

3 Senate Bill No. 1405

4 SENATE BILL NO. 1405 - By: BROWN of the Senate and WRIGHT of the  
5 House.

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

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

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

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

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

25 2. Calculate reimbursement rates which provide a level of care  
26 to the aged and developmentally disabled of the state enabling them,

1 to the greatest extent possible, to function, live, and work in  
2 their own homes or a community-based setting; and

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

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

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

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

20 2. A recommended rate calculated by the Committee for the  
21 rates;

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.

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

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

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

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

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

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

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

- 1           b.    a provider of services to the developmentally disabled  
2                    who has contracted with the Developmental Disability  
3                    Services Division of the Department of Human Services  
4                    to provide such services and who employs ~~less~~ fewer  
5                    than fifty-five persons,  
6            c.    a provider of services to the aged under the Advantage  
7                    Waiver who employs more than fifty-five persons, ~~and~~  
8            d.    a provider of services to the aged under the Advantage  
9                    Waiver who employs ~~less~~ fewer than fifty-five persons,  
10                   and  
11            e.    one member of the House of Representatives;

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

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

1           c.    a Certified Public Accountant who has particular  
2                    expertise in the day-to-day financial operations of  
3                    businesses that provide services to the aged under the  
4                    Advantage Waiver, and

5           d.    one member of the Senate;

6           4.    The Director of the Aging Services Division of the  
7    Department of Human Services or a designee;

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

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

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

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

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

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

1 COMMITTEE REPORT BY: COMMITTEE ON HEALTH & HUMAN RESOURCES, dated  
2 2-14-08 - DO PASS, As Coauthored.