

1 STATE OF OKLAHOMA

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

3 CONFERENCE COMMITTEE SUBSTITUTE
4 FOR ENGROSSED

5 HOUSE BILL NO. 1204

By: Miller and Martin (Scott)
of the House

6 and

7 Johnson (Mike) and Myers
8 of the Senate

9
10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to the Department of Mental Health
12 and Substance Abuse Services; authorizing certain
13 expenditures; requiring budgeting in certain
14 categories and amounts; providing for duties and
15 compensation of employees; limiting salary of the
16 Commissioner; providing budgetary limitations;
17 providing limitations for certain reimbursements;
18 authorizing certain transfers; stating legislative
19 intent; requiring certain funds be set aside for
20 certain purposes; requiring certain report; making
21 certain funds exempt from certain expenditure
22 limitations; providing for certain exemptions;
23 specifying contents of reports; authorizing certain
24 employees to be placed in unclassified service;
requiring certain employees to be in the classified
service; providing exceptions; requiring and
prohibiting certain budget procedures; providing
lapse dates; providing an effective date; and
declaring an emergency.

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

1 SECTION 1. The Department of Mental Health and Substance Abuse
 2 Services is hereby authorized to expend from the American Recovery
 3 and Reinvestment Act Fund ("490 Fund"), the sum of Three Million
 4 Seven Hundred Forty-six Thousand One Hundred Forty-two Dollars
 5 (\$3,746,142.00) or so much thereof as may be necessary to perform
 6 the duties imposed upon the Department of Mental Health and
 7 Substance Abuse Services by law.

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

<u>Category</u>	<u>Appropriation</u>	<u>Total</u>
12 Central		
13 Administration	\$ 6,918,803.00	\$ 14,760,634.00
14 Inpatient Hospital	41,233,447.00	62,663,343.00
15 Community-based		
16 Programs	106,446,098.00	161,491,532.00
17 Substance Abuse		
18 Programs	39,148,824.00	88,969,731.00
19 Co-Occurring Programs	944,422.00	3,917,413.00
20 Residential Care		
21 Programs	<u>4,837,486.00</u>	<u>5,892,839.00</u>
22 TOTAL	\$199,529,080.00	\$337,695,492.00

23 SECTION 3. The duties and compensation of employees, not
 24 otherwise prescribed by law, necessary to perform the duties imposed

1 upon the Department of Mental Health and Substance Abuse Services by
2 law shall be set by the Commissioner. The salary of the
3 Commissioner shall not exceed One Hundred Thirty-three Thousand Four
4 Hundred Fifty-five Dollars (\$133,455.00) per annum, payable biweekly
5 for the fiscal year ending June 30, 2010. The Department of Mental
6 Health and Substance Abuse Services for the fiscal year ending June
7 30, 2010, shall be subject to the following budgetary limitations,
8 except as may be authorized pursuant to the provisions of Section
9 3603 of Title 74 of the Oklahoma Statutes:

<u>Budgetary Limitation</u>	<u>Amount</u>
Full-time-equivalent Employees	2,575.0
Lease-Purchase Agreements	\$2,418,429.00

13 The Department of Mental Health and Substance Abuse Services for the
14 fiscal year ending June 30, 2010, shall set the minimum
15 reimbursement rate for residential care facilities at Ten Dollars
16 (\$10.00) per mental health resident per day.

17 In order to facilitate cash management of federal grant receipts
18 and disbursements, the Director of State Finance shall transfer
19 monies between the Department of Mental Health and Substance Abuse
20 Services federal and revolving funds in amounts requested by the
21 Department of Mental Health and Substance Abuse Services.

22 Receipt and expenditures of unanticipated federal funds awarded
23 the Oklahoma Department of Mental Health and Substance Abuse
24 Services after July 1, 2009, shall be exempt from expenditure and

1 budgetary limitations, provided that any such funds used for
2 operations shall be included in the agency's budget work program.

3 SECTION 4. It is the intent of the Legislature that the
4 Department of Mental Health and Substance Abuse Services set aside a
5 minimum of Six Million Five Hundred Two Thousand One Hundred Sixty-
6 three Dollars (\$6,502,163.00) for purchase of newer generation
7 medications. On or before April 1, 2010, the Department of Mental
8 Health and Substance Abuse Services shall prepare and submit a
9 written report to the Speaker of the House of Representatives and
10 the President Pro Tempore of the Senate detailing expenditures for
11 such medications.

12 SECTION 5. It is the intent of the Legislature that the
13 Department of Mental Health and Substance Abuse Services set aside a
14 minimum of Five Million Three Hundred Thousand Dollars
15 (\$5,300,000.00) for Programs for Assertive Community Treatment
16 (PACT) teams.

17 The Department of Mental Health and Substance Abuse Services
18 shall work with the Oklahoma Health Care Authority to establish and
19 submit any revisions to policies and rules needed to maximize
20 Medicaid funding for the services provided by Programs for Assertive
21 Community Treatment (PACT) teams.

22 The Department of Mental Health and Substance Abuse Services
23 shall deliver a progress and evaluation report on Programs for
24 Assertive Community Treatment (PACT) teams to the President Pro

1 Tempore of the Senate and the Speaker of the House of
2 Representatives on or before April 1, 2010.

3 SECTION 6. Full-time-equivalent employees utilized at the
4 Central Office of the Department of Mental Health and Substance
5 Abuse Services may be placed in the unclassified service. All other
6 employees of the Central Office shall be in the classified service,
7 except as provided in Section 840-5.5 of Title 74 of the Oklahoma
8 Statutes.

9 SECTION 7. Appropriations made by Sections 65 and 66 of
10 Enrolled Senate Bill No. 216 of the 1st Session of the 52nd Oklahoma
11 Legislature, not including appropriations made for capital outlay
12 purposes, may be budgeted for the fiscal year ending June 30, 2010
13 (hereafter FY-10) or may be budgeted for the fiscal year ending June
14 30, 2011 (hereafter FY-11). Funds budgeted for FY-10 may be
15 encumbered only through June 30, 2010, and must be expended by
16 November 15, 2010. Any funds remaining after November 15, 2010, and
17 not budgeted for FY-11, shall lapse to the credit of the proper fund
18 for the then current fiscal year. Funds budgeted for FY-11 may be
19 encumbered only through June 30, 2011. Any funds remaining after
20 November 15, 2011, shall lapse to the credit of the proper fund for
21 the then current fiscal year. These appropriations may not be
22 budgeted in both fiscal years simultaneously. Funds budgeted in FY-
23 10, and not required to pay obligations for that fiscal year, may be
24 budgeted for FY-11, after the agency to which the funds have been

1 appropriated has prepared and submitted a budget work program
2 revision removing these funds from the FY-10 budget work program and
3 after such revision has been approved by the Office of State
4 Finance.

5 SECTION 8. This act shall become effective July 1, 2009.

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

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