

**THE HOUSE OF REPRESENTATIVES**  
Thursday, March 6, 2008

**House Bill No. 2529**  
**As Amended**

HOUSE BILL NO. 2529 - By: STEELE, BIGHORSE, JOHNSON (DENNIS), KERN, LINDLEY, MCAFFREY, PITTMAN AND SHUMATE of the House and LEFTWICH of the Senate.

( aging - creating the Oklahoma Commission on Aging - establishing the Office of Aging Services Oversight and Accountability - establishing the Office of Planning and Coordination for Aging Services - creating the Oklahoma Commission on Aging Revolving Fund – codification –  
emergency )

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

- 1           SECTION 1.   NEW LAW   A new section of law to be codified in the Oklahoma  
2 Statutes as Section 501 of Title 25, unless there is created a duplication in numbering,  
3 reads as follows:
- 4           As used in Sections 2 through 6 of this act:
- 5           1. “Aging services system” means the social, rehabilitative, health, mental health  
6 and substance abuse, housing and transportation services provided to Oklahomans age  
7 sixty (60) and over by public and private agencies;
- 8           2. “Consumer” means an individual receiving services through the aging services  
9 system; and
- 10          3. “Commission” means the Oklahoma Commission on Aging.

1 SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma  
2 Statutes as Section 502 of Title 25, unless there is created a duplication in numbering,  
3 reads as follows:

4 A. There is hereby created the Oklahoma Commission on Aging which shall consist  
5 of twenty (20) members as follows:

6 1. Three shall be appointed by the Speaker of the Oklahoma House of  
7 Representatives as follows:

8 a. one shall be a licensed physician in the state of Oklahoma who  
9 specializes in gerontology,

10 b. one shall be a representative of an organization that educates seniors  
11 in the legislative process and highlights their needs to the Legislature,  
12 and

13 c. one shall be a member of a nonprofit, nonpartisan membership  
14 organization for people age fifty (50) years and older;

15 2. Three shall be appointed by the President Pro Tempore of the State Senate as  
16 follows:

17 a. one shall be a licensed mental health professional with expertise in  
18 treating individuals age sixty (60) and over,

19 b. one shall be an individual with a demonstrated interest in improving  
20 services to the aging community, and

21 c. one shall be a member of the Oklahoma State Council on Aging;

22 3. Five shall be appointed by the Governor as follows:

- 1 a. one shall be the Director of an Area Agency on Aging,  
2 b. one shall be a licensed alcohol and drug counselor with expertise in  
3 treating individuals age sixty (60) and over,  
4 c. one shall be an attorney licensed in the State of Oklahoma who  
5 specializes in the practice of elder law,  
6 d. one shall be a consumer of the aging services system, and  
7 e. one shall represent a community action agency; and  
8 4. Nine shall be public sector representatives as follows:  
9 a. the Director of the Department of Human Services, or designee,  
10 b. the Commissioner of the Oklahoma State Department of Health, or  
11 designee,  
12 c. the Commissioner of the Department of Mental Health and Substance  
13 Abuse Services, or designee,  
14 d. the Chief Executive Officer of the Oklahoma Health Care Authority, or  
15 designee,  
16 e. the Insurance Commissioner, or designee,  
17 f. the Director of the Office of Disability Concerns, or designee,  
18 g. the Director of the Oklahoma Department of Transportation, or  
19 designee,  
20 h. the Director of the Oklahoma Department of Commerce, or designee,  
21 and  
22 i. the Attorney General of the State of Oklahoma, or designee.

1 B. Appointed members, other than the ex officio members, shall serve terms of four  
2 (4) years; provided, of those members initially appointed by the Speaker of the Oklahoma  
3 House of Representatives, one shall be appointed for a two-year term; of those members  
4 initially appointed by the President Pro Tempore of the State Senate, one shall be  
5 appointed for a two-year term; and of those members initially appointed by the Governor,  
6 two shall be appointed for a two-year term. Appointed members shall continue in office  
7 until a successor is appointed and all vacancies shall be filled in the same manner as the  
8 original appointment was made.

9 C. The Director of the Department of Human Services shall convene an  
10 organizational meeting of the Oklahoma Commission on Aging prior to December 1,  
11 2008, at which time members of the Commission shall elect a chair, a vice-chair and  
12 other officers as needed. Officers elected by the Commission shall serve for one (1) year  
13 and shall serve no more than three (3) consecutive years in any office to which the  
14 Commission member is elected. A majority of the members of the Commission shall  
15 constitute a quorum for the transaction of business.

16 D. The Commission shall meet at least once every three (3) months to transact its  
17 business and may meet at such additional times as the Commission may determine.

18 E. The Commission shall meet in accordance with the provisions of the Oklahoma  
19 Open Meeting Act.

20 F. Members of the Commission shall receive no compensation for serving on the  
21 Commission but shall receive travel reimbursement as follows:

1           1. State agency officers and employees who are members of the Commission shall  
2 be reimbursed for travel expenses incurred in the performance of their duties by their  
3 respective agencies in accordance with the State Travel Reimbursement Act; and

4           2. Remaining members shall be reimbursed by the Commission from any funds  
5 received by the Commission for travel expenses incurred in the performance of their  
6 duties in accordance with the State Travel Reimbursement Act.

7           SECTION 3.   NEW LAW   A new section of law to be codified in the Oklahoma  
8 Statutes as Section 503 of Title 25, unless there is created a duplication in numbering,  
9 reads as follows:

10          The Oklahoma Commission on Aging shall have the power and duty to:

11           1. Appoint a Director who shall have at least five (5) years of experience in the  
12 implementation and administration of services to individuals age sixty (60) and over;

13           2. Employ, direct, discharge and define the duties and set the salaries of other staff  
14 as necessary;

15           3. Establish and maintain the Office of Aging Services Oversight and  
16 Accountability;

17           4. Establish and maintain the Office of Planning and Coordination for Aging  
18 Services;

19           5. Receive funds from any public or private source;

20           6. Enter into contractual agreements to assist with the administration of the  
21 Commission and provide technical assistance to communities upon request;

1           7. Facilitate joint planning and service coordination among public and private  
2 agencies that provide services to individuals age sixty (60) and over;

3           8. Review the programs, policies and services for individuals age sixty (60) and over  
4 provided by public and private agencies for compliance with established state policies  
5 and make reports regarding such compliance and recommendations for improvement;

6           9. Make a report to the Governor and the Legislature no later than November 1 of  
7 each year regarding activities of the Commission and any recommendations to improve  
8 the capacity and efficiency of the aging services system;

9           10. Promulgate rules necessary to implement the duties and responsibilities of the  
10 Commission; and

11          11. Perform such other duties and have such other responsibilities as necessary to  
12 implement the provisions of this act.

13          SECTION 4.   NEW LAW   A new section of law to be codified in the Oklahoma  
14 Statutes as Section 504 of Title 25, unless there is created a duplication in numbering,  
15 reads as follows:

16           A. The Office of Aging Services Oversight and Accountability shall have the  
17 authority to examine all records pertaining to the aging services system and the  
18 responsibility to investigate complaints filed with the Office with respect to the system  
19 and to monitor the quality and adequacy of services and programs, including consumer  
20 protection programs, for persons age sixty (60) and over.

21           B. It shall further be the duty of the Office of Aging Services Oversight and  
22 Accountability to:

1           1. Review the reports of inspections and investigations conducted by the State  
2 Department of Health, the Department of Human Services, and the State Fire Marshal  
3 as they relate to the services and programs provided to persons age sixty (60) and over;

4           2. Issue reports to the Governor, Speaker of the House of Representatives,  
5 President Pro Tempore of the Senate, the director of any agency under consideration and  
6 such other persons as necessary and appropriate;

7           3. Hold public hearings; and

8           4. Make recommendations to the Oklahoma Commission on Aging.

9           C. The Office of Aging Services Oversight and Accountability shall not release  
10 information that would identify a person who makes a complaint to the Office, unless a  
11 court of competent jurisdiction orders release of the information for good cause shown.

12           SECTION 5.   NEW LAW   A new section of law to be codified in the Oklahoma  
13 Statutes as Section 505 of Title 25, unless there is created a duplication in numbering,  
14 reads as follows:

15           The Office of Planning and Coordination for Aging Services shall:

16           1. Convene meetings of public and private agencies that provide services to persons  
17 age sixty (60) and over for the purpose of facilitating and implementing joint planning  
18 and service coordination among agencies in the aging services system;

19           2. Annually prepare, in cooperation with the Aging Services Division of the  
20 Department of Human Services, a state plan for services to individuals age sixty (60) and  
21 over;

1           3. Examine all plans, budgets and related documents related to the planning,  
2 coordination and development of the aging services system;

3           4. Review, monitor and evaluate the aging services system regarding the  
4 development of services and a rebalancing of the long-term care system, progress toward  
5 effective joint planning and service coordination, and compliance with established state  
6 policies and goals;

7           5. Develop and implement a single point of entry to the aging services system by  
8 January 1, 2009, which shall include helpful and accurate information, counseling  
9 regarding available services and options to streamline the program eligibility  
10 determination process;

11          6. Monitor and evaluate the administration of the single-point-of-entry system and  
12 issue an annual report regarding the quality and timeliness of the information,  
13 counseling and eligibility determination services being delivered;

14          7. Facilitate the discussion of issues related to the aging services system in a public  
15 forum, as necessary; and

16          8. Issue reports to the Governor, Speaker of the House of Representatives,  
17 President Pro Tempore of the Senate, the director of any public or private agency, and  
18 such other persons as necessary and appropriate.

19          SECTION 6.   NEW LAW   A new section of law to be codified in the Oklahoma  
20 Statutes as Section 506 of Title 25, unless there is created a duplication in numbering,  
21 reads as follows:

1           There is hereby created in the State Treasury a revolving fund for the Oklahoma  
2 Commission on Aging, to be designated the “Oklahoma Commission on Aging Revolving  
3 Fund”. The fund shall be a continuing fund, not subject to fiscal year limitations, and  
4 shall consist of all monies received by the Oklahoma Commission on Aging. All monies  
5 accruing to the credit of the fund are hereby appropriated and may be budgeted and  
6 expended by the Commission to meet expenses necessary for carrying out the provisions  
7 of this act. Expenditures from the fund shall be approved by the members of the  
8 Commission and made upon warrants issued by the State Treasurer against claims filed  
9 as prescribed by law with the Director of State Finance for approval and payment.

10           SECTION 7. It being immediately necessary for the preservation of the public  
11 peace, health and safety, an emergency is hereby declared to exist, by reason whereof  
12 this act shall take effect and be in full force from and after its passage and approval.

13 COMMITTEE REPORT BY: COMMITTEE ON HUMAN SERVICES, dated 03-05-08 -  
14 DO PASS, As Amended and Coauthored.