

1 ENGROSSED SENATE
2 BILL NO. 1405

By: Brown of the Senate

3 and

4 Wright of the House

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7 An Act relating to children; amending Section 1,
8 Chapter 185, O.S.L. 2007 (10 O.S. Supp. 2007, Section
9 1430.42), which relates to the Advantage Waiver and
10 Developmental Disability Services Rate Review
11 Committee; expanding membership of the Committee; and
12 providing an effective date.

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

14 SECTION 1. AMENDATORY Section 1, Chapter 185, O.S.L.
15 2007 (10 O.S. Supp. 2007, Section 1430.42), is amended to read as
16 follows:

17 Section 1430.42 A. There is hereby created the Advantage
18 Waiver and Developmental Disability Services Rate Review Committee.

19 The Committee shall:

20 1. Review the reimbursement rates provided for in the Advantage
21 and Home- and Community-Based Waivers and all other reimbursement
22 rates to providers of services to the aged and developmentally
23 disabled and administered by the Aging Services Division and
24 Developmental Disability Services Division of the Department of
Human Services;

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

5 3. Make a recommendation in the report of the Committee
6 regarding an increase in funding specifically dedicated to providing
7 services to persons not currently receiving services but who have
8 formally requested those services from the Department of Human
9 Services.

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

14 C. The Committee shall convene no later than July 15, 2007, and
15 shall meet no ~~less~~ fewer than three times every odd year. By
16 September 1, 2007, and every odd year thereafter, the Committee
17 shall submit to the Governor, Legislature, Department of Human
18 Services and the Office of State Finance a report containing the
19 following:

20 1. A description of the rates reviewed by the Committee as well
21 as an explanation of their purpose;

22 2. A recommended rate calculated by the Committee for the
23 rates;

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1 3. A description of how the individual rates were calculated
2 including a list of the factors and variables considered when
3 calculating the rates;

4 4. A specific recommendation of funding for providing services
5 to persons not currently receiving services from the Department of
6 Human Services but who have requested those services pursuant to the
7 policy of the Developmental Disability Services Division. To the
8 best of its ability, the Committee shall indicate the number of
9 persons it believes could be served by the recommended increase in
10 funding;

11 5. A calculation of the total dollars required from the State
12 Treasury to fund the recommended rates at the current level of
13 services provided by the Department of Human Services; and

14 6. A calculation of the total dollars leveraged, if any, from
15 the federal government through the Advantage and Home- and
16 Community-Based Waivers or any other relevant source, if the
17 recommended rates were enacted.

18 D. The Committee shall convene every odd year and shall be
19 charged with the same responsibilities and duties as provided in
20 subsection C of this section.

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

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

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

3 a. a parent or legal guardian of a developmentally
4 disabled child currently receiving services from the
5 Developmental Disability Services Division of the
6 Department of Human Services,

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

13 c. a person or legal guardian of a person receiving
14 services under the Advantage Waiver;

15 2. The Speaker of the Oklahoma House of Representatives shall
16 appoint ~~four~~ five members of the Committee as follows:

17 a. a provider of services to the developmentally disabled
18 who has contracted with the Developmental Disability
19 Services Division of the Department of Human Services
20 to provide such services and who employs more than
21 fifty-five persons,

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

1 to provide such services and who employs ~~less~~ fewer
2 than fifty-five persons,

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

5 d. a provider of services to the aged under the Advantage
6 Waiver who employs ~~less~~ fewer than fifty-five persons,
7 and

8 e. one member of the House of Representatives;

9 3. The President Pro Tempore of the Oklahoma State Senate shall
10 appoint ~~three~~ four members of the Committee as follows:

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

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

21 c. a Certified Public Accountant who has particular
22 expertise in the day-to-day financial operations of
23 businesses that provide services to the aged under the
24 Advantage Waiver, and

1 d. one member of the Senate;

2 4. The Director of the Aging Services Division of the
3 Department of Human Services or a designee;

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

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

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

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

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

19 SECTION 2. This act shall become effective November 1, 2008.
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