

1 STATE OF OKLAHOMA

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

3 SENATE BILL 2040

By: Corn

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6 INTRODUCED

7 An Act relating to corrections; providing legislative
8 statement; requiring the Department of Corrections to
9 centralize information technology; directing use of
10 Information Technology Unit; stating responsibilities
11 of Unit; stating purpose; requiring certain proposal
12 for offender management system by certain date;
13 discontinuing commercial radio system upon certain
14 procurement; transferring certain staff positions;
15 expanding authority of certain staff; requiring a
16 jurisdiction-based projection model; setting time for
17 certain reports; requiring separate analysis for
18 genders; directing certain master plan; considering
19 current expansion plans; setting date for submission
20 of master plan; directing long-term capacity plan;
21 requiring development of certain competitive bid
22 process for long-term contracts; directing separate
23 contract for facility and operations of certain
24 facilities; prohibiting contract termination for
convenience; directing contract clause for liquidated
damages; authorizing negotiations for maximum
security beds by certain date; providing for general
security status for maximum-security inmates subject
to space configurations; directing evaluation of all
security classification, validation and audit
annually; requiring certain report of bed space needs
by security level; stating intent to fund certain
beds; directing use of clinical measure for
evaluation of health care; requiring 430B Plan and
use of certain federally qualified providers for
reduction in medical costs; authorizing evaluation of
electronic medical records, use of consultants and
proposals; evaluating use of certain methodology for
medical claims; requiring certain report by certain
date; directing audit of medical claims for certain
purpose; expanding use of certain medical reviews for

1 certain purpose; directing better use of medical
2 resources requiring a plan to increase infirmary beds
3 for certain purpose; encouraging negotiations for
4 oversight of private prison medical care; requesting
5 conformity of forms, reports and medical care between
6 private prisons and the Department of Corrections;
7 providing for codification; providing for
8 noncodification; providing an effective date; and
9 declaring an emergency.

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

11 SECTION 1. NEW LAW A new section of law not to be
12 codified in the Oklahoma Statutes reads as follows:

13 On July 16, 2007, the Oklahoma Legislative Service Bureau
14 contracted for a comprehensive professional performance review of
15 the Department of Corrections. In reviewing the final report
16 presented by MGT of America, Inc., the correctional professionals
17 recommend the Department of Corrections take a variety of actions to
18 make the Department more efficient and better able to meet its
19 growing demands and responsibilities. Although the members of the
20 Legislature each have the report and its final recommendations under
21 consideration, the provisions of this act are believed to be within
22 the capabilities of the Department and Legislature to accomplish in
23 a reasonable period of time with appropriate funding applied in this
24 Legislative Session. This act does not attempt to address all
recommendations presented in the final report; however, all

1 provisions in this act are entirely based on a few specific
2 recommendations found in the final performance report.

3 SECTION 2. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 700 of Title 57, unless there is
5 created a duplication in numbering, reads as follows:

6 A. The Department of Corrections shall centralize and
7 consolidate its information functions, processes, and information
8 technology systems into a main system which shall be compatible
9 throughout the administrative offices and all institutions and
10 facilities. The Department shall have one Information Technology
11 Unit appropriately staffed, which shall be responsible for all
12 technology expenditures, data capturing, recording and analysis,
13 system design and functions, and upgrades to technology to assure
14 future compatibility and efficiency of all Department information
15 gathering, analysis, and sharing. The purpose of centralizing and
16 consolidating the Department's information technology shall be to
17 provide uniformity in technology among the various institutions and
18 facilities and to improve the efficiency in operations.

19 B. The Legislature hereby directs the Department by July 1,
20 2008, to submit two proposals with estimated costs as follows:

21 1. One proposal shall be to complete the Criminal Offender
22 Management Information Technology (COMIT) System and train personnel
23 in its use and functions; and
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1 2. One proposal shall be to purchase a new offender management
2 system, install the system and train personnel.

3 In the proposal to the Legislature, the Department shall report
4 on the evaluations it made to determine the best offender management
5 system and the time and costs required to have such system
6 completely operational. The Department shall make additional
7 recommendations to the Legislature concerning other communication
8 technology required by the Department, including use and upgrading
9 of correctional institution and facility radio systems. The
10 Department shall discontinue the use of commercial radio systems at
11 all facilities upon the approval and procurement of a professional
12 correctional facility radio system.

13 C. All Criminal Offender Management Information Tracking
14 (COMIT) positions shall be consolidated and transferred to the
15 Information Technology Unit by March 1, 2009. In addition, all
16 information technology coordinators shall have an indirect line of
17 access and authority to the Information Technology Unit, as well as
18 direct access and authority at facilities. All future information
19 technology developments, enhancements and improvements for the
20 Department shall be the responsibility of the Information Technology
21 Unit.

22 SECTION 3. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 700.1 of Title 57, unless there
24 is created a duplication in numbering, reads as follows:

1 A. The Department of Corrections shall adopt a jurisdiction-
2 based projection for prison population management that includes all
3 inmates in the actual custody of the Department and all offenders
4 sentenced to the custody of the Department but not received into the
5 physical custody of the Department due to being housed in county
6 jails awaiting transfer to the Department. The Department shall
7 issue projected state prison population data at least every six (6)
8 months and shall provide data on a monthly basis for admissions and
9 releases.

10 B. The prison population projection model shall have separate
11 analysis capabilities for males and females to better manage the
12 unique attributes of each group in forecasting trends and population
13 projection analysis. The prison projection model shall include, but
14 not be limited to, for each gender group: prior criminal history
15 data, history of violence, sentence length, and parole rates.

16 SECTION 4. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 700.2 of Title 57, unless there
18 is created a duplication in numbering, reads as follows:

19 A. The Legislature hereby authorizes the Department of
20 Corrections to commission an independent architectural and
21 engineering firm, subject to funding by the Legislature and approval
22 by the State Board of Corrections and the Governor's Cabinet
23 Secretary of Public Safety and Security, to produce a master plan
24 for capital improvements, facility expansion options, engineering

1 needs, and for evaluation of the need for additional institutions
2 within the Department. The master plan shall fully consider the
3 Department's current proposed expansion plans and develop other
4 alternatives, if found appropriate. In addition, the master plan
5 shall specify other alternatives which may be necessary to meet
6 current demands for bed space, any future projections of bed space,
7 or special Department or inmate needs. The master plan for capital
8 and engineering improvements shall be submitted to the Governor and
9 all legislative members on or before September 1, 2009.

10 B. Upon the completion of the master plan for capital and
11 engineering improvements within the Department, the Department shall
12 develop a long-term capacity plan that incorporates the results and
13 recommendations of the master plan and, if feasible, includes the
14 use and addition of private prison beds and inclusions of new
15 private prison facilities in this state. In conjunction with the
16 Department's long-term capacity plan, the Department shall develop a
17 competitive bid process for additional private prison facilities to
18 be constructed based upon a design-build proposal commensurate with
19 the specific requirements enumerated in the master plan. The
20 competitive bid process shall be for the long-term lease, or lease
21 purchase, of the structure with a separate bid process for the
22 management and operation of any correctional facility privately
23 built for the state.

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1 C. Any contract negotiated or renewed after the effective date
2 of this act shall be required to have a provision prohibiting the
3 private prison contractor from canceling a contract for convenience.
4 The Department shall further provide specific liquidated damages
5 clauses describing the Department's immediate authority on behalf of
6 the state to seek damages for breach of contract or for any failure
7 to properly operate the private prison facility according to rules
8 or policies established by Department or pursuant to Oklahoma law.

9 SECTION 5. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 700.3 of Title 57, unless there
11 is created a duplication in numbering, reads as follows:

12 The Legislature hereby authorizes the Department of Corrections
13 to enter into formal negotiations with private prison contractors in
14 this state to acquire additional maximum-security inmate bed space
15 by July 1, 2008, subject to appropriations.

16 SECTION 6. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 700.4 of Title 57, unless there
18 is created a duplication in numbering, reads as follows:

19 A. The Department of Corrections shall implement a policy and
20 rules to allow maximum-security inmates to be placed in general
21 population status, or another security status lower than full
22 lockdown status, at the maximum-security level facilities. The
23 policy shall include, but not be limited to, provisions for full
24 lockdown status for administrative and disciplinary segregation and

1 other occurrences or conditions creating an imminent danger or
2 threat of danger to the inmate, other inmates or staff. The
3 Department shall design the maximum security classification levels
4 to accommodate space availability and configurations at
5 institutions.

6 B. The Department shall evaluate the current security
7 classification system for all inmates in the custody of the
8 Department and annually validate and audit the classification
9 system. Annually, after analysis of the classification system with
10 reassignment of inmates to the proper placement according to such
11 system, if feasible, the Department shall identify inmate bed space
12 needs by security levels and report both the immediate and long-term
13 projected inmate bed space and staffing needs in each security level
14 to the Legislature. The Legislature shall attempt to fund either
15 public or private beds at each security level to meet the
16 Department's immediate and projected requirements.

17 SECTION 7. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 700.5 of Title 57, unless there
19 is created a duplication in numbering, reads as follows:

20 A. The Department of Corrections shall develop and use clinical
21 measures to evaluate the adequacy of its health care budget, such as
22 mortality rates, potentially preventable hospitalizations, and
23 sentinel morbid events. In addition to evaluating the health care
24 budget, the Department is directed to implement a 430B Plan

1 according to the federal Public Health Service Act with a federally
2 qualified practitioner who shall provide medical care, including
3 mental health care, to inmates. The purpose of the 430B Plan is to
4 lower cost for pharmaceuticals and medical care to inmates,
5 especially for the highest cost pharmaceuticals such as
6 psychotropic, human immunodeficiency virus (HIV) and hepatitis C
7 medications, and to keep sufficiently high standards for medical
8 care and treatment. In addition, the Department is directed to
9 evaluate and analyze the use of electronic medical records. The
10 Department may consult with professionals in the electronic medical
11 records arena for an evaluation of Department needs and the
12 formalization of a request for proposals. Any proposal placed for
13 bid shall ensure that the electronic records product is efficient,
14 user-friendly, cost effective, and uniform throughout the Department
15 facilities.

16 B. The Department shall evaluate the use of a Diagnostic
17 Related Group (DRG) methodology for payment of inmate medical
18 claims, as compared to the Oklahoma State Education and Employees
19 Group Insurance Board method of paying a percentage of usual
20 charges, to determine whether another contract network provider
21 group could provide a better cost savings for the state on medical
22 expenditures. A detailed report shall be presented to the
23 Legislature by July 1, 2009, on the availability of various medical
24 provider contract networks, services, and comparative costs.

1 C. All medical claims shall be audited, and the Department
2 shall develop procedures to reduce and eliminate the incidence of
3 duplications, overpayments, and waste in delivery of the medical
4 care and claim expenditures.

5 D. The Department shall expand its use of utilization reviews
6 by conducting both concurrent and retrospective reviews of
7 potentially preventable hospital stays as a means to identify any
8 underlying practices and policies that can be changed to reduce
9 medical expenses. From the evaluation of the reviews analysis, the
10 Department shall, if feasible, redirect the use of limited medical
11 resources to reduce preventable hospital admissions and decrease
12 hospital stay lengths. The Department shall develop a plan to
13 increase infirmary beds to improve appropriate hospital utilization
14 in all institutions, and included in the plan shall be provisions to
15 provide efficient medical care management for severely disabled
16 inmates.

17 E. The Department shall negotiate with private prison
18 contractors to allow the Office of Health Services to exercise
19 oversight of the health care programs offered in each private
20 facility and to standardize all medical records, forms, and care
21 management to be consistent with those provisions implemented by the
22 Department for health care management and services.

23 SECTION 8. This act shall become effective July 1, 2008.

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1 SECTION 9. It being immediately necessary for the preservation
2 of the public peace, health and safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

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