

THE HOUSE OF REPRESENTATIVES
Thursday, March 6, 2008

Committee Substitute for
House Bill No. 3322

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 3322 - By: LINDLEY, BIGHORSE,
MCAFFREY AND PITTMAN of the House and JOHNSON (CONSTANCE) of the Senate.

(Poor persons – Opportunities for Independent Living Act – codification –
effective date)

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

1 SECTION 1. AMENDATORY Section 2, Chapter 296, O.S.L. 2006 (56 O.S.

2 Supp. 2007, Section 198.11c), is amended to read as follows:

3 Section 198.11c A. This act shall be known and may be cited as the “Opportunities
4 for Independent Living Act”.

5 B. The Legislature finds that:

6 1. In the landmark Olmstead v. L.C. decision, the Supreme Court interpreted Title
7 II of the Americans with Disabilities Act to require states to administer programs in the
8 most integrated setting appropriate to meet the needs of qualified persons with
9 disabilities;

10 2. Medicaid is presently structured to provide care to persons with disabilities in
11 institutional settings such as skilled nursing facilities and private intermediate care

1 facilities for persons with mental retardation (ICFs-MR), and in community-based
2 settings such as group homes and waiver programs; and

3 3. Persons with disabilities living in institutional settings must meet certain low-
4 income standards to become eligible for institutional care. Therefore, when a person
5 with disabilities wishes to move into the community, he or she has little or no resources
6 to pay for rent and utility deposits or purchase basic household items.

7 C. It is the intent of the Legislature to establish a ~~three-year pilot~~ program that:

8 1. Is consistent with and implements the Olmstead Decision;

9 2. Develops eligibility criteria for the ~~pilot~~ program;

10 3. In coordination with the Oklahoma Health Care Authority and the Department
11 of Human Services Aging Division, utilizes the Centers for Medicare and Medicaid
12 Minimum Data Set (MDS) information to identify ~~thirty~~ people who have requested to
13 receive their services in a community setting;

14 4. Identifies barriers to moving into the community;

15 5. ~~Works with nurses and case managers to coordinate services for eligible~~
16 ~~participants within the pilot program~~ Coordinates with long-term care nurses, case
17 managers and other appropriate entities to ensure the health and safety of each
18 consumer;

19 6. Establishes an infrastructure to allow for an effective system that allows money
20 to follow the person from Medicaid programs into the community settings;

21 7. Increases the availability of safe, affordable and accessible housing;

1 8. Establishes a presence within local hospitals to reduce the number of
2 inappropriate placements within institutional settings;

3 9. ~~Develops~~ Provides benefits counseling options; and

4 10. Allows qualified persons with disabilities the opportunity to transition from
5 institutions into the community.

6 D. Subject to the availability of funding, the Oklahoma Health Care Authority shall
7 establish and maintain a ~~three-year pilot~~ program to assist qualified individuals with
8 disabilities living in institutions to transition into the community. The Authority shall
9 act as the lead agency and is authorized to consult and cooperate with the Department of
10 Human Services as necessary to carry out the provisions of this ~~act~~ section.

11 E. The Authority shall enter into contracts to carry out the provisions of this ~~act~~
12 section. Such contracted entities shall be consumer-controlled, non-residence-based,
13 community-based, nonprofit organizations with experience in transitioning persons with
14 disabilities into community settings, such as Centers for Independent Living established
15 pursuant to 29 U.S.C., Section 796f et seq.

16 F. The Authority through its duly contracted entities shall:

17 1. Utilize MDS data to identify participants who prefer to receive services within
18 the community;

19 2. Develop eligibility criteria for ~~pilot~~ program participants that are consistent with
20 guidelines established by the Centers for Medicare and Medicaid Services;

21 3. Provide ongoing assistance to further develop assessment criteria for ~~pilot~~
22 program participants;

1 4. Work in conjunction with health care providers and case managers to coordinate
2 services for ~~pilot~~ program participants;

3 5. Establish ~~an effective~~ a system that allows money to follow ~~pilot~~ program
4 participants from the institutional setting to the community;

5 6. Increase ~~pilot~~ program participant access to safe and affordable housing;

6 7. Offer follow-up services such as training, technical assistance and support for
7 ~~pilot~~ program participants; and

8 8. Develop curriculum and marketing materials to train future service providers.

9 G. The Authority through its duly contracted entities is authorized to use available
10 funding to assist eligible persons under this ~~act~~ section to:

11 1. Pay rent deposits;

12 2. Pay utility deposits;

13 3. Purchase initial household supplies;

14 4. Purchase basic initial household appliances; and

15 5. Purchase initial furniture and pay moving expenses.

16 H. The Authority shall promulgate rules as necessary to carry out the provisions of
17 this ~~act~~ section. Such rules shall include but are not limited to:

18 1. Eligibility criteria for services;

19 2. Assessment protocols to identify persons in need of services; and

20 3. Funding to assist eligible persons.

21 I. 1. The Chief Executive Officer of the Oklahoma Health Care Authority shall, no
22 later than December 1, 2008, appoint an Opportunities for Independent Living Advisory

1 Committee to provide guidance on the design, implementation and evaluation of the
2 program.

3 2. The Opportunities for Independent Living Advisory Committee shall consist of
4 twelve (12) individuals, of whom at least nine shall be persons with disabilities.

5 3. Each member shall serve at the pleasure of the Chief Executive Officer of the
6 Oklahoma Health Care Authority.

7 4. Members of the Advisory Committee shall serve without compensation, but shall
8 be reimbursed for necessary expenses incurred in the performance of their duties
9 pursuant to the provisions of the State Travel Reimbursement Act.

10 J. The Authority and the Department of Human Services shall evaluate the
11 implementation of the ~~pilot~~ program and annually make recommendations to the
12 Legislature regarding its effectiveness.

13 SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma
14 Statutes as Section 198.18 of Title 56, unless there is created a duplication in numbering,
15 reads as follows:

16 The Oklahoma Health Care Authority, in consultation with Centers for
17 Independent Living established pursuant to 29 U.S.C., Section 796f et seq., shall apply
18 for a home- and community-based waiver or waivers from the Centers for Medicare and
19 Medicaid Services for the purpose of establishing a Self-Directed Care Program for
20 persons with physical disabilities. The program shall be based on the provisions of the
21 Self-Directed Care Pilot Program created in Section 198.15 of Title 56 of the Oklahoma
22 Statutes.

1 SECTION 3. This act shall become effective November 1, 2008.
2 COMMITTEE REPORT BY: COMMITTEE ON HUMAN SERVICES, dated 03-05-08 -
3 DO PASS, As Amended and Coauthored.