Speaker of the House of  
15 Representatives on or before April 1, 2009.

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

22 SECTION 6. Appropriations made by Sections 67 and 68 of  
23 Enrolled House Bill No. 2276 of the 2nd Session of the 51st Oklahoma  
24 Legislature, not including appropriations made for capital outlay

1 purposes, may be budgeted for the fiscal year ending June 30, 2009  
2 (hereafter FY-09) or may be budgeted for the fiscal year ending June  
3 30, 2010 (hereafter FY-10). Funds budgeted for FY-09 may be  
4 encumbered only through June 30, 2009, and must be expended by  
5 November 15, 2009. Any funds remaining after November 15, 2009, and  
6 not budgeted for FY-10, shall lapse to the credit of the proper fund  
7 for the then current fiscal year. Funds budgeted for FY-10 may be  
8 encumbered only through June 30, 2010. Any funds remaining after  
9 November 15, 2010, shall lapse to the credit of the proper fund for  
10 the then current fiscal year. These appropriations may not be  
11 budgeted in both fiscal years simultaneously. Funds budgeted in FY-  
12 09, and not required to pay obligations for that fiscal year, may be  
13 budgeted for FY-10, after the agency to which the funds have been  
14 appropriated has prepared and submitted a budget work program  
15 revision removing these funds from the FY-09 budget work program and  
16 after such revision has been approved by the Office of State  
17 Finance.

18 SECTION 7. This act shall become effective July 1, 2008.

19 SECTION 8. It being immediately necessary for the preservation  
20 of the public peace, health and safety, an emergency is hereby  
21 declared to exist, by reason whereof this act shall take effect and  
22 be in full force from and after its passage and approval.

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