

1 STATE OF OKLAHOMA

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

3 CONFERENCE COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL 240

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

6 and

7 Benge and Miller of the
8 House

9
10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to the Oklahoma Health Care
12 Authority; requiring budgeting in certain categories
13 and amounts; requiring certain performance measures;
14 providing for duties and compensation of employees;
15 limiting salary of the Administrator; authorizing
16 payment of certain expenses; authorizing the
17 employing of certain attorneys; prohibiting certain
18 increases in budgetary limits; providing budgetary
19 limitations; providing procedures for exempting
20 certain funds from expenditure and budgetary
21 limitations; requiring certain filings and approvals;
22 specifying certain funding requirements; authorizing
23 transfers of certain funds; providing procedures;
24 authorizing the expenditure of previously
appropriated funds for certain purpose; requiring
recordkeeping; authorizing certain requests relating
to early transfers; providing lapse dates; requiring
and prohibiting certain budget procedures; 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, 2008, 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 | \$ 15,598,735.00 | \$ 37,187,379.00 |
| 5 Medicaid Payments | 734,105,947.00 | 3,731,466,476.00 |
| 6 Medicaid Contracted | | |
| 7 Services | 21,915,234.00 | 72,678,719.00 |
| 8 Premium Assistance | | |
| 9 Program | 0.00 | 300,000,000.00 |
| 10 Rehabilitation | | |
| 11 Services | 0.00 | 50,000.00 |
| 12 OSA Non-Title XIX | | |
| 13 Medical | 0.00 | 22,385,710.00 |
| 14 Non-Title XIX | | |
| 15 Medical | <u>89,382.00</u> | <u>89,382.00</u> |
| 16 TOTAL | \$771,709,298.00 | \$4,163,857,666.00 |

17 The agency shall develop outcome-based performance measures for
 18 each budget category.
 19

20 SECTION 2. A. The duties and compensation of employees, not
 21 otherwise prescribed by law, necessary to perform the duties imposed
 22 upon the Oklahoma Health Care Authority by law shall be set by the
 23 Administrator of the Oklahoma Health Care Authority.
 24

1 B. The salary of the Administrator shall not exceed One Hundred
2 Thirty-three Thousand Four Hundred Fifty-five Dollars (\$133,455.00)
3 per annum, payable monthly for the fiscal year ending June 30, 2008.

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

5 1. Pay professional expenses of the Administrator of the
6 Authority, including dues, licenses, professional memberships,
7 continuing medical education classes conducted in the State of
8 Oklahoma, and medical malpractice insurance;

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

18 3. Employ six (6) full-time-equivalent attorneys. This
19 authorization shall not increase the budgetary limits in this
20 section.

21 D. The Oklahoma Health Care Authority for the fiscal year
22 ending June 30, 2008, shall be subject to the following budgetary
23 limitations, except as may be authorized pursuant to the provisions
24 of Section 3603 of Title 74 of the Oklahoma Statutes:

| <u>Budgetary Limitation</u> | <u>Amount</u> |
|--------------------------------|---------------|
| Full-time-equivalent Employees | 434.5 |
| Lease-Purchase Agreements | \$0.00 |

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

SECTION 3. A. The Administrator of the Oklahoma Health Care Authority may request in the manner provided in this section that receipt and expenditure of unanticipated federal funds awarded after July 1, 2007, be exempt from expenditure limitations and from budgetary limitations.

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

2. The Administrator shall also file copies of the request for exemption and budget work program revisions with the Oklahoma House of Representatives Appropriations and Budget Committee Chair and the Oklahoma State Senate Appropriations Committee Co-Chairs. The Oklahoma House of Representatives Appropriations and Budget Committee Chair and/or the Oklahoma State Senate Appropriations Committee Co-Chairs shall notify the Director of State Finance of any noncompliance of the request with legislative intent within twelve (12) calendar days of their receipt of the exemption request.

1 B. The Director of State Finance shall approve the request for
2 exemption unless both the Chair and Vice Chair of the Joint
3 Legislative Committee on Budget and Program Oversight provide
4 written notification to the Director of State Finance within twelve
5 (12) calendar days of the Committee's receipt of the exemption
6 request that the exemption subverts the intention and objectives of
7 the Legislature in establishing the original limit. The Director of
8 State Finance shall give written notice of approval or disapproval
9 of each exemption to the agency, the Governor and the Chair of the
10 Oklahoma House of Representatives Appropriations and Budget
11 Committee and the Co-Chairs of the Oklahoma State Senate
12 Appropriations Committee within eighteen (18) calendar days of
13 receiving the request.

14 SECTION 4. The Director of State Finance shall transfer monies
15 appropriated from the General Revenue Fund to the Oklahoma Health
16 Care Authority disbursing funds in the amounts and ratios requested
17 by the Authority except that the cumulative amount transferred shall
18 not exceed the cumulative amount of equal monthly allotments of the
19 appropriation from the General Revenue Fund. Monies appropriated or
20 collected for the fiscal year ending June 30, 2008, may be
21 transferred to these disbursing funds for the fiscal year ending
22 June 30, 2007, to satisfy encumbrances and obligations of said
23 fiscal year; provided, that monies equal in amount are transferred
24 from appropriations or collections for the fiscal year ending June

1 30, 2007, to the disbursing fund for the fiscal year ending June 30,
2 2008, to satisfy encumbrances and obligations of said fiscal year.
3 All transfer requests shall be in writing to the Director of State
4 Finance. The Oklahoma Health Care Authority shall maintain record
5 of the inter-year transfers.

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

11 SECTION 6. Appropriations made by Sections 82, 83, and 84 of
12 Enrolled Senate Bill No. 334 of the 1st Session of the 51st Oklahoma
13 Legislature, not including appropriations made for capital outlay
14 purposes, may be budgeted for the fiscal year ending June 30, 2008
15 (hereafter FY-08), or may be budgeted for the fiscal year ending
16 June 30, 2009 (hereafter FY-09). Funds budgeted for FY-08 may be
17 encumbered only through June 30, 2008, and must be expended by
18 November 15, 2008. Any funds remaining after November 15, 2008, and
19 not budgeted for FY-09, shall lapse to the credit of the proper fund
20 for the then current fiscal year. Funds budgeted for FY-09 may be
21 encumbered only through June 30, 2009. Any funds remaining after
22 November 15, 2009, shall lapse to the credit of the proper fund for
23 the then current fiscal year. These appropriations may not be
24 budgeted in both fiscal years simultaneously. Funds budgeted in FY-

1 08, and not required to pay obligations for that fiscal year, may be
2 budgeted for FY-09, after the agency to which the funds have been
3 appropriated has prepared and submitted a budget work program
4 revision removing these funds from the FY-08 budget work program and
5 after such revision has been approved by the Office of State
6 Finance.

7 SECTION 7. This act shall become effective July 1, 2007.

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

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