

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 CONFERENCE COMMITTEE
4 SUBSTITUTE
5 FOR ENGROSSED
6 HOUSE BILL NO. 1200

By: Miller and Martin (Scott)
of the House

7 and

Johnson (Mike) and Myers
of the Senate

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9
10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to the State Department of Health;
12 authorizing certain expenditures; providing for
13 duties and compensation of employees; limiting salary
14 of the Commissioner; authorizing payment of certain
15 expenses of Commissioner under certain conditions;
16 specifying compliance with and providing for certain
17 budgetary limitations; exempting certain funds from
18 expenditure and budgetary limitations; requiring
19 employment of certain persons for certain program;
20 authorizing transfers of certain funds; requiring
21 budgeting in certain categories and amounts;
22 requiring certain funds to be used to establish
23 certain programs; requiring certain reports;
24 providing for certain contracts; providing for
legislative intent; defining term; providing for
contents of certain report; requiring compliance of
certain program with state plan; requiring certain
reports; requiring certain contracts for evaluations;
requiring compliance; providing lapse dates;
requiring and prohibiting certain budget procedures;
providing an effective date; and declaring an
emergency.

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

2 SECTION 1. The State Department of Health is hereby authorized
3 to expend from the American Recovery and Reinvestment Act Fund ("490
4 Fund"), the sum of One Million Three Hundred Thirty Thousand Six
5 Hundred Fifty-two Dollars (\$1,330,652.00) or so much thereof as may
6 be necessary to perform the duties imposed upon the State Department
7 of Health by law.

8 SECTION 2. For the fiscal year ending June 30, 2010, the State
9 Department of Health shall budget all funds in the following
10 categories and amounts:

11	<u>Category</u>	<u>Appropriation</u>	<u>Total</u>
12	Support Services	\$ 3,985,315.00	\$ 42,000,000.00
13	Disease and Prevention		
14	Services	10,307,794.00	70,000,000.00
15	Family Health	14,624,183.00	134,000,000.00
16	Community Health		
17	Services	37,052,653.00	102,000,000.00
18	Protective Health		
19	Services	<u>7,060,333.00</u>	<u>55,000,000.00</u>
20	TOTAL	\$73,030,278.00	\$403,000,000.00

21 Receipt and expenditures of unanticipated federal funds awarded
22 to the State Department of Health after July 1, 2009, shall be
23 exempt from expenditure and budgetary limitations, provided that any
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1 such funds used for operations shall be included in the agency's
2 budget work program.

3 SECTION 3. The duties and compensation of employees, not
4 otherwise prescribed by law, necessary to perform the duties imposed
5 upon the State Department of Health by law shall be set by the State
6 Commissioner of Health. The salary of the State Commissioner of
7 Health shall not exceed One Hundred Ninety-four Thousand Two Hundred
8 Fifty Dollars (\$194,250.00) per annum, payable monthly for the
9 fiscal year ending June 30, 2010. The State Department of Health is
10 authorized to pay the professional expenses of the State
11 Commissioner of Health, including dues, licenses, professional
12 memberships, continuing professional education classes conducted in
13 the State of Oklahoma, and professional malpractice insurance. The
14 State Department of Health is authorized to pay professional
15 expenses of any Oklahoma licensed physician, including dues,
16 licenses, professional memberships, continuing medical education
17 classes conducted in the State of Oklahoma, and medical malpractice
18 insurance, provided the physician is a full-time employee of the
19 Department in accordance with paragraph 1 of subsection B of Section
20 840-5.5 of Title 74 of the Oklahoma Statutes and utilizing those
21 professional skills in the performance of their job duties. The
22 State Department of Health for the fiscal year ending June 30, 2010,
23 shall be subject to the following budgetary limitations, except as
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1 may be authorized pursuant to the provisions of Section 3603 of
2 Title 74 of the Oklahoma Statutes:

3 <u>Budgetary Limitation</u>	<u>Amount</u>
4 Full-time-equivalent Employees	2,530.00
5 Lease-Purchase Agreements	\$500,000.00

6 SECTION 4. Of the two thousand five hundred thirty (2,530.0)
7 full-time-equivalent employees authorized in Section 2 of this act,
8 two hundred fifty-four (254.0) shall be employed to provide services
9 under the provisions of the Oklahoma Early Intervention Act.

10 SECTION 5. TRANSFER The State Department of Health shall
11 transfer the sum of Three Million Three Hundred Thirty-six Thousand
12 Four Hundred Eighty-two Dollars (\$3,336,482.00) from the funds
13 appropriated in Section 67 of Enrolled Senate Bill No. 216 of the
14 1st Session of the 52nd Oklahoma Legislature to the Child Abuse
15 Prevention Fund established pursuant to Section 1-227.8 of Title 63
16 of the Oklahoma Statutes, to be expended in accordance with law.

17 SECTION 6. TRANSFER The State Department of Health shall
18 transfer the sum of Five Hundred Thousand Dollars (\$500,000.00) from
19 the funds appropriated in Section 67 of Enrolled Senate Bill No. 216
20 of the 1st Session of the 52nd Oklahoma Legislature to the Dental
21 Loan Repayment Revolving Fund established pursuant to Section 1-2714
22 of Title 63 of the Oklahoma Statutes, to be expended in accordance
23 with law.

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1 SECTION 7. TRANSFER The State Department of Health shall
2 transfer the sum of One Hundred Thirteen Thousand Nine Hundred
3 Seventy Dollars (\$113,970.00) from the funds appropriated in Section
4 67 of Enrolled Senate Bill No. 216 of the 1st Session of the 52nd
5 Oklahoma Legislature to the Kidney Health Revolving Fund established
6 pursuant to Section 1-2603 of Title 63 of the Oklahoma Statutes, to
7 be expended in accordance with law.

8 SECTION 8. TRANSFER The State Department of Health
9 shall transfer the sum of Thirty-nine Thousand Six Hundred Sixty-one
10 Dollars (\$39,661.00) from the funds appropriated in Section 67 of
11 Enrolled Senate Bill No. 216 of the 1st Session of the 52nd Oklahoma
12 Legislature to the Alternatives-to-Abortion Services Revolving Fund
13 established pursuant to Section 1-740.12 of Title 63 of the Oklahoma
14 Statutes, to be expended in accordance with law.

15 SECTION 9. TRANSFER The State Department of Health shall
16 transfer the sum of Two Million Five Hundred Thousand Dollars
17 (\$2,500,000.00) from the funds appropriated in Section 67 of
18 Enrolled Senate Bill No. 216 of the 1st Session of the 52nd Oklahoma
19 Legislature to the Oklahoma Institute for Disaster and Emergency
20 Medicine Revolving Fund established pursuant to Section 1-2523 of
21 Title 63 of the Oklahoma Statutes, to be expended in accordance with
22 law.

23 SECTION 10. From the funds appropriated to the State Department
24 of Health in Section 67 of Enrolled Senate Bill No. 216 of the 1st

1 Session of the 52nd Oklahoma Legislature, the following categories
2 and amounts shall be expended:

3	Contractual services of the Oklahoma	
4	Institute for Child Advocacy	\$ 75,000.00
5	Contractual services of Dental for the	
6	Disabled and Elderly in Need of	
7	Treatment (D-DENT)	136,764.00
8	Contractual services of the Hearts for	
9	Hearing Foundation	200,000.00
10	Contractual services of the College of	
11	Osteopathic Medicine of Oklahoma	
12	State University for the Area Health	
13	Education Centers Campaign	750,000.00
14	Contractual services of the Alzheimer's	
15	Association, Oklahoma Chapter	7,932.00
16	Contractual services of the University	
17	of Oklahoma Health Sciences Center,	
18	Department of Pathology	39,604.00
19	Contractual services for the University	
20	of Oklahoma Health Sciences Center	
21	Pediatric Endocrinology Department	93,205.00
22	Contractual services of the North Tulsa	
23	Heritage Foundation, Incorporated	35,695.00

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1	Contractual services of the Greenwood	
2	Educational and Cultural Center	118,985.00
3	Contractual services of the Oklahoma	
4	Dental Foundation	100,000.00
5	Contractual services of the College of	
6	Osteopathic Medicine of Oklahoma	
7	State University	<u>100,000.00</u>
8	TOTAL	\$1,657,185.00

9 SECTION 11. From the funds appropriated to the State Department
10 of Health in Section 67 of Enrolled Senate Bill No. 216 of the 1st
11 Session of the 52nd Oklahoma Legislature, the State Department of
12 Health shall, pursuant to the existing contract, continue contracted
13 services with Emergency Medical Services Authority (EMSA) for
14 operation of a trauma transfer and referral center. Prior to
15 completion, termination, or cancellation date of existing contract,
16 the State Department of Health may request competitive bids for such
17 service and award to successful bidder. Any funds remaining from
18 the Emergency Medical Services Authority (EMSA) contract shall be
19 transferred to the selected provider contract. The State Department
20 of Health shall work towards minimizing interruption of services
21 during any contract transitions.

22 SECTION 12. From the funds appropriated to the State Department
23 of Health in Section 67 of Enrolled Senate Bill No. 216 of the 1st
24 Session of the 52nd Oklahoma Legislature, the amount of Two Million

1 Four Hundred Sixty-three Thousand Five Hundred Seventy-seven Dollars
2 (\$2,463,577.00) shall be used for providing perinatal, women's and
3 children's services for low-income persons statewide.

4 Direct services for maternal and child
5 health and to encourage early entry of
6 high-risk clients into the health care
7 system \$2,254,148.00

8 Contractual services with the Office of
9 Perinatal Continuing Education Program
10 within the Department of Obstetrics and
11 Gynecology of the University of Oklahoma
12 College of Medicine to provide
13 comprehensive evidence-based education and
14 best practice resources to Oklahoma
15 perinatal providers \$209,429.00

16 SECTION 13. A. From the funds appropriated to the State
17 Department of Health in Section 67 of Enrolled Senate Bill No. 216
18 of the 1st Session of the 52nd Oklahoma Legislature, Four Million
19 Five Hundred Forty-one Thousand One Hundred Twenty Dollars
20 (\$4,541,120.00) shall be expended in the following manner. It is
21 the intent of the Legislature that the amount of Three Million Eight
22 Hundred Forty-one Thousand One Hundred Twenty Dollars
23 (\$3,841,120.00) shall be disbursed to health centers authorized
24 under Section 330 of the Public Health Services Act, and

1 incorporated in the State of Oklahoma. Any disbursement shall be
2 solely for the reimbursement of uncompensated care costs associated
3 with the delivery of primary health care to uninsured patients as
4 regulated by 42 CFR, Chapter 1, Part 51c and all applicable current
5 and future subparts and sections. Any disbursement shall be
6 supported by data contained within the annually submitted Federal
7 Uniform Data System Report and supporting documentation as specified
8 by the State Department of Health within the contract. The
9 methodology for disbursement shall be developed by the Primary Care
10 Office within the Community Health Development Service of the State
11 Department of Health with the approval of the Commissioner of
12 Health. The State Board of Health is authorized to promulgate the
13 methodology into rules. The amount of Seven Hundred Thousand
14 Dollars (\$700,000.00) shall be expended as follows: the State
15 Department of Health, Office of Primary Care and Rural Health
16 Development within the Community Health Development Service, for the
17 following purpose: Implement the Charitable Health Care Provider
18 Initiative as specified in Section 152.2 of Title 51 of the Oklahoma
19 Statutes; and contracts to assist with the continued expansion of
20 Section 330 health centers and/or organizations meeting the
21 requirements of Section 330 health centers and designated as
22 Federally Qualified Health Centers (FQHCs), as defined by 42 U.S.C.,
23 Section 1396d(1)(2)(B) including:

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1 1. Contracts and related costs for the provision of Charitable
2 Health Care Providers, as defined under the provisions of Section
3 152.2 of Title 51 Of the Oklahoma Statutes;

4 2. Contracts to provide for community needs assessment,
5 strategic planning, and/or community development prior to Section
6 330 grant development or FQHC Look-Alike application development;

7 3. Contracts to provide for grant application development to
8 assist communities in application submission for federal funding or
9 FQHC Look-Alike application development in submission for FQHC Look-
10 Alike designation to establish and/or expand health center services;

11 4. Contracts to assist Section 330 health centers in the
12 development of grant applications to increase the availability or
13 efficiency of health center services; or

14 5. Contracts for specified technical assistance to Section 330
15 federally granted health centers having received their initial
16 federal awards after July 1, 2008.

17 B. The State Department of Health is authorized to accept
18 donations of land, property, buildings, equipment and gifts of money
19 or other objects of value for the purpose of establishing or
20 expanding Federally Qualified Health Centers.

21 C. The State Department of Health is authorized to utilize
22 grant funds, donations and other funds made available to the
23 Department for the purpose of establishing or expanding Federally
24 Qualified Health Centers, to the extent funds are available.

1 SECTION 14. From the funds appropriated to the State Department
2 of Health in Section 67 of Enrolled Senate Bill No. 216 of the 1st
3 Session of the 52nd Oklahoma Legislature, Seventy Thousand Dollars
4 (\$70,000.00) shall be expended by reimbursement contract to Eastern
5 Oklahoma Donated Dental Services (EODDS). It is the intent of the
6 Legislature that Eastern Oklahoma Donated Dental Services shall be
7 the contracted provider of donated dental services in Tulsa and
8 Rogers Counties.

9 SECTION 15. It is the intent of the Legislature that the
10 Children First Program shall comply with the uniform components of
11 the State Plan for the Prevention of Child Abuse. The State
12 Department of Health shall contract with a university-related
13 program for a performance-based evaluation of programs. Program
14 sites shall fully cooperate and comply with the evaluation process
15 and sites shall provide weekly caseload and referral information to
16 the State Department of Health.

17 An annual progress and evaluation report on the Children First
18 Program shall be delivered to the President Pro Tempore of the
19 Senate, the Speaker of the House of Representatives and the
20 Governor.

21 SECTION 16. Appropriations made by Section 67 of Enrolled
22 Senate Bill No. 216 of the 1st Session of the 52nd Oklahoma
23 Legislature, not including appropriations made for capital outlay
24 purposes, may be budgeted for the fiscal year ending June 30, 2010

1 (hereafter FY-10) or may be budgeted for the fiscal year ending June
2 30, 2011 (hereafter FY-11). Funds budgeted for FY-10 may be
3 encumbered only through June 30, 2010, and must be expended by
4 November 15, 2010. Any funds remaining after November 15, 2010, and
5 not budgeted for FY-11, shall lapse to the credit of the proper fund
6 for the then current fiscal year. Funds budgeted for FY-11 may be
7 encumbered only through June 30, 2011. Any funds remaining after
8 November 15, 2011, shall lapse to the credit of the proper fund for
9 the then current fiscal year. These appropriations may not be
10 budgeted in both fiscal years simultaneously. Funds budgeted in FY-
11 10, and not required to pay obligations for that fiscal year, may be
12 budgeted for FY-11, after the agency to which the funds have been
13 appropriated has prepared and submitted a budget work program
14 revision removing these funds from the FY-10 budget work program and
15 after such revision has been approved by the Office of State
16 Finance.

17 SECTION 17. This act shall become effective July 1, 2009.

18 SECTION 18. It being immediately necessary for the preservation
19 of the public peace, health and safety, an emergency is hereby
20 declared to exist, by reason whereof this act shall take effect and
21 be in full force from and after its passage and approval.

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