

ENROLLED SENATE
BILL NO. 1259

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

and

Miller and Jones of the
House

An Act relating to the State Department of Health; requiring budgeting in certain categories and amounts; requiring certain performance measures; providing certain exemptions; providing for duties and compensation of employees; limiting salary of the Commissioner; authorizing payment of certain expenses of Commissioner under certain conditions; specifying certain budgetary limitations; requiring employment of certain persons for certain program; requiring transfer of certain funds; requiring certain expenditures; specifying certain expenditures; authorizing request for bids; requiring transfer of funds; requiring certain reimbursement contracts; 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.

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

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

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

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

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

SECTION 2. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the State Department of Health by law shall be set by the State Commissioner of Health. The salary of the State Commissioner of Health shall not exceed One Hundred Ninety-four Thousand Two Hundred Fifty Dollars (\$194,250.00) per annum, payable monthly for the fiscal year ending June 30, 2009. The State Department of Health is authorized, provided that the Commissioner of Health possesses a Doctor of Medicine Degree or a Doctor of Osteopathy Degree and a license to practice medicine in this state, to pay the professional expenses of the Commissioner of Health, including dues, licenses, professional memberships, continuing medical education classes

conducted in the State of Oklahoma, and medical malpractice insurance. The State Department of Health for the fiscal year ending June 30, 2009, shall be subject to the following budgetary limitations, except as may be authorized pursuant to the provisions of Section 3603 of Title 74 of the Oklahoma Statutes:

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

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

SECTION 4. TRANSFER The State Department of Health shall transfer the sum of Three Million Three Hundred Thirty-six Thousand Four Hundred Eighty-two Dollars (\$3,336,482.00) from the funds appropriated in Section 69 of Enrolled House Bill No. 2276 of the 2nd Session of the 51st Oklahoma Legislature to the Child Abuse Prevention Fund established pursuant to Section 1-227.8 of Title 63 of the Oklahoma Statutes, to be expended in accordance with law.

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

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

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

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

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

Contractual services of the Margaret Hudson Program for School Age Parents	\$ 34,091.00
Contractual services of the Emerson Teen Parent Program	107,372.00
Contractual services of the Oklahoma Institute for Child Advocacy	75,000.00
Contractual services of Dental for the Disabled and Elderly in Need of Treatment (D-DENT)	136,764.00
Contractual services of the Hearts for Hearing Foundation	200,000.00
Contractual services of the College of Osteopathic Medicine of Oklahoma State University for the Area Health Education Centers Campaign	564,887.00

Contractual services of the Sickle Cell Research Foundation, Incorporated	182,662.00
Contractual services of the Alzheimer's Association, Oklahoma Chapter	7,932.00
Contractual services of the University of Oklahoma Health Sciences Center, Department of Pathology	44,005.00
Contractual services of the Tolliver Alternative Care Center, Incorporated	36,965.00
Contractual services for the University of Oklahoma Health Sciences Center Pediatric Endocrinology Department	93,205.00
Contractual services of the North Tulsa Heritage Foundation, Incorporated	35,695.00
Contractual services of the Metropolitan Tulsa Urban League, Incorporated	39,195.00
Contractual services of the Greenwood Educational and Cultural Center	118,985.00
Contractual services of the Oklahoma Dental Foundation	100,000.00
Contractual services of the University of Oklahoma College of Medicine - Tulsa	400,000.00
Contractual services of the College of Osteopathic Medicine of Oklahoma State University	500,000.00
Contractual services of the Oklahoma Economic Development Association	18,500.00

Contractual services of the Oklahoma State Board of Examiners for Long- Term Care Administrators	<u>347,000.00</u>
TOTAL	\$3,042,258.00

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

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

Direct services for maternal and child health and to encourage early entry of high-risk clients into the health care system	\$2,254,148.00
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Contractual services with the Perinatal Continuing Education Program within the Department of Obstetrics and Gynecology of the University of Oklahoma College of Medicine	\$209,429.00
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SECTION 12. A. From the funds appropriated to the State Department of Health in Section 69 of Enrolled House Bill No. 2276 of the 2nd Session of the 51st Oklahoma Legislature, Two Million Forty-one Thousand One Hundred Twenty Dollars (\$2,041,120.00) shall

be expended in the following manner. It is the intent of the Legislature that the amount of One Million Three Hundred Forty-one Thousand One Hundred Twenty Dollars (\$1,341,120.00) shall be disbursed to community health centers (CHCs) authorized under Section 330 of the Public Health Services Act deemed as Federally Qualified Health Centers (FQHC), and incorporated in the State of Oklahoma. Any disbursement shall be solely for the reimbursement of uncompensated care costs associated with the delivery of primary health care to uninsured patients as regulated by 42 CFR, Chapter 1, Part 51c and all applicable current and future subparts and sections. Any disbursement shall be supported by data contained within the annually submitted Federal Uniform Data System Report and supporting documentation as specified by the State Department of Health within the contract. The methodology for disbursement shall be developed by the Primary Care Office within the Community Development Service of the State Department of Health with the approval of the Commissioner of Health. The State Board of Health is authorized to promulgate the methodology into rules. The amount of Seven Hundred Thousand Dollars (\$700,000.00) shall be expended as follows: the State Department of Health, Office of Primary Care and Rural Health Development within the Community Development Service, for the following purpose: Implement the Charitable Health Care Provider Initiative as specified in Section 152.2 of Title 51 of the Oklahoma Statutes; and continued expansion of Section 330, Federally Qualified Health Centers (FQHCs) and/or Federally Qualified Look-A-Like community health centers, as defined by 42 U.S.C., Section 1396d(1)(2)(B) including:

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

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

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

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

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

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

SECTION 13. From the funds appropriated to the State Department of Health in Section 69 of Enrolled House Bill No. 2276 of the 2nd Session of the 51st Oklahoma Legislature, Seventy Thousand Dollars (\$70,000.00) shall be expended by reimbursement contract to Eastern Oklahoma Donated Dental Services (EODDS). It is the intent of the Legislature that Eastern Oklahoma Donated Dental Services shall be the contracted provider of donated dental services in Tulsa and Rogers Counties.

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

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

SECTION 15. Appropriations made by Section 69 of Enrolled House Bill No. 2276 of the 2nd Session of the 51st Oklahoma Legislature, not including appropriations made for capital outlay purposes, may be budgeted for the fiscal year ending June 30, 2009 (hereafter FY-09), or may be budgeted for the fiscal year ending June 30, 2010

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

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

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

Passed the Senate the 7th day of May, 2008.

Presiding Officer of the Senate

Passed the House of Representatives the 13th day of May, 2008.

Presiding Officer of the House
of Representatives