

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 COMMITTEE SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 3258

By: Blackwell

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7 COMMITTEE SUBSTITUTE

8 (children - Department of Human Services - foster
9 care services - private agencies - report - quality
10 assurance program - independent audits -
11 codification -
12 effective date)

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

16 SECTION 1. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 1-9-123 of Title 10A, unless
18 there is created a duplication in numbering, reads as follows:

19 A. The Department of Human Services shall develop a plan to
20 outsource the provision of foster care and related services
21 statewide. As used in this section, the term "outsource" means the
22 Department shall contract with competent private social services
23 agencies for the provision of services. The Department shall submit
24 a plan to accomplish outsourcing statewide, through a competitive

1 process, no later than July 1, 2011. The plan shall provide for the
2 selection of a nonprofit agency to serve as the lead agency in
3 implementing the plan. Implementation of the plan shall be
4 completed no later than July 1, 2013.

5 B. The plan shall be developed with local community
6 participation, including, but not limited to, input from community-
7 based providers that are currently under contract with the
8 Department to furnish community-based services as well as agencies
9 expressing an interest in the outsourcing opportunity and with
10 experience in outsourcing these services from other states or within
11 the state; and shall include a methodology for determining and
12 transferring all available funds, including federal funds that the
13 selected provider is eligible for and agrees to earn. The
14 methodology shall provide for the transfer of funds appropriated and
15 budgeted for all services and programs that have been incorporated
16 into the project, including all management, capital (including
17 current furniture and equipment), and administrative funds to
18 accomplish the transfer of these programs. This methodology shall
19 address expected workload and at least the three (3) previous years'
20 experience in expenses and workload. With respect to any portion of
21 the state, not to exceed, cumulatively, twenty-five percent (25%) of
22 the current child welfare population, in which outsourcing cannot be
23 accomplished within the two-year time frame, the Department shall
24 clearly state in its plan the reasons the time frame cannot be met

1 and the efforts that shall be made to remediate the obstacles, which
2 shall include alternatives to total outsourcing, such as public-
3 private partnerships. An independent evaluator recommended by the
4 Department and approved by the Legislature shall evaluate the
5 Department's assessment with respect to any portion of the state in
6 which outsourcing cannot be accomplished within the time frame and
7 report their findings along with the Department's plan.

8 C. A private agency with case management responsibilities
9 transferred from the state under this section may act as the child's
10 guardian for the purpose of registering the child in school if a
11 parent or guardian of the child is unavailable and whereabouts of
12 the parent or guardian cannot reasonably be ascertained. The
13 private agency may also seek emergency medical attention for such a
14 child, but only if a parent or guardian of the child is unavailable,
15 the whereabouts of the parent or guardian cannot reasonably be
16 ascertained, and a court order for emergency medical services cannot
17 be obtained because of the severity of the emergency or because it
18 is after normal working hours. However, the provider may not
19 consent to sterilization, abortion, or termination of life support.
20 If parental rights have been terminated, the agency shall act as
21 guardian of the child in all circumstances. Provided, however, that
22 the permanency outcomes for the child remain the responsibility of
23 the Department.

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1 D. The Department shall develop requirements and criteria a
2 private agency must meet in order to participate in the outsourcing
3 program. In addition, the Department shall not transfer services to
4 a private agency unless the agency has demonstrated readiness and
5 ability to carry out all of the outsourcing tasks, achieve the
6 stated outcomes and is prepared to be accountable for a child or
7 children.

8 E. In communities where economic or demographic constraints
9 make it impossible or not feasible to competitively contract with a
10 lead agency, the Department shall develop an alternative plan in
11 collaboration with the local community, which may include
12 establishing innovative geographical configurations or consortia of
13 agencies. The independent evaluator shall include an assessment of
14 these identified communities and an opinion as to the feasibility to
15 competitively contract with a lead agency in their report that shall
16 accompany the Department's plan. The plan shall detail how the
17 community will continue to implement community-based care through
18 competitively procuring either the specific components of foster
19 care and related services or comprehensive services for defined
20 eligible populations of children and families from qualified
21 licensed agencies as part of its efforts to develop the local
22 capacity for a community-based system of coordinated care. The plan
23 shall ensure local control over the management and administration of
24 the service provision in accordance with the intent of this section

1 and may include recognized best business practices, including some
2 form of public or private partnerships.

3 F. The Department, in consultation with the community-based
4 agencies that are undertaking the outsourced projects, shall
5 establish a quality assurance program for privatized services. The
6 quality assurance program shall be based on standards established by
7 the federal Adoption and Safe Families Act (Public Law 105-89) as
8 well as by a national accrediting organization such as the Council
9 on Accreditation of Services for Families and Children, Inc. (COA)
10 or CARF - the Rehabilitation Accreditation Commission. Each program
11 operated under contract with a community-based agency shall be
12 evaluated annually by the Department. The Department shall, to the
13 extent possible, use independent financial audits provided by the
14 community-based care agency to eliminate or reduce the ongoing
15 contract and administrative reviews conducted by the Department.
16 The Department may suggest additional items to be included in such
17 independent financial audits to meet the Department's needs.

18 SECTION 2. This act shall become effective November 1, 2010.

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20 52-2-9944 MAH 02/19/10

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