

THE HOUSE OF REPRESENTATIVES
Monday, April 7, 2008

ENGROSSED
Senate Bill No. 1405

ENGROSSED SENATE BILL NO. 1405 - By: BROWN of the Senate and WRIGHT AND PITTMAN of the House.

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

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

- 1 SECTION 1. AMENDATORY Section 1, Chapter 185, O.S.L. 2007 (10 O.S.
2 Supp. 2007, Section 1430.42), is amended to read as follows:
- 3 Section 1430.42 A. There is hereby created the Advantage Waiver and
4 Developmental Disability Services Rate Review Committee. The Committee shall:
- 5 1. Review the reimbursement rates provided for in the Advantage and Home- and
6 Community-Based Waivers and all other reimbursement rates to providers of services to
7 the aged and developmentally disabled and administered by the Aging Services Division
8 and Developmental Disability Services Division of the Department of Human Services;
- 9 2. Calculate reimbursement rates which provide a level of care to the aged and
10 developmentally disabled of the state enabling them, to the greatest extent possible, to
11 function, live, and work in their own homes or a community-based setting; and

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

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

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

- 13 1. A description of the rates reviewed by the Committee as well as an explanation
14 of their purpose;
- 15 2. A recommended rate calculated by the Committee for the rates;
- 16 3. A description of how the individual rates were calculated including a list of the
17 factors and variables considered when calculating the rates;
- 18 4. A specific recommendation of funding for providing services to persons not
19 currently receiving services from the Department of Human Services but who have
20 requested those services pursuant to the policy of the Developmental Disability Services
21 Division. To the best of its ability, the Committee shall indicate the number of persons it
22 believes could be served by the recommended increase in funding;

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

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

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

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

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

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

14 a. a parent or legal guardian of a developmentally disabled child
15 currently receiving services from the Developmental Disability
16 Services Division of the Department of Human Services,

17 b. a parent or legal guardian of a developmentally disabled child not
18 currently receiving services from the Developmental Disability
19 Services Division of the Department of Human Services but who has
20 applied for the services pursuant to Department of Human Services
21 policy, and

1 c. a person or legal guardian of a person receiving services under the
2 Advantage Waiver;

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

5 a. a provider of services to the developmentally disabled who has
6 contracted with the Developmental Disability Services Division of the
7 Department of Human Services to provide such services and who
8 employs more than fifty-five persons,

9 b. a provider of services to the developmentally disabled who has
10 contracted with the Developmental Disability Services Division of the
11 Department of Human Services to provide such services and who
12 employs ~~less~~ fewer than fifty-five persons,

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

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

17 e. one member of the House of Representatives;

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

20 a. an independent auditor of providers of services to the developmentally
21 disabled who has contracted to provide the services with the

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

- 1 Developmental Disability Services Division of the Department of
2 Human Services,
- 3 b. a Certified Public Accountant who has particular expertise in the day-
4 to-day financial operations of businesses that provide services to the
5 developmentally disabled which contracts with the Developmental
6 Disability Services Division of the Department of Human Services, ~~and~~
- 7 c. a Certified Public Accountant who has particular expertise in the day-
8 to-day financial operations of businesses that provide services to the
9 aged under the Advantage Waiver, and
- 10 d. one member of the Senate;

11 4. The Director of the Aging Services Division of the Department of Human
12 Services or a designee;

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

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

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

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

19 H. At the first meeting, the Committee shall elect a chair and cochair from among
20 the members of the Committee. The chair shall be responsible for setting the agenda for
21 the Committee meetings, determining the meeting dates after consultation with the
22 members of the Committee, and ensuring that the final report of the Committee is

1 submitted as required by subsection C of this section. In the absence of the chair, the
2 cochair of the Committee shall be responsible for convening the meetings.

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

4 COMMITTEE REPORT BY: COMMITTEE ON HUMAN SERVICES, dated 04-03-08 -
5 DO PASS, As Coauthored.