

ENROLLED HOUSE  
BILL NO. 1200

By: Miller and Martin (Scott)  
of the House

and

Johnson (Mike) and Myers  
of the Senate

An Act relating to the State Department of Health; authorizing certain expenditures; providing for duties and compensation of employees; limiting salary of the Commissioner; authorizing payment of certain expenses of Commissioner under certain conditions; specifying compliance with and providing for certain budgetary limitations; exempting certain funds from expenditure and budgetary limitations; requiring employment of certain persons for certain program; authorizing transfers of certain funds; requiring budgeting in certain categories and amounts; requiring certain funds to be used to establish certain programs; requiring certain reports; 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.

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

SECTION 1. The State Department of Health is hereby authorized to expend from the American Recovery and Reinvestment Act Fund ("490 Fund"), the sum of One Million Three Hundred Thirty Thousand Six

Hundred Fifty-two Dollars (\$1,330,652.00) or so much thereof as may be necessary to perform the duties imposed upon the State Department of Health by law.

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

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

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

SECTION 3. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the State Department of Health by law shall be set by the State Commissioner of Health. The salary of the State Commissioner of Health shall not exceed One Hundred Ninety-four Thousand Two Hundred Fifty Dollars (\$194,250.00) per annum, payable monthly for the fiscal year ending June 30, 2010. The State Department of Health is authorized to pay the professional expenses of the State Commissioner of Health, including dues, licenses, professional memberships, continuing professional education classes conducted in the State of Oklahoma, and professional malpractice insurance. The State Department of Health is authorized to pay professional expenses of any Oklahoma licensed physician, including dues, licenses, professional memberships, continuing medical education

classes conducted in the State of Oklahoma, and medical malpractice insurance, provided the physician is a full-time employee of the Department in accordance with paragraph 1 of subsection B of Section 840-5.5 of Title 74 of the Oklahoma Statutes and utilizing those professional skills in the performance of their job duties. The State Department of Health for the fiscal year ending June 30, 2010, shall be subject to the following budgetary limitations, except as may be authorized pursuant to the provisions of Section 3603 of Title 74 of the Oklahoma Statutes:

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

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

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

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

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

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

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

SECTION 10. From the funds appropriated to the State Department of Health in Section 67 of Enrolled Senate Bill No. 216 of the 1st Session of the 52nd Oklahoma Legislature, the following categories and amounts shall be expended:

Contractual services of the Oklahoma Institute for Child Advocacy	\$ 75,000.00
Contractual services of Dental for the Disabled and Elderly in Need of Treatment (D-DENT)	136,764.00
Contractual services of the Hearts for Hearing Foundation	200,000.00
Contractual services of the College of Osteopathic Medicine of Oklahoma State University for the Area Health Education Centers Campaign	750,000.00
Contractual services of the Alzheimer's Association, Oklahoma Chapter	7,932.00
Contractual services of the University of Oklahoma Health Sciences Center, Department of Pathology	39,604.00

Contractual services for the University of Oklahoma Health Sciences Center Pediatric Endocrinology Department	93,205.00
Contractual services of the North Tulsa Heritage Foundation, Incorporated	35,695.00
Contractual services of the Greenwood Educational and Cultural Center	118,985.00
Contractual services of the Oklahoma Dental Foundation	100,000.00
Contractual services of the College of Osteopathic Medicine of Oklahoma State University	<u>100,000.00</u>
TOTAL	\$1,657,185.00

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

SECTION 12. From the funds appropriated to the State Department of Health in Section 67 of Enrolled Senate Bill No. 216 of the 1st Session of the 52nd Oklahoma Legislature, the amount of Two Million Four Hundred Sixty-three Thousand Five Hundred Seventy-seven Dollars (\$2,463,577.00) shall be used for providing perinatal, women's and children's services for low-income persons statewide.

Direct services for maternal and child health and to encourage early entry of high-risk clients into the health care system	\$2,254,148.00
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Contractual services with the Office of  
Perinatal Continuing Education Program  
within the Department of Obstetrics and  
Gynecology of the University of Oklahoma  
College of Medicine to provide  
comprehensive evidence-based education and  
best practice resources to Oklahoma  
perinatal providers

\$209,429.00

SECTION 13. A. From the funds appropriated to the State Department of Health in Section 67 of Enrolled Senate Bill No. 216 of the 1st Session of the 52nd Oklahoma Legislature, Four Million Five Hundred Forty-one Thousand One Hundred Twenty Dollars (\$4,541,120.00) shall be expended in the following manner. It is the intent of the Legislature that the amount of Three Million Eight Hundred Forty-one Thousand One Hundred Twenty Dollars (\$3,841,120.00) shall be disbursed to health centers authorized under Section 330 of the Public Health Services Act, and incorporated in the State of Oklahoma. Any disbursement shall be solely for the reimbursement of uncompensated care costs associated with the delivery of primary health care to uninsured patients as regulated by 42 CFR, Chapter 1, Part 51c and all applicable current and future subparts and sections. Any disbursement shall be supported by data contained within the annually submitted Federal Uniform Data System Report and supporting documentation as specified by the State Department of Health within the contract. The methodology for disbursement shall be developed by the Primary Care Office within the Community Health Development Service of the State Department of Health with the approval of the Commissioner of Health. The State Board of Health is authorized to promulgate the methodology into rules. The amount of Seven Hundred Thousand Dollars (\$700,000.00) shall be expended as follows: the State Department of Health, Office of Primary Care and Rural Health Development within the Community Health Development Service, for the following purpose: Implement the Charitable Health Care Provider Initiative as specified in Section 152.2 of Title 51 of the Oklahoma Statutes; and contracts to assist with the continued expansion of Section 330 health centers and/or organizations meeting the requirements of Section 330 health centers and designated as Federally Qualified Health Centers (FQHCs), as defined by 42 U.S.C., Section 1396d(1)(2)(B) including:

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

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

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

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

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

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

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

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

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

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

SECTION 16. Appropriations made by Section 67 of Enrolled Senate Bill No. 216 of the 1st Session of the 52nd Oklahoma Legislature, not including appropriations made for capital outlay purposes, may be budgeted for the fiscal year ending June 30, 2010 (hereafter FY-10) or may be budgeted for the fiscal year ending June 30, 2011 (hereafter FY-11). Funds budgeted for FY-10 may be encumbered only through June 30, 2010, and must be expended by November 15, 2010. Any funds remaining after November 15, 2010, and not budgeted for FY-11, shall lapse to the credit of the proper fund for the then current fiscal year. Funds budgeted for FY-11 may be encumbered only through June 30, 2011. Any funds remaining after November 15, 2011, shall lapse to the credit of the proper fund for the then current fiscal year. These appropriations may not be budgeted in both fiscal years simultaneously. Funds budgeted in FY-10, and not required to pay obligations for that fiscal year, may be budgeted for FY-11, after the agency to which the funds have been appropriated has prepared and submitted a budget work program revision removing these funds from the FY-10 budget work program and after such revision has been approved by the Office of State Finance.

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

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

Passed the House of Representatives the 19th day of May, 2009.

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Presiding Officer of the House of  
Representatives

Passed the Senate the 20th day of May, 2009.

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Presiding Officer of the Senate