

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE BILL 3322

By: Lindley

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6 AS INTRODUCED

7 An Act relating to poor persons; amending Section 2,
8 Chapter 296, O.S.L. 2006 (56 O.S. Supp. 2007, Section
9 198.11c), which relates to the Opportunities for
10 Independent Living Act; modifying intent of
11 Legislature; directing the Department of Human
12 Services to apply for a waiver to establish a Self-
13 Directed Care Program for persons with physical
14 disabilities; specifying purpose; providing for
15 codification; and providing an effective date.

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

SECTION 1. AMENDATORY Section 2, Chapter 296, O.S.L.
2006 (56 O.S. Supp. 2007, Section 198.11c), is amended to read as
follows:

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

B. The Legislature finds that:

1. In the landmark *Olmstead v. L.C.* decision, the Supreme Court
interpreted Title II of the Americans with Disabilities Act to
require states to administer programs in the most integrated setting

1 appropriate to meet the needs of qualified persons with
2 disabilities;

3 2. Medicaid is presently structured to provide care to persons
4 with disabilities in institutional settings such as skilled nursing
5 facilities and private intermediate care facilities for persons with
6 mental retardation (ICFs-MR), and in community-based settings such
7 as group homes and waiver programs; and

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

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

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

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

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

23 4. Identifies barriers to moving into the community;

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1 5. ~~Works with nurses and case managers to coordinate services~~
2 ~~for eligible participants within the pilot program~~ Coordinates with
3 long-term care nurses to ensure the health and safety of each
4 consumer;

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

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

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

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

13 10. Allows qualified persons with disabilities the opportunity
14 to transition from institutions into the community.

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

22 E. The Authority shall enter into contracts to carry out the
23 provisions of this ~~act~~ section. Such contracted entities shall be
24 consumer-controlled, non-residence-based, community-based, nonprofit

1 organizations with experience in transitioning persons with
2 disabilities into community settings, such as Centers for
3 Independent Living established pursuant to 29 U.S.C., Section 796f
4 et seq.

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

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

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

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

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

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

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

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

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

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

- 4 1. Pay rent deposits;
- 5 2. Pay utility deposits;
- 6 3. Purchase initial household supplies;
- 7 4. Purchase basic initial household appliances; and
- 8 5. Purchase initial furniture and pay moving expenses.

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

- 12 1. Eligibility criteria for services;
- 13 2. Assessment protocols to identify persons in need of
14 services; and
- 15 3. Funding to assist eligible persons.

16 I. The Authority and the Department of Human Services shall
17 evaluate the implementation of the ~~pilot~~ program and annually make
18 recommendations to the Legislature regarding its effectiveness.

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

22 The Department of Human Services shall, in conjunction with the
23 Oklahoma Health Care Authority, and in consultation with Centers for
24 Independent Living established pursuant to 29 U.S.C., Section 796f

1 et seq., apply for a waiver or waivers from the Centers for Medicare
2 and Medicaid Services for the purpose of establishing a Self-
3 Directed Care Program for persons with physical disabilities. The
4 program shall be based on the provisions of the Self-Directed Care
5 Pilot Program created in Section 198.15 of Title 56 of the Oklahoma
6 Statutes.

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

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